

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4729

BY DELEGATES LINVILLE, ELLINGTON, SUMMERS,
HIGGINBOTHAM, BARNHART, MAYNARD, GRAVES,
FOSTER, MCGEEHAN, HANNA AND PACK

[Introduced February 06, 2020; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended,
 2 relating to requiring previous version or edition of a textbook, unless governing board of
 3 an institution of higher learning approves need for most recent version or edition.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF
 HIGHER EDUCATION.**

§18B-10-14. Bookstores.

1 (a) Each governing board may establish and operate a bookstore at the institutions under
 2 its jurisdiction to sell books, stationery, and other school and office supplies generally carried in
 3 college bookstores.

4 (b) The prices to be charged may not be less than the prices fixed by any fair trade
 5 agreements and shall, in all cases, include in addition to the purchase price paid by the bookstore,
 6 a sufficient handling charge to cover all expenses incurred for personal and other services,
 7 supplies and equipment, storage, and other operating expenses.

8 (c) Each governing board shall ensure that bookstores operated at institutions under its
 9 jurisdiction minimize the costs to students of purchasing textbooks. The governing board may:

10 (1) Require the repurchase and resale of textbooks on an institutional or a statewide basis;
 11 and

12 (2) Provide for the use of certain basic textbooks for a reasonable number of years.

13 (d) The Legislature recognizes that in 2004, the Congress of the United States
 14 commissioned the United States Government Accountability Office to study the high prices of
 15 college textbooks. Upon completion of the study, the Legislative Oversight Commission on
 16 Education Accountability shall obtain the results and any related reports produced by the office.

17 (e) Each governing board shall require that instructional materials used in its institutions
 18 are a previous version or edition unless the professor or instructor provides the governing board

19 an acceptable explanation as to why the most recent version or edition of the instructional
20 materials are necessary, including an assertion stating whether or not the professor or instructor
21 contributed to the authorship of the instructional material and receives any remuneration directly
22 or indirectly therefor. The board of governors shall approve or deny any request by the professor
23 or instructor to use the most recent version of the instructional materials.

24 ~~(e)~~(f) An employee of a governing board:

25 (1) May not:

26 (A) Receive a payment, loan, subscription, advance, deposit of money, service, benefit or
27 thing of value, present or promised, as an inducement for requiring students to purchase a specific
28 textbook for coursework or instruction; or

29 (B) Require for any course a textbook that includes his or her own writing or work if the
30 textbook incorporates either detachable worksheets or workbook-style pages intended to be
31 written on or removed from the textbook. This provision does not prohibit an employee from
32 requiring as a supplement to a textbook any workbook or similar material which is published
33 independently from the textbook; and

34 (2) May receive:

35 (A) Sample copies, instructor's copies and instructional material which are not to be sold;
36 and

37 (B) Royalties or other compensation from sales of textbooks that include the employee's
38 own writing or work.

39 ~~(f)~~(g) A governing board shall provide to students a listing of textbooks required or
40 assigned for any course offered at the institution.

41 (1) The listing shall be prominently posted:

42 (A) In a central location at the institution;

43 (B) In any campus bookstore; and

44 (C) On the institution's website.

45 (2) The list shall include for each textbook the International Standard Book Number
46 (ISBN), the edition number and any other relevant information.

47 (3) An institution shall post a book to the listing when the adoption process is complete
48 and the textbook is designated for order by the bookstore.

49 (g)(h) All moneys derived from the operation of the bookstore shall be paid into a special
50 revenue fund as provided in §12-2-2 of this code. Subject to the approval of the Governor, each
51 governing board periodically shall change the amount of the revolving fund necessary for the
52 proper and efficient operation of each bookstore.

53 (h)(i) Moneys derived from the operation of the bookstore shall be used first to replenish
54 the stock of goods and to pay the costs of operating and maintaining the bookstore.
55 Notwithstanding any other provision of this section, any institution that has contracted with a
56 private entity for bookstore operation shall deposit into an appropriate account all revenue
57 generated by the operation and enuring to the benefit of the institution. The institution shall use
58 the funds for nonathletic scholarships.

59 (i)(j) Each governing board shall promulgate a rule in accordance with the provisions of
60 section six, article one of this chapter to implement the provisions of this section.

61 (j)(k) This section applies to textbook sales and bookstores supported by an institution's
62 auxiliary services and those operated by a private contractor.

NOTE: The purpose of this bill is to require higher education institutions to use previous versions or editions of instructional materials unless the board of governors approves need for most recent version or edition.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.