

BILL ANALYSIS

Senate Research Center

S.B. 1716
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S/C on Higher Education
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

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 RELATING TO INSTRUCTIONAL MATERIALS AND BOOKSTORE MERCHANDISE. (a) Defines "bookstore merchandise," "institution of higher education," "instructional materials," and "university-affiliated bookstore."

(b) Requires each institution of higher education (institution) to prepare a list of each course to be offered at the institution and make the list available on the school website not later than the 45th day before the start of each semester. Sets forth certain requirements for the content of the list.

(c) Requires an institution to provide to a retailer or other provider of instructional materials or bookstore merchandise the same opportunities as an operator of a university-affiliated bookstore.

(d) Prohibits an institution from charging a provider of instructional materials or bookstore merchandise an amount greater than the amount charged to 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 with equal access and opportunity to use the same method of payment 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 or 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 as soon as practicable after the effective date of this Act.

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