

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. The
16 same textbook may also be available from an independent retailer,
17 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

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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.

President of the Senate

Speaker of the House

I certify that H.B. No. 1096 was passed by the House on April 28, 2009, by the following vote: Yeas 148, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1096 on May 20, 2009, by the following vote: Yeas 132, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1096 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor