

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4729

BY DELEGATES LINVILLE, ELLINGTON, SUMMERS,

HIGGINBOTHAM, BARNHART, MAYNARD, GRAVES,

FOSTER, MCGEEHAN, HANNA AND PACK

[Passed March 3, 2020; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended,
2 relating to the purchase of educational materials at institutions of higher education;
3 establishing or continuing an educational materials affordability committee; requiring that
4 the educational materials affordability committee make certain recommendations to the
5 institutional governing boards; and defining the term “educational materials”.

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 educational materials, books, stationery, and other school and office supplies
3 generally carried in 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 establish, or if already established, continue, an
9 educational materials affordability committee consisting of faculty, students, administrators and
10 bookstore representatives and the committee shall make recommendations to the governing
11 board to:

12 (1) Ensure that bookstores operated at institutions under its jurisdiction minimize the costs
13 to students of purchasing educational materials;

14 (2) Ensure appropriate, high quality course educational materials are selected by course
15 instructors;

16 (3) Encourage and incentivize the use of previous or older versions of basic educational
17 materials to the extent those older versions are available and less costly to students and remain
18 relevant, high quality educational materials with up-to-date information and content;

19 (4) Require the repurchase and resale of educational materials on an institutional basis;

20 (5) Provide for the use of certain basic educational materials for a reasonable number of
21 years;

22 (6) Encourage and incentivize the use of emerging technologies, such as electronic
23 textbooks, online textbooks, print-on-demand services, and other open resource materials; and

24 (7) Prohibit employees from profiteering by requiring the purchase of one-time use
25 materials (such as worksheets) or receiving payment or other consideration as an inducement to
26 require students to purchase particular textbooks.

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

31 (e) An employee of a governing board:

32 (1) May not:

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

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

41 (2) May receive:

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

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

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

48 (1) The listing shall be prominently posted:

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

50 (B) In any campus bookstore; and

51 (C) On the institution's website.

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

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

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

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

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

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

70 (k) "Educational Materials" means textbooks and other supplementary course materials
71 that come at a cost to the student, regardless of format.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor