

SA13-10

HB5614

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thought is what if a person doesn't have a driver's license? You know I mean, that's a potential drawback I guess.

But -- and I'm not -- I'm just telling you what -- they're telling me that some of the bigger outfits, you know, certainly document. They're by the book and they're presenting to me -- and I don't know if it's fact -- that some of the smaller outfits don't really adhere to it.

So it's a question some may be good, some don't. So it's -- that's kind of a dilemma, I think. You know, whatever rules we set out there's problems I think like in anything. Some are a good adherence to the law and some aren't.

REP. HEWETT: Well, that's what I'm hearing, too, is some of the small outfits are not doing it and the bigger ones are abiding by the law.

SENATOR DOYLE: Yeah. So I'm sure the committee will keep this in mind as we continue. It's a challenging issue.

Any further questions from the committee?

Thank you, Representative Hewett.

REP. HEWETT: Thank you, sir.

SENATOR DOYLE: The next speaker is Representative Brian Sear. Is Representative Sear here? Yes, he is. Thank you.

After Representative Sear, Representative Betsy Ritter, Representative Grogins. Thank you.

REP. SEAR: Thank you for this opportunity Senator

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Doyle, Representative Baram and distinguished members of the General Law Committee. I am Brian Sear. I'm the Representative from the 47th District. I'm here to testify in support of Bill 5614, AN ACT CONCERNING E-BOOKS AND LIBRARIES, which i am sponsoring.

While the current wording of the bill only references cost equity, our goal is to ultimately provide fair access for all libraries of which costs plays a significant role. Libraries of all types -- and they fall into four categories, public, academic, school and a special -- play an essential role in our society, providing information and resources to all of our population. This is not a static role. It is ever evolving.

There's no downside to libraries and no segment of the population that is not served by them; young, old, rich, poor, urban, rural. All of our population use libraries to access entertainment, professional development, research and just plain curiosity.

Libraries serve society best when they provide a full range of information. Currently due to technological and economic considerations, libraries are being discriminated against and access to electronic books, also known as e-books. There's no clear framework for providing this access or agreement on a fair cost and/or licensing structure.

Some publishers don't offer e-books to libraries at all. Some publishers offer only part of their inventory and the pricing structure is all over the map. Some are very expensive. Some are fairly priced. Each publisher is approaching this relationship basically on their own.

So rather than sitting on the sidelines waiting for some sort of market-based framework to evolve, if it ever would, we in Connecticut want to take the lead in creating a framework of fair and comprehensive access to e-books for all of our libraries' patrons. Everyday throughout Connecticut and the country library directors and their staffs are faced with disappointed and frustrated patrons who want to know when and what titles will be available on an electronic format for the books they want to read.

In turn, library boards are similarly frustrated in trying to determine what resources from their budgets to commit to e-books. And I will add that this legislation will add no cost burden to our state or local budgets.

Current wording of this bill addresses price only -- I'm almost there -- I fully support expanded wording developed by attorneys of the American Library Association that address fair access as well as fair price.

Thank you very much.

SENATOR DOYLE: Thank you, Representative.

Any questions from the committee? Seeing none, thank you, Rep --

Mr. Chairman Baram.

REP. BARAM: Thank you, Mr. Chairman.

Two quick questions. First, when you're using an e-book, is it possible to prevent the dissemination of that content to some other person other than the one taking it out from the library?

REP. SEAR: We have other people here to testify on this bill and that's a technological question I don't have the answer to.

REP. BARAM: And also in a prior conversation we were talking about the stream of commerce, whether or not Connecticut could regulate something that is promulgated by a publisher countrywide. Do you have any further insight into that issue?

REP. SEAR: Again, there's others that will testify today more particularly to that. I know that the American Library Association's attorneys looked into this and did set up a framework, which is in your testimony under the Connecticut Library Association letterhead, that addresses what they feel comfortable is a framework in terms of --

And basically it's tying if they offer their e-books or their product for sale in Connecticut, that they would agree to a framework of even access and a fair cost structure. So those two are tied together. They feel confident that, you know, there's precedent in other areas of product being supplied.

