

By: Vo

H.B. No. 3094

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of textbook loan programs at public institutions of higher education in this state.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.976 to read as follows:

Sec. 51.976. TEXTBOOK LOAN PROGRAM. (a) In this section, "general academic teaching institution," "governing board," "institution of higher education," "public junior college," "public state college," and "public technical institute" have the meanings assigned by Section 61.003.

(b) Subject to Subsection (j), the governing board of each institution of higher education shall establish a textbook loan program for the benefit of students enrolled in each degree or certificate program offered by the institution.

(c) In establishing the program, the governing board of the institution shall:

(1) adopt appropriate procedures and policies for the program;

(2) coordinate those procedures and policies with other institutions of higher education to identify best prices and practices for purchasing or otherwise obtaining the textbooks required for courses offered by the institution;

(3) accept bids from textbook publishers for the

1 purpose of purchasing the required textbooks directly from those
2 publishers;

3 (4) to cover the costs of administering the program
4 and building and maintaining an appropriate stock of textbooks,
5 establish within the institution a textbook loan fund that is
6 composed of student charges imposed under Subsection (f) and gifts
7 and grants accepted under Subsection (i); and

8 (5) create a task force to recommend program
9 procedures and policies to the governing board.

10 (d) A task force created under Subsection (c)(5) may include
11 students, faculty, administrators, and campus bookstore
12 representatives.

13 (e) A textbook loan program may not limit the authority of
14 faculty members to select appropriate instructional materials in
15 accordance with the institution's other policies and procedures.

16 (f) To cover the costs of administering the program and
17 building and maintaining an appropriate stock of textbooks, the
18 institution may impose the following charges on students enrolled
19 at the institution:

20 (1) a textbook program fee imposed on each student in
21 the following amounts:

22 (A) \$500 on the student's initial enrollment in
23 an undergraduate degree or certificate program at a general
24 academic teaching institution other than a public state college,
25 including enrollment by a transfer or returning student except as
26 described by Subsection (g); and

27 (B) \$300 on the student's initial enrollment at a

1 public junior college, public state college, or public technical
2 institute, or in a graduate or professional degree program at an
3 institution of higher education, including enrollment by a transfer
4 or returning student except as described by Subsection (g); and

5 (2) fines in amounts established by the institution
6 for any late, lost, or damaged textbook that was loaned to a student
7 through the program.

8 (f-1) Not later than October 1, 2011, each student who is
9 enrolled in an institution of higher education for the 2011 fall
10 semester shall pay the one-time textbook program fee in the
11 applicable amount described by Subsection (f), except that the
12 institution shall waive the fee for a student in the final year of
13 the student's degree or certificate program who demonstrates that
14 the cost of the student's required textbooks for that academic year
15 is likely to be less than the fee that would otherwise be imposed on
16 that student under Subsection (f). This subsection expires
17 September 1, 2014.

18 (g) An institution of higher education shall indicate on the
19 student's transcript the student's payment of a textbook program
20 fee under Subsection (f). A transfer student or a returning student
21 is not required to pay the applicable fee described by Subsection
22 (f)(1)(A) or (B) if the student's transcript from any institution
23 of higher education reflects an earlier payment of that same fee and
24 the student enrolls at an institution of higher education in the
25 same level of degree or certificate program as the level of degree
26 or certificate program for which the student paid the earlier fee.

27 (h) On request by the institution and a showing of just

1 cause for the proposed change, the Texas Higher Education
2 Coordinating Board may adjust for the institution any charge
3 required to be imposed under Subsection (f).

4 (i) The governing board may solicit and accept gifts and
5 grants from any public or private source for purposes of the
6 program.

7 (j) The governing board of an institution is not required to
8 establish a textbook loan program if existing contracts or other
9 established arrangements with entities operating campus bookstores
10 do not permit the program or cannot be amended, canceled, or renewed
11 to accommodate the program.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2011.