

1-1 By: Branch, et al. (Senate Sponsor - Zaffirini) H.B. No. 33
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 26, 2011, read first time and referred to Committee on Higher
1-4 Education; May 20, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 20, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to measures to increase the affordability of textbooks
1-9 used for courses at public or private institutions of higher
1-10 education.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 51, Education Code, is amended by adding
1-13 Subchapter I to read as follows:

1-14 SUBCHAPTER I. TEXTBOOKS

1-15 Sec. 51.451. DEFINITIONS. In this subchapter:

1-16 (1) "College bookstore" means a bookstore that is:

1-17 (A) operated by an institution of higher
1-18 education; or

1-19 (B) in a contractual relationship or otherwise
1-20 affiliated with an institution of higher education.

1-21 (2) "Custom textbook" means a textbook that is
1-22 compiled by a publisher at the direction of a faculty member or
1-23 other person in charge of selecting course materials at an
1-24 institution of higher education and that may include items such as
1-25 selections from original instructor materials, previously
1-26 copyrighted publisher materials, copyrighted third-party works, or
1-27 elements unique to a specific institution.

1-28 (3) "Faculty member" has the meaning assigned by
1-29 Section 51.917.

1-30 (4) "Institution of higher education" means:

1-31 (A) an institution of higher education as defined
1-32 by Section 61.003; or

1-33 (B) a private or independent institution of
1-34 higher education as defined by Section 61.003.

1-35 (5) "Supplemental material," with respect to a
1-36 textbook, means instructional material developed to accompany the
1-37 textbook, including printed materials, computer disks, website
1-38 access, and electronically distributed materials, other than
1-39 material that is part of an integrated textbook.

1-40 (6) "Textbook" means a book published primarily for
1-41 instruction in connection with a particular course or courses
1-42 offered to postsecondary students by an institution of higher
1-43 education. The term includes any edition of a textbook or set of
1-44 textbooks and any item considered supplemental specifically to the
1-45 textbook, regardless of whether the textbook and supplemental item
1-46 are sold together or separately.

1-47 (7) "Textbook bundle" means a textbook that is
1-48 combined with other instructional material, such as another
1-49 textbook or additional printed material, a computer disk, website
1-50 access, or electronically distributed material, and that is
1-51 packaged or otherwise offered for sale with that instructional
1-52 material at a single price. The term does not include a textbook
1-53 that is combined with other instructional material if that material
1-54 in its entirety is:

1-55 (A) required to be offered for sale with or as
1-56 part of the textbook, according to a third-party contractual
1-57 agreement; or

1-58 (B) interrelated with the content of the textbook
1-59 to such a degree that any separation of the material from the
1-60 textbook would render the textbook unusable for its intended
1-61 purpose.

1-62 Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF
1-63 REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each institution of
1-64 higher education shall:

2-1 (1) for each semester or academic term, compile a
2-2 course schedule indicating each course offered by the institution
2-3 for the semester or term to postsecondary students;
2-4 (2) with respect to each course, include with the
2-5 schedule a list of the required and recommended textbooks that
2-6 specifies, to the extent practicable, the following information for
2-7 each textbook:
2-8 (A) the retail price;
2-9 (B) the author;
2-10 (C) the publisher;
2-11 (D) the most recent copyright date; and
2-12 (E) the International Standard Book Number
2-13 assigned, if any;
2-14 (3) except as provided by Subsection (b), at the time
2-15 required by Subsection (c)(2):
2-16 (A) publish the textbook list with the course
2-17 schedule on the institution's Internet website and with any course
2-18 schedule the institution provides in hard copy format to the
2-19 students of the institution; and
2-20 (B) make that information available to college
2-21 bookstores and other bookstores that generally serve the students
2-22 of the institution; and
2-23 (4) except as provided by Subsection (b), as soon as
2-24 practicable after the information becomes available disseminate as
2-25 required by Subdivision (3) specific information regarding any
2-26 revisions to the institution's course schedule and textbook list.
2-27 (b) An institution of higher education is not required to
2-28 publish a textbook list as described by Subsection (a)(3)(A) or any
2-29 revisions to that textbook list as described by Subsection (a)(4)
2-30 if a college bookstore publishes that list and any revisions to that
2-31 list on the bookstore's Internet website on behalf of the
2-32 institution at the appropriate times required by this section.
2-33 (c) To allow for timely placement of textbook orders by
2-34 students, each institution of higher education shall:
2-35 (1) establish a deadline by which faculty members must
2-36 submit information to be included in the course schedule and
2-37 textbook list required by Subsection (a); and
2-38 (2) disseminate the institution's course schedule and
2-39 textbook list as required by Subsection (a)(3) as soon as
2-40 practicable after the institution has compiled the schedule and
2-41 list but not later than the 30th day before the first day that
2-42 classes are conducted for the semester or other academic term for
2-43 which the schedule and list are compiled.
2-44 Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS.
2-45 To the extent practicable, an institution of higher education shall
2-46 make reasonable efforts to disseminate to its students information
2-47 regarding:
2-48 (1) available institutional programs for renting
2-49 textbooks or for purchasing used textbooks;
2-50 (2) available institutional guaranteed textbook
2-51 buyback programs;
2-52 (3) available institutional programs for alternative
2-53 delivery of textbook content; and
2-54 (4) other available institutional textbook
2-55 cost-savings strategies.
2-56 Sec. 51.454. TEXTBOOK PUBLISHERS: AVAILABILITY OF
2-57 INFORMATION TO FACULTY CONCERNING TEXTBOOK PRICES, REVISIONS, AND
2-58 COPYRIGHTS. (a) When a textbook publisher provides information
2-59 regarding a textbook or supplemental material to a faculty member
2-60 or other person in charge of selecting course materials at an
2-61 institution of higher education, the publisher shall also provide
2-62 to the faculty member or other person written information that
2-63 includes:
2-64 (1) the price at which the publisher would make the
2-65 textbook or supplemental material available to a college bookstore
2-66 or other bookstore that generally serves the students of the
2-67 institution and, if applicable, to the public;
2-68 (2) the copyright dates of the current and three
2-69 preceding editions of the textbook;

3-1 (3) a description of any substantial content revisions
3-2 made between the current edition of the textbook or supplemental
3-3 material and the most recent preceding edition of the textbook or
3-4 material, including the addition of new chapters, new material
3-5 covering additional time periods, new themes, or new subject
3-6 matter;

3-7 (4) information as to whether the textbook or
3-8 supplemental material is available in other formats, such as a
3-9 paperback or unbound version; and

3-10 (5) the price at which the publisher would make the
3-11 textbook or supplemental material in any alternative format
3-12 available to a bookstore described by Subdivision (1) and, if
3-13 applicable, to the public.

3-14 (b) A textbook publisher shall comply with this section with
3-15 respect to a custom textbook only to the extent reasonably
3-16 practicable.

3-17 Sec. 51.455. TEXTBOOK BUNDLES. A textbook publisher that
3-18 offers a textbook bundle for sale directly to students enrolled at
3-19 an institution of higher education or, for resale purposes, to a
3-20 college bookstore or other bookstore that generally serves the
3-21 students of the institution shall also offer for sale to the
3-22 students or bookstore, as applicable, each individual item of
3-23 instructional material as a separate, unbundled item that is
3-24 separately priced.

3-25 SECTION 2. Subchapter I, Chapter 51, Education Code, as
3-26 added by this Act, applies beginning with the 2012 fall semester.

3-27 SECTION 3. This Act takes effect September 1, 2011.

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