

BILL ANALYSIS

Senate Research Center

C.S.H.B. 992
By: Hochberg (Sibley)
Education
4/19/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Current law states that any textbook publisher or manufacturer furnishing books to Texas schools must have a book depository within the state, a requirement meant to ensure a ready supply of textbooks for the state. In some cases, the distance between the publisher and the depository is greater than that between the publisher and many districts. Since close proximity to textbooks is the basis of the depository requirement, exempting publishers who deliver books to Texas schools free of delivery charges can achieve the same result. C.S.H.B.992 authorizes a publisher or manufacturer of textbooks who delivers textbooks free of delivery charges to sell textbooks without maintaining a book depository within the state.

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 Section 31.151(a), Education Code, to require a publisher or manufacturer of text books to maintain a depository in this state or arrange with a depository in this state to receive and fill orders for textbooks, other than on-line textbooks or on-line textbook components consistent with State Board of Education rules; or deliver textbooks to a school district or open-enrollment charter school without a delivery charge to the school district, open-enrollment school, or state, under certain conditions.

SECTION 2. Amends Section 31.103(b), Education Code, to require the designated state depository or, if the publisher does not have a designated textbook depository in this state under Section 31.151(a)(6)(B), the publisher or manufacturer, to fill a requisition approved by the agency at any other time in the case of an emergency. Deletes language referring to another storage facility.

SECTION 3. Amends Section 31.104(b), Education Code, to authorize a school district or open-enrollment charter school to order replacements for textbooks that have been lost or damaged directly from the textbook publisher or manufacturer if the publisher or manufacturer does not have a designated textbook depository in this state under Section 31.151(a)(6)(B).

SECTION 4. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Amends Engrossed H.B.992 as follows:

SECTION 1. Adds the text "other than on-line textbooks or on-line textbook components." Omits the proposed text "or deliver textbooks without delivery charge to the receiving school" and adds text "or deliver textbooks to a school district or open-enrollment charter school without a delivery charge to the school district, open-enrollment school, or state, under certain conditions. Makes nonsubstantive

changes.

SECTION 2. Replaces the proposed text “or publisher or manufacturer, if the publisher or manufacturer delivers a designated textbook free of delivery charge” with “or, if the publisher does not have a designated textbook depository in this state under Section 31.151(a)(6)(B), the publisher or manufacturer.”

SECTION 3. Omits the text “charge for delivery of the textbook” and adds the text “have a designated textbook depository in this state under Section 31.151(a)(6)(B).”

SECTION 4. No change.