REP. BARAM: Thank you. Thank you.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Senator Kissel.

SENATOR KISSEL: Thank you very much.

Very briefly, I commend you for bringing this forward. I was actually shocked when it was

first brought to my attention. I mean, apparently what's going on is these e-book publishers are just saying to libraries, we're not going to sell you. Is that basically what's going on?

REP. SEAR: Some are.

SENATOR KISSEL: And for some reason I thought maybe it would be unconstitutional. I mean, can people in the marketplace just sort of pigeonhole particular people that want to purchase and say, okay. All you over here, you're wearing gray suits so you're not going to be sold and you over here with blue suits, we're going to sell you.

I mean, isn't there some requirement somewhere? Has anyone looked at this from a constitutional perspective, that they can't just say, we're going to sell to everybody in the marketplace except libraries?

REP. SEAR: I believe that's been looked into. While I'm not approach -- I'm approaching this more from a practical standpoint. From the legal standpoint, I'm told there's lots of precedents in terms of a product.

And you're say, well, libraries are different. They're not like a store or commercial. You know, they're not in business to make a profit, but there are other areas where you can't discriminate. You can't say, I'm just going to offer this to this segment of the population and not to another. It seems pretty clear to me, but it's -- I don't think it's ever been addressed head-on.

But I don't think this -- until the kind of developed to this point I don't think this question ever came up. And obviously part of

this is when you have a physical book, you've got a physical book and there's, you know, one product and that moves and you can tell who has it at any given time and others can't use it at the same time.

And I appreciate the reality of publishers and their trying to get a handle on how to, you know, maintain their copyright protection and whatever. We're not trying to get involved in that area. This is a practical thing here.

SENATOR KISSEL: Okay. I just wanted to keep it brief, because again, I'm being educated on this. I think people in the public are being educated on this. Obviously, libraries other than the private libraries associated with the private university system, most libraries people associate with government-funded, and that's like a gasoline retailer saying, I'm going to sell gasoline to everybody except state cars. I can't imagine that and I hope we get to the bottom of this.

Thank you, Mr. Chairman.

REP. SEAR: Thank you.

SENATOR DOYLE: Thank you.

Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

We talked about some of the legal precedents and looking into this. Where they're looking at governing the books, do they do it similar than, I mean, software? I mean, the only experience that I have is when they govern software on the market you get a licensing agreement allowing for so many uses.

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REP. SEAR: Right.

REP. CARTER: Would that be something you would look at here? Maybe it would cost more than the regular book would cost because it's going to have more views? Or how would this be regulated?

REP. SEAR: If you -- and your deference, can I read the proposed legal language that the American Library Association put forth? It's not too long.

SENATOR DOYLE: Yes.

REP. SEAR: And I think it might address your question.

Being enacted by the Senate and the House of Representatives in general convened, Section 1, any person who offers to license -- and that's an important as opposed to sell, okay.

Any person who offers to license an electronic book to the public in Connecticut shall offer to license such book to libraries in Connecticut on reasonable terms that would permit the libraries to provide their users with access to the electronic book.

These reasonable terms may include, A, a limitation on the number of users to whom a library may simultaneously provide access to the electronic book, B, a limitation on the number of days a library may provide a user with access to the electronic book, C, and the use of technological protection measures that would prevent a user from, number one, maintaining access to the electronic book beyond the excess period set forth in the license, and two, providing other users with

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access to the electronic book.

So I think the libraries are not trying to say what the terms should be, just that the terms should be consistent from library to library and predictable in terms of what's involved. I don't think they're in the position of trying to control how this plays out.

REP. CARTER: Thank you very much, Representative.

And thank you, Mr. Chair.

REP. SEAR: You're welcome.

SENATOR DOYLE: Sorry about that.

Any questions from the committee? Seeing none, thank you very much, Representative.

REP. SEAR: Thank you.

SENATOR DOYLE: Next speaker is Representative Betsy Ritter. Is Representative Ritter here? I don't see her. Okay.

Representative Grogins. Representative -- yes, she is. Here's Representative Grogins. After Representative Grogins, Representative Srinivasan.

Representative Grogins.

REP. GROGINS: Good afternoon. Thank you for giving me the opportunity to speak. I have next to me a constituent from Bridgeport, William Giannos and he's an ice cream vendor who brought this particular issue to my attention. So if the committee would permit me, I'm going to just briefly speak and then turn it over to him if that would be okay.

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Seeing none, thank you very much.

REP. COOK: Thank you.

SENATOR DOYLE: The next speaker, Representative Ritter is not here.

Representative -- State Librarian Kendall Wiggin.

KENDALL F. WIGGIN: Senator Doyle, Representative Baram, distinguished members of the General Law Committee, my name is Kendall Wiggin and I am the Connecticut State Librarian and I'm here to speak in support of H.B. 5614.

I'd also like to thank Representative Sear for bringing this forward. And he did a fine job outlining it, so I won't read my testimony. But I would like to point out a couple of things that were brought up.

In response to a question about the use of these, most electronic books are -- have what's called digital rights management which allows the software to determine how many people are going to use it and how long they're going to use it, and is what prevents you from sharing that with other people.

One of the reasons we're here, or this issue is here is because e-books are not sold or traded like a book. A book is covered by copyright law which is long-standing in this country. The first-sale principle allows libraries, once they've purchased the book, to loan it to whoever they want. It allows our residents to donate used books to libraries so they can then sell them or use them in their collections.

E-books are not copyrighted. Even though if

you open a e-book you'll see a copyright statement in them because all it is, is a scan of the paper book. It's actually licensed and it's just like when you use software on your computer or your tablet you usually have to agree to a terms and conditions, which you haven't read. Most of us don't read those. We just say, click, and I'm using it. But those terms and conditions can be very, very restrictive and that's one of the things libraries are facing with some publishers.

It was mentioned about some publishers are not selling to libraries. And I'm not an attorney, Senator Kissel, but I think the issue is because they won't sell to any library in the country they can get away with it. And this is very disheartening for libraries who have always been able to buy a book and loan a book and because we can't do this. And some publishers, while they will sell to libraries, will only sell their backlist.

They won't sell current books because they're trying to figure out the market as is we, but I don't know of any library that's ever put a publisher out of business because they loaned books from my library. Although 20 million books were loaned by libraries in this state last year, I don't think any publisher went out of business because we did that with hardcover.

Another concern of mine representing the statewide issues is in our state we have a great tradition of allowing our residents to borrow from other libraries based on having a library card in another town. This has really saved taxpayers a lot of money. It's made our library collections available to all.

E-books under current licensing do not allow that, so we have patrons who may live in Enfield and they want to go down to Newington and borrow that e-book and they're told, no, you can't, even though you can borrow the hardcover.

SENATOR DOYLE: You can summarize if you'd like.

KENDALL F. WIGGIN: The other thing that was brought up is, is there any precedent for doing this? And again, I'm not an attorney, but I was pointed to statute 30-64(a) which deals with the sales within a wholesaler's geographic territory in which the State does not allow a wholesaler to pick and choose which permittee that they sell to or don't sell to. So I -- and I think there are other statutes and regulations where we have imposed on businesses that they can't pick and choose who they want to sell to.

And as also was mentioned, we're dealing with taxpayer dollars. These are public funds and we're trying to be good stewards of those funds. And when you're being, you know, I'll call it price gouging -- in many cases libraries are -- when they are allowed to buy some of these books, they're being charged four and five times what the general public is being asked to pay for.

We had one publisher who came up with a great scheme of saying you can have it for 26 -- you can borrow it for 26 times and then you have to buy it again. Well, I mean these are things that are putting tremendous pressure on libraries that have limited dollars and want to do right.

We also understand that we need to do -- have licensing that's fair to the publish as well.

And I think was mentioned of having a playing field that's, you know, even around the state would really make libraries work a little -- would make their work a little easier for them and I think you'll hear from others here today; the impact on their specific towns.

Thank you.

SENATOR DOYLE: Thank you.

Senator Witkos.

SENATOR WITKOS: Thank you.

I was intrigued by the bill when I first saw it, but I was wondering if you could explain it a little bit. I'm going to ask you a couple of questions and explain it to me through the process.

When I think of an e-book I go on my iPad and go to Amazon, download it and I have it. How does it work now if you said you already had some publishers that said you can buy a copy and you're allowed to, I guess, loan it out 26 times and need to buy again?

How does that process work where, does it come into the database of the library? Somebody comes in and gets a flash drive? Could you explain that for me, please?

KENDALL F. WIGGIN: In most cases libraries have to have a platform through which the loan from. So there's one particular company that provides that service. So libraries buy it through that company. That company provides it through their service and then libraries, you can just go to that website and download it.

There are some libraries that are actually loaning loaded Kindles and others, though, we're not sure that's even legal, but they're doing that. But you'll notice on your iPad that if you don't read your book for a while, it may not be there. You have to go and download it again. These things are taken off your machines just, you know, without you even knowing it. It's an interesting world.

SENATOR WITKOS: And through the library generally, you know, I remember the old days; you'd get the stamp and if you don't have -- it's two weeks or seven days or however long. Is there a timeframe where somebody can borrow the book?

KENDALL F. WIGGIN: Yes. Most of these services have this digital rights management; will then embed in it a loan period. So it may be after 14 days it goes away from your machine, or you're just not allowed to open it anymore because of all the things they're able to do with all that software.

SENATOR WITKOS: That beats the old days of being -- getting phone calls and we'll have you bring that library book back.

KENDALL F. WIGGIN: Actually libraries like this idea. Publishers don't get this, but we don't like people to keep our books forever.

SENATOR WITKOS: Right. Right.

KENDALL F. WIGGIN: We want them back.

SENATOR WITKOS: Are there any other states that you know that have this type of technology or have adopted any type of legislation that either permits it or that they do now?

KENDALL F. WIGGIN: Many libraries around the country are dealing with the e-books and have different platforms. We'd be the first state to try to look at the issue that we're facing in trying to have open trade.

SENATOR WITKOS: And my last question is, are you having a -- what kind of response are you getting from the publishers? Is it the big publishers that are saying, no? Maybe some of the smaller ones are saying yes, so we're getting mixed messages from that industry, or is across the board, the big guys are kind of leading the charge as a no, and you're having difficulty getting publishers to participate?

KENDALL F. WIGGIN: My understanding is -- the case that you just laid out, that it's mostly the five or six largest publishers that are saying no. Some of the small presses, some of the university presses are saying yes and some of the smaller publishers saying, you know, it's okay to do business with a library and they may actually gain more sales that way.

So again, it's not uniform and it's one of the frustrations we have, but the best sellers, the things that people really want, those are the ones we can't get.

SENATOR WITKOS: Thank you.

Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Let me just do a quick follow-up. I usually don't jump in. But to follow up on Senator Kissel, so I understand, Senator -- I mean, Senator Witkos has his iPad. He downloads the book; he pays two bucks or whatever and that's his for, like, 14 days. He didn't know it,

but it expires.

So your plan, right now if this would works in the library Senator Witkos goes in, like, downloads it on his computer and then I guess from -- financially from the publishers, he -- he's paid \$2 himself. And your -- are you pay \$2 and getting 26 uses of it? Or is it a higher fee?

I'm trying -- financially they may have that motivation, too.

KENDALL F. WIGGIN: I mean, right now for some of those models the book may retail for, let's say, for fourteen ninety-five, you may be paying 50 or 60 dollars for that.

SENATOR DOYLE: But I'm saying the -- how much do you -- I don't really know.

KENDALL F. WIGGIN: Most e-books interestingly are often more expensive than the hardcover these days.

SENATOR DOYLE: Oh, really? They're that much?

KENDALL F. WIGGIN: I just downloaded one, you know, and it was, you know, fourteen ninety-five for the e-book.. There are some cheap ones out there, but they're usually things that you may not be interested in reading. But so you're buying, you're basically leasing or licensing it. You don't own it. You don't have the right to say, I want to let Senator Doyle read this.

Now that there are some places like Barnes & Noble that have a little lend-me feature, but there are very few publishers that will let you just keep passing that around to all your friends and neighbors, and libraries are under

that same restriction.

SENATOR DOYLE: But isn't -- when you -- if you lend to 26 people, isn't that actually allowing it more than the one they did to Senator Witkos? Or am I --

KENDALL F. WIGGIN: it's a better deal, but let me tell you when --

SENATOR DOYLE: So you're -- you and Senator Witkos are saying -- the libraries and Senator Witkos are paying the same price of 15 bucks or something and you get it 26 times, he gets it one. It's that the reason that they don't like it, you think? Or --

KENDALL F. WIGGIN: I think so, but when you think about we've been buying hardcovers for years --

SENATOR DOYLE: Yeah, the same. Yeah, it's a similar situation.

KENDALL F. WIGGIN: -- and loaning them a hundred times, I mean that's just the way first sale principle works in our country.

SENATOR DOYLE: Okay.

KENDALL F. WIGGIN: But now because they can do it through licensing and technology they're able to put these in position.

SENATOR DOYLE: And your position is it's the same thing as a hardcover. Thank you.

Senator Kissel.

SENATOR KISSEL: Thank you very much.

I'm really partial to your arguments regarding

this. It's probably because I never went to kindergarten. I went to library school where I was. It's up to the public whether that was a good thing or a bad thing.

I see that we have to address this really soon because if this is allowed to persist you guys are going to be out of business. And the founding fathers thought that libraries and public education were of paramount importance.

I'm actually listening to the old-fashioned cassette technology to the biography of John Adams where he says, these things are so important. So this -- these are our founding principles and we give you lots of tax dollars because it's a great place. You know, kids don't know where to go to play in the middle of winter. Go to the library, it's a great place.

My concern is that -- all right. Let's take a step back. If they're hiding behind the notion that they won't sell to libraries, are they not selling to private libraries? In other words, do they have the gall that when Yale University calls them up and says, we want these e-books, are they not selling to Yale University Library? Or are they just sort of picking out the taxpayer funded public libraries and saying, we're not going to sell to all you folks?

KENDALL F. WIGGIN: I don't know the answer to that, but we can find out.

I will say there are different things going on. Academic libraries are able to acquire e-books right now through a variety of services, but again they don't own them. And what some of our academic libraries are finding out, while they have access to some

e-books now, if another college in the state who traditionally might have called them and said, could we borrow that book? We have a student that needs it, they can do it.

Because they don't own the book. They licensed it for Yale, nobody else. They've licensed it for CSU, nobody else. And this is a problem and I think our tradition of being able to borrow books around the state, share resources is going out the door.

And you're absolutely right, Senator. I mean over time we may not be able to have anything in a library that we can loan. And while there are people in Connecticut who can well afford an e-book there are an enormous number of people and students who cannot afford these books. I mean, they're not 99-cent downloads and if they need to read that book and there's some publishers now who are only publishing e-book form. There are no hard copies and none of us know what's going to happen to these e-books 20 years from now.

So there are a lot of concerns. I don't know if this bill is perfect, but I'd love to be able to work with this committee on trying to look at how we might do something to preserve what we've had traditionally in our state.

SENATOR KISSEL: Well, I really appreciate your testimony. I see there's a lot of librarians here. I'm totally sympathetic to your position. I'd like to see Connecticut be a leader here. It's sort of a liberty and independence kind of thing. It's good for the public.

And again, in the marketplace they may have some fears that if they let go of this they can't get the horse back in the barn, but

ultimately I think the balance for what's good for the greater good of the public is the free flow of information for a reasonable price and so we've got to find a way to get you from here to there.

And it's interesting that they're willing to sell to the universities, but they've decided, well, but we're going to stop them a couple different steps down the road. So they're treating different libraries differently and probably their lawyers got together -- no aspersions and said, we can only go so far with this group and we can only go so far with that group.

I hope this State goes forward with this and if we have to have Attorney General Jepsen defend us down the road regarding interstate commerce or whatever, I think that's a fight worth having.

