

BILL ANALYSIS

Senate Research Center
79R14348 CAS-F

C.S.S.B. 1716
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S/C on Higher Education
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1716 seeks to create a level playing field where colleges and universities cannot enter into agreements with college-owned and controlled or university-owned or controlled bookstores that restrict the ability of off-campus stores to compete for the business of selling instructional materials to students. Such agreements have the effect of restricting the choices that students have; particularly allowing those students to purchase such instructional materials from a lower priced source. Students at colleges and universities that have such restrictive agreements likely have paid more for instructional materials, thereby increasing the costs of their education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.949, as follows:

Sec. 51.949. INFORMATION FOR BOOKSTORES RELATING TO INSTRUCTIONAL MATERIALS. (a) Defines "institution of higher education," "instructional materials," and "university-affiliated bookstore."

(b) Requires each institution of higher education (institution) to provide on request to a retailer or other provider of instructional materials any list of required or recommended instructional materials for a semester or other academic term at the same time the institution provides the list to the operator of a university-affiliated bookstore.

(c) Requires an institution to provide to a retailer or other provider of instructional materials the same opportunity as an operator of a university-affiliated bookstore, to the extent available, relating to the provision of instructional materials to students of the institution.

(d) Prohibits an institution from charging another provider of instructional materials an amount greater than the amount charged the operator of a university-affiliated bookstore for an activity described in Subsection (c).

(e) Requires an institution to provide any other person providing instructional materials to the students of the institution with equal access and opportunity to use or develop the same or similar method of payment at a reasonable cost to that person if the institution works in conjunction with a university-affiliated bookstore to provide a method for the extension of credit or the ability of a student to charge or otherwise delay the payment of the costs of instructional materials, including the extension of credit under Section 51.929(b) (pertaining to an extension of credit to a student for the purchase of books or other educational supplies if the credit may be offset against undistributed grant or loan funds).

SECTION 2. (a) Makes application of this Act prospective.

(b) Requires each institution to take certain steps regarding compliance with Section 51.949, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.