

By: Hochberg

H.B. No. 956

A BILL TO BE ENTITLED

AN ACT

relating to reducing the cost of college textbooks; providing a penalty.

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

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

SUBCHAPTER I. TEXTBOOKS

51.451. DEFINITIONS. In this subchapter:

(1) "Bundle" means a single package containing a textbook along with other materials.

(2) "Board" has the meaning assigned by Section 61.003.

(3) "Commission" refers to the Texas Building and Procurement Commission.

(4) "Institution of higher education" has the meaning assigned by Section 61.003.

(5) "Open access publications" are peer reviewed publications written by identified authors who are subject experts, which are available free of charge over the Internet.

(6) "Textbook" means a book, a system of instructional materials, or a combination of a book and supplementary instructional materials that conveys information to the student or otherwise contributes to the learning process.

(7) "University-affiliated bookstore" means a store

1 that sells textbooks, whether or not located on the campus of an  
2 institution of higher education, that is operated by or with the  
3 approval of the institution through ownership, a management  
4 agreement, a lease or rental agreement, or otherwise.

5 51.452. COST CONSIDERATIONS. (a) Each faculty member shall  
6 take cost into consideration in selecting textbooks required for  
7 use in a course.

8 (b) A faculty member shall not require students to purchase  
9 any textbook that is not expected to be used in the course.

10 (c) Faculty members shall consider the use of open access  
11 publications where such publications are more economical than  
12 textbooks and provide the necessary content for the course.

13 (d) The board shall monitor costs of textbooks and  
14 periodically recommend to the legislature ways to lower the costs  
15 of textbooks for students at institutions of higher education.

16 51.453. LENGTH OF USE. (a) Except as provided by  
17 Subsection (b), each textbook that a student is required to use  
18 shall be in print for no fewer than three years from initial release  
19 without being superseded by a newer edition.

20 (b) A faculty member may require a textbook that is revised  
21 more frequently than allowed by this section for a valid  
22 educational or cost reason with approval of the department chair or  
23 other official designated by the university.

24 51.454. LIST OF REQUIRED TEXTBOOKS. (a) Each institution  
25 of higher education shall compile a list of required textbooks for  
26 each course and post that list on a website available to students.  
27 The list must include the International Standard Book Number for

1 each textbook, if one has been assigned.

2 (b) An institution shall post the list required under  
3 Subsection (a) as soon as practicable and in no event later than one  
4 week after such information is made available to the  
5 university-affiliated bookstore.

6 (c) Each institution of higher education shall set a  
7 deadline for submission of textbook lists by faculty that will  
8 allow for timely placement of orders.

9 51.455. SALE AND ADVERTISING. (a) An institution of higher  
10 education shall not restrict a retailer or other provider of  
11 textbooks from advertising or promoting on campus except as such  
12 restrictions apply to advertising or promoting on campus in  
13 general, except that this subsection does not require that  
14 competitive advertising be allowed within the confines of a  
15 university-affiliated bookstore.

16 (b) If an institution of higher education works in  
17 conjunction with a university-affiliated bookstore to provide a  
18 method for the extension of credit or the ability of a student to  
19 charge or otherwise delay the payment of the costs of instructional  
20 materials, including the extension of credit under Section  
21 51.929(b), the institution shall, to the extent practicable,  
22 establish similar arrangements with other retailers that sell  
23 required textbooks. The institution may set reasonable conditions  
24 for a retailer to meet but such conditions may not be used to  
25 provide a substantial advantage to the university-affiliated  
26 bookstore.

27 51.456. BUNDLES. (a) A university-affiliated bookstore

1 shall not sell instructional materials as a bundle unless:

2 (1) all items in the bundle are required by a faculty  
3 member; or

4 (2) the bundle price is lower than the total price of  
5 all of the required materials sold separately.

6 (b) A faculty member shall not require a bundle unless:

7 (1) all materials in the bundle are intended to be used  
8 in the course; or

9 (2) the bundle price is lower than the total price of  
10 the materials intended to be used in the course sold separately.

11 (c) A university-affiliated bookstore that allows students  
12 to return textbooks shall not penalize a student for opening a  
13 required bundle or opening materials within the bundle as long as  
14 all other conditions of the return policy are met.

15 51.457. STATE PURCHASING PRICE FOR TEXTBOOKS.

16 (a) The commission shall negotiate discount pricing with  
17 publishers of textbooks used in institutions of higher education.  
18 If the publisher and the commission reach an agreement on prices,  
19 they shall enter into a contract for the publisher to sell textbooks  
20 to university-affiliated bookstores at discounted prices.

21 (b) University-affiliated bookstores that purchase  
22 textbooks from publishers at discounted prices, as provided by  
23 Subsection (a), shall reflect the discount in the retail price  
24 charged to students.

25 (c) Only textbooks meeting the requirements of Sections  
26 51.453 and 51.456 may be covered by the contracts under this  
27 section.

1        (d) At least two months in advance of the deadline as  
2 established by Section 51.453 (c), the commission shall make a list  
3 of books subject to discount pricing under this section. The  
4 commission shall post this list on the Internet.

5        (e) The commission may adopt rules necessary to administer  
6 this section.

7        51.458. ACCEPTING REBATE ON TEXTBOOKS PROHIBITED. (a) A  
8 college or university trustee, administrator, or faculty member  
9 commits an offense if that person receives any commission or rebate  
10 on any textbooks used in the institutions with which the person is  
11 associated as a trustee, administrator, or faculty member.

12        (b) A college or university trustee, administrator, or  
13 faculty member commits an offense if the person accepts a gift,  
14 favor, or service that:

15                (1) is given to the person or the person's institution;  
16 and

17                (2) might reasonably tend to influence a trustee,  
18 administrator, or faculty member in the selection of a textbook.

19        (c) An offense under this section is a Class B misdemeanor.

20        (d) In this section, "gift, favor, or service" does not  
21 include:

22                (1) staff development, in-service, or faculty  
23 training;

24                (2) sample copies, instructor's copies or  
25 instructional materials, such as maps or worksheets, that convey  
26 information to the student or otherwise contribute to the learning  
27 process; or

1           (3) royalties or other compensation from sales of  
2 textbooks for a faculty member's own writing or work.

3           51.459. OPEN ACCESS PUBLICATIONS. The board shall work with  
4 institutions of higher education and others to facilitate the  
5 development of open access publications.

6           SECTION 2. The change in law made by adding Section 51.458,  
7 Education Code applies only to an offense committed on or after the  
8 effective date of this Act. An offense committed before the  
9 effective date of this Act is covered by the law in effect when the  
10 offense was committed, and the former law is continued in effect for  
11 that purpose. For purposes of this section, an offense is committed  
12 before the effective date of this Act if any element of the offense  
13 occurs before the effective date.

14           SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect on September 1, 2007.