So thank you for coming to testify.

KENDALL F. WIGGIN: Thank you, Senator.

Thank you, all.

SENATOR DOYLE: Thank you.

Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

And thank you very much for your testimony and being here.

One thing I just want to make sure, is it that they will not loan e-books to you or that you are not able to purchase e-books?

KENDALL F. WIGGIN: They will not allow you to

license the e-book. They won't -- they're not sold. They're just licensed and they will not let a library acquire -- let me use the word "acquire" -- they will not allow them to acquire that e-book, period.

REP. CARTER: Okay. And if you were able to work out a license with them, and let's say, for instance you had a per-user fee, literally you'd say, it's not a 99-cent download. But let's say if it was and that person on your license was able to download it for 99 cents per user. Would that be something that would even be negotiable to you, having a per-user fee?

Because obviously what we have here is we have an organization that has their knowledge and their product and they want to sell it, but obviously they don't want it to get out there, like you said, the horse out of the barn, which I can totally appreciate that. But in a library situation where you're loaning all these books out, you're talking the world versus a university.

So is there a way that you've thought that you'd be able to purchase that and give them their return on their investment for their product?

KENDALL F. WIGGIN: I haven't really thought that through to that extent, but I also think that what worked in the analog world we don't want to lose that either because a book is a book. I don't care that it's an e-book or a hardcopy book.

We were able to loan that multiple times and we may have had to buy a new one because it fell apart, and the e-books don't fall apart, so maybe there's some negotiating there. But

I think we want to be careful that we don't lock ourselves into some pricing structure that may come back to bite us, too. I understand the publisher's need and we have paid for more DVDs in libraries at times so that performance rights and these kind of things.

I think there's some precedent there to figure out what is fair, but right now theirs is just a wide-open we don't know. You know, one library is told this, another is told that and they're told no.

REP. CARTER: I completely understand your concern. It's just I want to make sure we're looking at this from both sides. I don't think there's a conspiracy not to let libraries have them.

KENDALL F. WIGGIN: We want to be fair to publishers, certainly.

REP. CARTER: I think it's just really a valid way to try and to make sure that they have return on their investment and hopefully we'll find a common ground we can do this.

KENDALL F. WIGGIN: I appreciate your concern, Representative.

REP. CARTER: Thank you.

SENATOR DOYLE: Thank you.

Any further questions?

Representative Altobello.

REP. ALTOBELLO: Thank you, Mr. Chairman. Good afternoon.

The bill that we have in front of us is

somewhat slim, so we've got a lot of blanks to fill in. Obviously if a library bought an e-book and they had a thousand patrons that wanted it, they could go to this website somewhere and just get it for free. Right?

KENDALL F. WIGGIN: Uh-huh.

REP. ALTOBELLO: Or in a large city, like New York, a million people could buy it, although it wouldn't cost anything.

KENDALL F. WIGGIN: I think the model we're trying to stay with is still the traditional one book, one loan, one user. So while there may be a thousand people that want it, they're going to have to wait a long time, unless there are multiple copies.

REP. ALTOBELLO: So you would be satisfied, or at least at this point, to treat it as if it were a real --

KENDALL F. WIGGIN: Uh-huh, to model this work for a hundred years.

REP. ALTOBELLO: Okay. The bill doesn't say that.

KENDALL F. WIGGIN: No.

REP. ALTOBELLO: All right. The other point I had was, have you thought about having your libraries being click-throughs, so that they would go to the Friends of the Hartford Library, click here and buy their e-books through you guys and take a percentage of it?

I'm a member of the Friends of the Library Association and I get e-mails from them all the time. And if those e-mails included, hey, listen, these are the new e-books we're having, I mean, could be a revenue source.

KENDALL F. WIGGIN: I'll let some of my colleagues answer, but I do know on some libraries' catalog online site there is a click through to have an option to go and buy the book if you want to buy either as an e-book or a hardcover. There are some companies that do that service and sometimes they get a little extra for their friend.

So -- I mean, that's another aspect of it, but the ability to just go and barrow the book, no matter what its format, is a tradition I don't think we want to lose sight of.

