

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 85  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walker” and substitute “Walker, and Holmes”; in line 4, strike “certain textbook adoption processes,”; in line 5, strike “affirmations” and substitute “acknowledgments”; in line 7, strike “affirmation and”; in line 10, after “revisions,” insert “and”; strike beginning with the third comma in line 10 down through “price” in line 11; in line 11, after “requiring” insert “, subject to a certain exception.”; strike beginning with “requiring” in line 15 down through “notifications;” in line 17; in line 19, after “time” insert “subject to a certain extension under certain circumstances; prohibiting certain institutions from encouraging or promoting the creation or sale of certain types of textbooks”; strike beginning with “requiring” in line 19 down through “circumstances;” in line 21; and strike beginning with “requiring” in line 22 down through “date;” in line 27.

On page 2, in line 1, after “report” insert “to the Maryland Higher Education Commission”; in the same line, after “regarding” insert “certain efforts to lower the cost of certain textbooks and”; and in line 3, after “date” insert “and report to the Governor and the General Assembly on or before a certain date”.

AMENDMENT NO. 2

On page 2, in line 29, after “SALE” insert “AND IS LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX - GENERAL ARTICLE”; on page 3, in line 10, after the second comma, insert “OR”; strike beginning with the first comma in line 11 down through “EDITIONS” in line 12; after line 12, insert:

“(III) “CUSTOM TEXTBOOK” DOES NOT INCLUDE PURELY AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A

(Over)

PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.”; in line 24, strike “A”; in the same line, strike “TEXTBOOK” and substitute “COURSE MATERIAL”; in line 25, after “EACH” insert “TEXTBOOK”; strike beginning with “PRINTING” in line 25 down through “TEXTBOOK” in line 26 and substitute “OTHER COURSE MATERIAL, INCLUDING BUNDLES”; after line 26, insert:

“(8) “PRICE” MEANS THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO A BOOKSTORE AND, IF AVAILABLE, THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO THE PUBLIC.”;

in lines 27 and 30, strike “(8)” and “(9)”, respectively, and substitute “(9)” and “(10)”, respectively; and after line 35, insert:

“(11) “TEXTBOOK” INCLUDES CUSTOM TEXTBOOKS TO THE MAXIMUM EXTENT PRACTICABLE.”.

### AMENDMENT NO. 3

On page 4, strike beginning with “WHOLESALE” in line 7 down through “ANY,” in line 8 and substitute “THE PRICE”; strike in their entirety lines 9 and 10; in line 11, strike “(III)” and substitute “(II)”; in line 15, strike “AND”; after line 15, insert:

“(III) WHICH TEXTBOOKS ARE INTEGRATED TEXTBOOKS AND ARE THEREFORE NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION, AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION; AND”;

strike in their entirety lines 18 through 23, inclusive; and in lines 24 and 27, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively.

AMENDMENT NO. 4

On page 5, in lines 9, 18, and 21, in each instance, strike “AFFIRM AND”; in line 12, strike “IDENTIFYING” and substitute “SELECTING”; in line 24, after “TEXTBOOK” insert “AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION”; in line 26, strike “JUSTIFIED” and substitute “APPROPRIATE”; in line 30, strike “AND”; and in line 33, after “MARKET” insert “; AND”

**5. THAT AN INTEGRATED TEXTBOOK IS NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION**.

AMENDMENT NO. 5

On page 6, in line 1, strike “WHO” and substitute “THAT”; strike beginning with “AT” in line 8 down through “THE” in line 9 and substitute “OF THE”; strike beginning with “AVAILABLE” in line 9 down through “PUBLIC” in line 12; in line 20, strike “EXPRESSED AS AN ITEMIZED LIST”; after line 23, insert:

**“(V) A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS INTEGRATED TEXTBOOKS.”**;

strike in their entirety lines 24 and 25, inclusive; after line 30, insert:

**“(3) THE PROVISIONS OF THIS SUBSECTION SHALL BE MET, TO THE EXTENT PRACTICABLE, ON OR BEFORE OCTOBER 1, 2009 BUT NO LATER THAN JULY 1, 2010.”**;

and in line 31, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A”.

AMENDMENT NO. 6

On page 7, strike beginning with “WHOLESALE” in line 3 down through “ANY,” in line 4 and substitute “PRICE INFORMATION”; and after line 10, insert:

**“(4) WITH THE PERMISSION OF A FACULTY MEMBER, A CAMPUS BOOKSTORE MAY SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN A DIFFERENT MANNER THAN AS SELECTED AND ORDERED BY THE FACULTY MEMBER FOR THE PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR EDITIONS, OR OTHER LOWER-COST OPTIONS TO STUDENTS.”;**

strike in their entirety lines 11 through 26, inclusive; in line 27, strike “(3)” and substitute “(G) (1)”; in line 29, after “TO” insert “BOOKSTORES,”; in the same line, after “STUDENTS” insert a comma; on page 8, in line 1, strike “PARAGRAPH (4)” and substitute “PARAGRAPHS (3) AND (4)”; in line 2, strike “1 WEEK” and substitute “30 DAYS”; strike beginning with “PROVISION” in line 2 down through “SUBSECTION” in line 3 and substitute “SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL”; strike in their entirety lines 4 and 5, inclusive; after line 5, insert:

**“2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.”;**

after line 12, insert:

**“(2) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE:**

**(I) TITLE;**

**(II) AUTHOR;**

**(III) PUBLISHER;**

**(IV) EDITION;**

**(V) COPYRIGHT DATE AND PUBLICATION DATE, WHEN AVAILABLE;**

**(VI) ISBN; AND**

**(VII) ANTICIPATED ENROLLMENT FOR THE COURSE.”;**

in line 13, strike “(4)” and substitute “(3)”; in line 14, after “BOOKSTORE” insert a comma; strike beginning with “THAT” in line 14 down through “AND” in line 15; in line 15, after “STUDENTS” insert a comma; in line 16, strike “(3)” and substitute “(1)”; in line 17, strike “A” and substitute “THE SELECTION OF THE PARTICULAR”; in line 20, after “INSTITUTION” insert “, CAMPUS BOOKSTORE, OR OTHER BOOKSTORE THAT OFFERS A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL FOR SALE PRIOR TO THE SELECTION BEING FINALIZED”; in the same line, strike “A” and substitute “:

**1. A**”;

in line 21, strike “A” and substitute “THE PARTICULAR”; in line 23, after “FINALIZED” insert “; AND

**2. THE RETURN POLICY OF THE CAMPUS BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE**”;

and after line 23, insert:

“(4) (I) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY BE GRANTED TO A FACULTY MEMBER OR A CAMPUS BOOKSTORE FROM THE REQUIREMENT TO POST THE SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL PRIOR TO THE SELECTION BEING FINALIZED.

(II) THE EXTENSION GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE APPROVED BY THE FACULTY DEPARTMENT CHAIR AND THE DEAN OR DIVISION HEAD OF THE INSTITUTION.

(III) THE EXTENSION SHALL INCLUDE A WRITTEN STATEMENT OF EXPLANATION FOR THE EXTENSION.

(IV) AN INSTITUTION SHALL POST THE WRITTEN STATEMENT ON ITS WEBSITE INSTEAD OF THE SELECTION, AS APPROPRIATE.

(H) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT ENCOURAGE OR PROMOTE THE CREATION OR SALE OF COLLEGE TEXTBOOKS THAT CONSIST OF PURELY AESTHETIC CHANGES TO A PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS A COMMEMORATIVE EDITION.”.

AMENDMENT NO. 6

On page 8, strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 7

On page 9, strike in their entirety lines 3 through 15, inclusive; in line 16, strike “3.” and substitute “2.”; in the same line, strike “That, on” and substitute “That:

(a) On”;

in line 17, strike “2010” and substitute “2011”; strike beginning with “Governor” in line 18 down through “Assembly,” in line 19 and substitute “Maryland Higher Education Commission”; in line 19, after “regarding” insert “efforts to lower the cost of textbooks for their students and”; in line 20, strike “15-112(c)(4)” and substitute “15-112(c)(3)”; strike line 21 in its entirety; in line 22, strike “(a)” and substitute “(b)”; in the same line, strike “Maryland Higher Education”; in line 30, strike the second “and”; and in line 37, after “content” insert “; and”

(3) the accessibility of the digital marketplace and any and all electronic textbooks and supplemental material to blind and print-disabled students and faculty members”.

On page 10, in line 1, strike “(b)” and substitute “(c)”; in the same line, strike “Maryland Higher Education”; in line 2, after “shall” insert “:

(1) compile the reports required under paragraph (a) of this section;  
and

(2)”;  
;

in the same line, after “submit” insert “to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly,”; in the same line, after “the” insert “compilation, the”; in line 3, strike “(a)” and substitute “(b)”; in the same line, after “section” insert a comma; in the same line, strike “make”; in line 4, after “programs” insert a comma; in the same line, strike “and”; strike beginning with “including” in line 4 down through “Assembly,” in line 6 and substitute “, and statewide policy initiatives that will further ameliorate the high cost of undergraduate and graduate education as impacted by textbook prices”; in line 6, strike “subsection (a) of”; in line 7, strike “5.” and substitute “3.”; and on page 11, in line 2, strike “and”; in line 4, after “purchasing” insert “; and”

(7) ensuring that any and all electronic textbooks and supplemental material shall be accessible to blind and print-disabled students and faculty members”;

and in line 12, strike “6.” and substitute “4.”.