

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 415

(By Mr. Wilson)



PASSED Mar. 1- 1963

In Effect 90 day Passage



Filed in Office of the Secretary of State
of West Virginia 3-9-63

JOE F. BURDETT
SECRETARY OF STATE

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House Bill No. 415

(By MR. WILSON)

[Passed March 1, 1963: in effect ninety days from passage.]

AN ACT to amend and reenact sections four and five, article two-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to textbook adoption.

Be it enacted by the Legislature of West Virginia:

That sections four and five, article two-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. Execution of Contracts; Bond.—When the
2 selection and approval of the multiple list have been
3 properly made, it shall be the duty of the state board to
4 execute contracts for the selected books with the pub-

5 lishers within twenty days of the approval and adoption
6 of the multiple list, prepare a list of the adopted books on
7 the multiple list and publish same, and send a copy to
8 each county superintendent not later than September first
9 of the year preceding the adoption. Such contracts for
10 adoption, except for the introductory period in making
11 the transition to a staggered adoption plan, shall run for
12 four years.

13 Each publisher awarded a textbook contract by the
14 state board shall enter into a bond payable to the state
15 of West Virginia in the penal sum of not less than two
16 thousand dollars and not more than five thousand dollars
17 to be approved by the state board of public works, such
18 bond to be executed as surety by some responsible surety
19 company authorized to carry on its business in West Vir-
20 ginia. Such contract shall be prepared by the attorney
21 general in accordance with the terms and provisions of
22 this article. Such contract shall be executed in duplicate,
23 one copy to be held by the publisher and one by the state
24 board of education.

25 Bonds required of successful publishers shall provide
26 that:

27 (a) The publisher will furnish any of the books on the
28 multiple list which he publishes for the period of the adop-
29 tion, from the date of the bond, to any county school unit,
30 or to a dealer appointed by the county, at the lowest
31 wholesale price contained in the bid, f. o. b. publisher's
32 nearest shipping point.

33 (b) The publisher will automatically reduce such
34 prices in West Virginia when prices are reduced anywhere
35 in the United States, so that no such book shall at any
36 time be sold in West Virginia at a higher wholesale price
37 than received for that book elsewhere in the United
38 States, like conditions prevailing.

39 (c) All books sold in West Virginia will be identical
40 with the official samples filed with the state board of edu-
41 cation as regards size, paper, binding, print, illustrations,
42 subject matter, and other particulars which may affect
43 the value of the books. The state board of education may,
44 however, during the period of the contract approve re-
45 vised editions of an adopted book or series, which will

46 authorize a publisher to furnish such revisions.

Sec. 5. Selection by County Boards.—Textbook publishers, upon requests of county superintendents, shall furnish to county boards of education the requested sample copies of books that were selected and placed on the state multiple list of textbooks by the state board of education. The textbook publishers shall ship and bill to the county boards of education at the lowest wholesale prices with shipping charges prepaid. After the counties have made their textbook adoptions and certified them to the state board of education, all sample copies of books may be returned to the publishers from whom obtained by May first, shipping charges to be paid by the publisher. County boards may, if they elect to do so, retain the sample books, but shall pay the publishers the lowest wholesale prices for them.

16 The county board of education shall, upon recommendation of the county superintendent with the aid of a committee of teachers not to exceed five members and not later than January first of any adoption year, select from the state multiple list one book or series of books

21 for each subject and grade to be used as exclusive basal
22 in the county for a period of four years, except however
23 for the one thousand nine hundred fifty-seven adoptions
24 which shall be made as provided in this article.

25 After the county board of education has adopted the
26 the basal textbooks for use in the county, and not later
27 than January fifteenth, the county superintendent shall
28 send to the state board of education a complete list of
29 books adopted, properly certified by the president of the
30 county board of education, in such form as the state
31 board of education shall prescribe.

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

O. Roy Parker
Chairman Senate Committee

Edell S. Caudell
Chairman House Committee

Originated in the House.

Takes effect 90 days passage.

Howard Meyer
Clerk of the Senate

O. A. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within Approved this the 9th
day of March, 1963.

W. M. Barron
Governor