REP. ALTOBELLO: Understood. Thank you.

Thank you, Mr. Chairman.

KENDALL F. WIGGIN: Thank you.

SENATOR DOYLE: Thank you.

Any further questions?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

I just want to makes sure I understand the technicalities. If you did have an e-book in a library and I went in to take it out and I got it, it would disappear after a certain number of days, if the rule was you can only keep it for a week. Because I'm not coming back to return it as I would a regular book, it just disappears from whatever electronic device I have. Is that correct?

KENDALL F. WIGGIN: That's my understanding.

REP. BARAM: Okay. Now what if I don't have an

electronic device? What if I'm a student in an area where I can't afford it? Would the library have certain a number of electronic devices, iPads, so that I could actually take that out when I took the e-book out and then return the, you know, mechanism to you.

KENDALL F. WIGGIN: I'll differ to my colleagues that are here, but I -- my understanding is there are libraries that are actually loaning a variety of tablets and other reading devices. And then oftentimes these e-books you can actually read them on your computer or some other device you might have at home.

REP. BARAM: And lastly, does the technology exist, again so that if I did take out the e-book and I went home I couldn't, let's say, load it on my computer and send it out to 20 of my friends who want the same book, just don't want to buy it or go to the library?

KENDALL F. WIGGIN: The technology does exist.

REP. BARAM: Thank you very much.

KENDALL F. WIGGIN: Thank you.

SENATOR DOYLE: Thank you.

Any further questions? Seeing none, thank you very much.

All right. It's after the first hour so we'll that have one member of the public and then we'll back have Representative Betts.

Christine Bradley, please, then Representative Betts.

CHRISTINE BRADLEY: Members of the committee, I am

HB 5614

Christine Bradley. I'm director of the Norwalk Public Library system and I'm happy also to talk about this issue of e-books. And I appreciate the hearing because it gives us a chance to alert all of you to the situation in which we find ourselves.

I want to follow up on what Mr. Wiggin was saying and let you know that in a public library, such as Norwalk where I work, the way we purchase and loan e-books is exactly the way we purchase and loan print books. And this is why the situation becomes so frustrating for us when, for instance, to put it very bluntly we can't buy the Steve Jobs biography as an e-book because Simon & Schuster won't sell it to us, end of story. There are other variations with the big six publishers in their terms and conditions, but this is why we want to alert our General Assembly to this really discriminatory practice that's going on.

Now I feel the unwillingness of publishers to sell e-books to libraries is really due to their own fear and misunderstanding about these new technologies. I resent this because as a librarian we have had to adjust to new technologies almost constantly. And we do this on behalf of our patrons. We don't see library patrons as second-class citizens and we want them to have accessible to them what all residents of our state have.

So I fear the beginning of a new divide, not the digital divide that libraries and the Legislature has worked so hard to ameliorate, but a readers divide. These publishers are preventing people from participating in the great recycling center that is the public library.

If you download your e-books from the public library using your library card you can read only certain titles and backlists of certain authors, but if you can afford to pay for your books then you can read whatever you want.

Norwalk Public Library's book budget is \$250,000 a year. Our patrons expect us to buy books on the bestseller list. It's their tax dollar at work, but publishers have decided that library customers are not equal to individual customers when it comes to e-books.

I'll just finish up by saying this has never happened before. In fact, libraries are used to getting a considerable discount on print books because we buy so many copies and we are such good customers for these publishers and have been for many years. So I say that we are not a threat to their business, but they are becoming a threat to the reading public here in Connecticut.

And so I appreciate your committee listening to this issue on behalf of our citizens.

SENATOR DOYLE: Thank you. Senator Witkos.

SENATOR WITKOS: Thank you.

Just one question. If -- in your testimony you stated that you often received discounts from the publishers because you're such great customers; you buy more than one, generally, and probably a lot because there's so many different libraries putting in orders to get the same thing.

CHRISTINE BRADLEY: Sure.

