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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for
SENATE BILL NO. 674

(By Senator Plymale)

PASSED April 9, 2005

In Effect 90 days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 674

(SENATOR PLYMALE, *original sponsor*)

[Passed April 9, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to state institution of higher education bookstore operations and textbook sales; minimizing costs to students; requiring Legislative Oversight Commission on Education Accountability to obtain certain textbook study report; prohibiting institution employees from receiving benefits for requiring specific textbooks and providing exceptions; requiring institutions to post listing of required textbooks at certain campus locations; requiring institutions to promulgate a rule governing textbook sales and bookstore operations; and application to bookstores operated by private contractor and institutional auxiliary services.

Be it enacted by the Legislature of West Virginia:

That §18B-10-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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
2 bookstore at the institutions under its jurisdiction to sell
3 books, stationery and other school and office supplies
4 generally carried in college bookstores.

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

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

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

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

19 (d) The Legislature recognizes that in two thousand four,
20 the Congress of the United States commissioned the
21 United States Government Accountability Office to study
22 the high prices of college textbooks. Upon completion of
23 the study, the Legislative Oversight Commission on
24 Education Accountability shall obtain the results and any
25 related reports produced by the Office.

26 (e) An employee of a governing board:

27 (1) May not:

28 (A) Receive a payment, loan, subscription, advance,
29 deposit of money, service, benefit or thing of value, present
30 or promised, as an inducement for requiring students to

31 purchase a specific textbook for coursework or instruction;
32 or

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

41 (2) May receive:

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

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

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

50 (1) The listing shall be prominently posted:

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

52 (B) In any campus bookstore; and

53 (C) On the institution's website.

54 (2) The list shall include for each textbook the Interna-
55 tional Standard Book Number (ISBN), edition number and
56 any other relevant information.

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

60 (g) All moneys derived from the operation of the book-
61 store shall be paid into a special revenue fund as provided

62 in section two, article two, chapter twelve of this code.
63 Subject to the approval of the Governor, each governing
64 board periodically shall change the amount of the revolving
65 fund necessary for the proper and efficient operation
66 of each bookstore.

67 (h) Moneys derived from the operation of the bookstore
68 shall be used first to replenish the stock of goods and to
69 pay the costs of operating and maintaining the bookstore.
70 Notwithstanding any other provision of this section, any
71 institution that has contracted with a private entity for
72 bookstore operation shall deposit into an appropriate
73 account all revenue generated by the operation and
74 enuring to the benefit of the institution. The institution
75 shall use the funds for nonathletic scholarships.

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

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

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

Candy White
.....
Chairman Senate Committee

H. Rub Bry
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
.....
Clerk of the Senate

Boyer W. Suf
.....
Clerk of the House of Delegates

Carl Roy Toralubin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved..... this the *2nd*
Day of *May*....., 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 29 2005

Time 9:45 pm