

SENATE AMENDMENTS

2nd Printing

By: Vo, et al.

H.B. No. 1096

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of notice regarding the availability of
3 higher education textbooks through multiple retailers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
6 amended by adding Section 51.9705 to read as follows:

7 Sec. 51.9705. NOTICE REGARDING AVAILABILITY OF TEXTBOOKS
8 THROUGH MULTIPLE RETAILERS. (a) In this section:

9 (1) "Institution of higher education" has the meaning
10 assigned by Section 61.003.

11 (2) "University-affiliated bookstore" means a
12 bookstore that:

13 (A) sells textbooks for courses offered by an
14 institution of higher education, regardless of whether the
15 bookstore is located on the campus of the institution; and

16 (B) is operated by or with the approval of the
17 institution through ownership, a management agreement, a lease or
18 rental agreement, or otherwise.

19 (b) The Texas Higher Education Coordinating Board shall
20 prescribe procedures by which each institution of higher education
21 shall provide to each student enrolled at the institution written
22 notice regarding the availability of required or recommended
23 textbooks through university-affiliated bookstores and through
24 retailers other than university-affiliated bookstores. The

1 procedures must require the institution to provide the notice:

2 (1) to each student of the institution during the week
3 preceding each fall and spring semester;

4 (2) to each student enrolled at the institution in a
5 semester or summer term during the first three weeks of the semester
6 or the first week of the summer term, as applicable; and

7 (3) to students or prospective students of the
8 institution attending an orientation conducted by or for the
9 institution.

10 (c) The notice shall be provided in a hard-copy or
11 electronic format in a manner that ensures that the notice is
12 reasonably likely to come to the attention of a student receiving
13 the notice. The notice must contain the following:

14 "A student of this institution is not under any obligation to
15 purchase a textbook from a university-affiliated bookstore. Be
16 aware that the same textbook may also be available from an
17 independent retailer, including an online retailer."

18 (d) The coordinating board shall adopt rules to administer
19 this section.

20 SECTION 2. (a) The change in law made by this Act applies
21 beginning with the 2009 fall semester.

22 (b) The Texas Higher Education Coordinating Board shall
23 adopt rules under Section 51.9705, Education Code, as added by this
24 Act, as soon as practicable after this Act takes effect. For that
25 purpose, the board may adopt the initial rules in the manner
26 provided by law for adoption of emergency rules.

27 SECTION 3. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.

ADOPTED

MAY 18 2009

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. _____

BY: _____

Auncan

1 Amend H.B. No. 1096 (senate committee printing) in SECTION 1
2 of the bill, in added Section 51.9705(c), Education Code (page 1,
3 lines 45-46), by striking "Be aware that the" and substituting
4 "The".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1096 by Vo (Relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill relates to the provision of notice regarding the availability of higher education textbooks through multiple retailers. The Texas Higher Education Coordinating Board would be required to develop procedures requiring each institution of higher education to provide all enrolled students a written notice regarding the availability of textbooks through retailers other than university-affiliated bookstores. The notices would be required to be sent out in hard copy format prior to, and at the beginning of, each semester and would specify that students are not obligated to purchase textbooks from the university-affiliated bookstores. The bill would be effective in the 2009 fall semester and would take effect immediately if it receives a vote of two-thirds of all members elected to each house. Otherwise, the bill would take effect September 1, 2009.

Texas institutions of higher education report the possibility of an indirect loss of institutional funds resulting from this legislation. First, university-affiliated bookstore sales could be reduced by the promotion of alternative textbook sellers, resulting in a loss of shared-revenue by the university. The actions required by this bill could also potentially cause a university to compromise an exclusivity agreement with a bookstore operator, resulting in contractual fines.

This analysis assumes the bill would receive the two-thirds vote necessary to take effect immediately in order for the provisions of the bill to be effective in the 2009 fall semester.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, SD, KK, JI, KY, GO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1096 by Vo (Relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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LBB Staff: JOB, KK, JI, KY, GO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 2, 2009

TO: Honorable Dan Branch, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1096 by Vo (relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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LBB Staff: JOB, KK, JI, KY, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 17, 2009

TO: Honorable Dan Branch, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1096 by Vo (Relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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