

By: Branch

H.B. No. 33

Substitute the following for H.B. No. 33:

By: Branch

C.S.H.B. No. 33

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to measures to increase the affordability of textbooks  
3 used for courses at public or private institutions of higher  
4 education.

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

6 SECTION 1. Chapter 51, Education Code, is amended by adding  
7 Subchapter I to read as follows:

8 SUBCHAPTER I. TEXTBOOKS

9 Sec. 51.451. DEFINITIONS. In this subchapter:

10 (1) "College bookstore" means a bookstore that is:

11 (A) operated by an institution of higher  
12 education; or

13 (B) in a contractual relationship or otherwise  
14 affiliated with an institution of higher education.

15 (2) "Custom textbook" means a textbook that is  
16 compiled by a publisher at the direction of a faculty member or  
17 other person in charge of selecting course materials at an  
18 institution of higher education and that may include items such as  
19 selections from original instructor materials, previously  
20 copyrighted publisher materials, copyrighted third-party works, or  
21 elements unique to a specific institution.

22 (3) "Faculty member" has the meaning assigned by  
23 Section 51.917.

24 (4) "Institution of higher education" means:

1           (A) an institution of higher education as defined  
2 by Section 61.003; or

3           (B) a private or independent institution of  
4 higher education as defined by Section 61.003.

5           (5) "Supplemental material," with respect to a  
6 textbook, means instructional material developed to accompany the  
7 textbook, including printed materials, computer disks, website  
8 access, and electronically distributed materials, other than  
9 material that is part of an integrated textbook.

10          (6) "Textbook" means a book published primarily for  
11 instruction in connection with a particular course or courses  
12 offered to postsecondary students by an institution of higher  
13 education. The term includes any edition of a textbook or set of  
14 textbooks and any item considered supplemental specifically to the  
15 textbook, regardless of whether the textbook and supplemental item  
16 are sold together or separately.

17          (7) "Textbook bundle" means a textbook that is  
18 combined with other instructional material, such as another  
19 textbook or additional printed material, a computer disk, website  
20 access, or electronically distributed material, and that is  
21 packaged or otherwise offered for sale with that instructional  
22 material at a single price. The term does not include a textbook  
23 that is combined with other instructional material if that material  
24 in its entirety is:

25           (A) required to be offered for sale with or as  
26 part of the textbook, according to a third-party contractual  
27 agreement; or

1           (B) interrelated with the content of the textbook  
2 to such a degree that any separation of the material from the  
3 textbook would render the textbook unusable for its intended  
4 purpose.

5           Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF  
6 REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each institution of  
7 higher education shall:

8           (1) for each semester or academic term, compile a  
9 course schedule indicating each course offered by the institution  
10 for the semester or term to postsecondary students;

11           (2) with respect to each course, include with the  
12 schedule a list of the required and recommended textbooks that  
13 specifies, to the extent practicable, the following information for  
14 each textbook:

15                   (A) the retail price;

16                   (B) the author;

17                   (C) the publisher;

18                   (D) the most recent copyright date; and

19                   (E) the International Standard Book Number  
20 assigned, if any;

21           (3) except as provided by Subsection (b), at the time  
22 required by Subsection (c)(2):

23                   (A) publish the textbook list with the course  
24 schedule on the institution's Internet website and with any course  
25 schedule the institution provides in hard copy format to the  
26 students of the institution; and

27                   (B) make that information available to college

1 bookstores and other bookstores that generally serve the students  
2 of the institution; and

3 (4) except as provided by Subsection (b), as soon as  
4 practicable after the information becomes available disseminate as  
5 required by Subdivision (3) specific information regarding any  
6 revisions to the institution's course schedule and textbook list.

7 (b) An institution of higher education is not required to  
8 publish a textbook list as described by Subsection (a)(3)(A) or any  
9 revisions to that textbook list as described by Subsection (a)(4)  
10 if a college bookstore publishes that list and any revisions to that  
11 list on the bookstore's Internet website on behalf of the  
12 institution at the appropriate times required by this section.

13 (c) To allow for timely placement of textbook orders by  
14 students, each institution of higher education shall:

15 (1) establish a deadline by which faculty members must  
16 submit information to be included in the course schedule and  
17 textbook list required by Subsection (a); and

18 (2) disseminate the institution's course schedule and  
19 textbook list as required by Subsection (a)(3) as soon as  
20 practicable after the institution has compiled the schedule and  
21 list but not later than the 30th day before the first day that  
22 classes are conducted for the semester or other academic term for  
23 which the schedule and list are compiled.

24 Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS.

25 To the extent practicable, an institution of higher education shall  
26 make reasonable efforts to disseminate to its students information  
27 regarding:

1           (1) available institutional programs for renting  
2 textbooks or for purchasing used textbooks;

3           (2) available institutional guaranteed textbook  
4 buyback programs;

5           (3) available institutional programs for alternative  
6 delivery of textbook content; and

7           (4) other available institutional textbook  
8 cost-savings strategies.

9           Sec. 51.454. TEXTBOOK PUBLISHERS: AVAILABILITY OF  
10 INFORMATION TO FACULTY CONCERNING TEXTBOOK PRICES, REVISIONS, AND  
11 COPYRIGHTS. (a) When a textbook publisher provides information  
12 regarding a textbook or supplemental material to a faculty member  
13 or other person in charge of selecting course materials at an  
14 institution of higher education, the publisher shall also provide  
15 to the faculty member or other person written information that  
16 includes:

17           (1) the price at which the publisher would make the  
18 textbook or supplemental material available to a college bookstore  
19 or other bookstore that generally serves the students of the  
20 institution and, if applicable, to the public;

21           (2) the copyright dates of the current and three  
22 preceding editions of the textbook;

23           (3) a description of any substantial content revisions  
24 made between the current edition of the textbook or supplemental  
25 material and the most recent preceding edition of the textbook or  
26 material, including the addition of new chapters, new material  
27 covering additional time periods, new themes, or new subject

1 matter;

2 (4) information as to whether the textbook or  
3 supplemental material is available in other formats, such as a  
4 paperback or unbound version; and

5 (5) the price at which the publisher would make the  
6 textbook or supplemental material in any alternative format  
7 available to a bookstore described by Subdivision (1) and, if  
8 applicable, to the public.

9 (b) A textbook publisher shall comply with this section with  
10 respect to a custom textbook only to the extent reasonably  
11 practicable.

12 Sec. 51.455. TEXTBOOK BUNDLES. A textbook publisher that  
13 offers a textbook bundle for sale directly to students enrolled at  
14 an institution of higher education or, for resale purposes, to a  
15 college bookstore or other bookstore that generally serves the  
16 students of the institution shall also offer for sale to the  
17 students or bookstore, as applicable, each individual item of  
18 instructional material as a separate, unbundled item that is  
19 separately priced.

20 SECTION 2. Subchapter I, Chapter 51, Education Code, as  
21 added by this Act, applies beginning with the 2012 fall semester.

22 SECTION 3. This Act takes effect September 1, 2011.