SENATOR WITKOS: What would your position be if there was language in the bill that only

allowed for X number of copies to be sold to a library, for example, the Steve Jobs book that came out, if you would limit it to only four subscription copies, or whatever the number happens to be, what would your position be on that?

CHRISTINE BRADLEY: Senator, what we do is, again using the Jobs biography, for a popular book just as we do for print books we buy an additional e-copy. So as I said, we treat these books in the library exactly the way we treat print books.

So the publishers are not in danger. We -- someone checks out the title for two weeks. It disappears from their device so they don't have to physically return it, but then if it's a waitlist book like the biography, the next person in line is alerted that they can check it out for two weeks.

So what we have done in Norwalk is for popular books just like for popular print books we purchase additional customer -- additional copies. I mean, we buy books. We're not looking for a handout. We're just looking (inaudible).

SENATOR WITKOS: I understand. That's my question. If there was a limit on the number of e-books that you're allowed to buy copies of, so if it's -- you can't purchase more than three copies of that on an e-book, so you'll have to go through your two-week waitlist period, versus buying ten copies of e-books. So obviously it would reach a larger audience.

How would you feel if there was a limitation in the bill that maximized the amount of numbers of e-books that you could -- a library could purchase?

CHRISTINE BRADLEY: Well Senator, I don't understand how that would benefit the publishers because if they charge us, say, \$30 an e-book and we buy ten, we buy ten for \$30 each. It doesn't make any -- it shouldn't make any difference. They sell one copy for one price and they sell ten copies for the same price.

SENATOR WITKOS: Well I understand that, but also if there was those people that wanted to read it today, they go out and buy their own if they're able to.

CHRISTINE BRADLEY: Right, if they're able to.

SENATOR WITKOS: So -- and we haven't had any testimony from the publishers yet. I'm just anticipating that there's a dollar value assigned to it.

So to reach a happy medium somewhere up there had to be some negotiations in there, what would be the stance of the libraries to say, okay. We would agree to -- we would only purchase five copies of it or ten copies. I don't know. Pick the number, but I just wanted to kind of get a response back from you. If there was a number what would your response be?

CHRISTINE BRADLEY: Yeah. Senator, I feel that the library community is very anxious to work with the publishers because we understand their need to make a living. And I said we're not looking for a handout. We're purchasing their materials just the way the consumers purchase them.

And so I think you'll find that the library community here in Connecticut as well as nationally is very anxious to come to an

agreement with publishers. So --

SENATOR DOYLE: Senator Kissel.

SENATOR KISSEL: Thank you very much.

I really appreciate your testimony coming here and speaking to us. I look at this totally different. I view libraries as the easiest consumer for them. We can monitor you. We give you taxpayer dollars. You're not lawbreakers.

I mean, if they're worried about one e-book turning into something off of some island off the Atlantic coast being disseminated to everybody in the world, they have to worry about that. I think what you're willing to do and what people -- when I first asked about this with my own public library is, they can easily with the technology right now sell you one and you can only give it out once and they expire after two weeks.

CHRISTINE BRADLEY: Right.

SENATOR KISSEL: So I don't see any -- I appreciate were Senator Witkos is going, but I don't see any reason to limit it, just like why would they limit how many hardcover books?

CHRISTINE BRADLEY: Right.

SENATOR KISSEL: What I'd like you guys to do is this -- because I am so hundred percent onboard -- and by the way, when they do hardcover books they have to get bindings. They have to get printing. They have to get paper. I mean, this is nothing for them and I don't even know how they're treating the authors, but they certainly have no huge costs as far as the materials.

So they have all of the that they're reaping the profit of and if a hardcover both is the same price as the e-book, wow, is there a profit margin on the e-book and if we could strangle the libraries we can jack that margin of even more. I don't like it.

So when we were going to cut the budget to libraries I got inundated by e-mails and phone calls from my constituents because you guys are in a perfect spot. So put in a little book -- a little card or anybody who comes to your libraries throughout Connecticut, alert them to this. Stop e-book discrimination. Contact your state representative and Senator.

And I bet you this building will really catch on, that this is a huge issue. Because you guys are being abused and I think this is intolerable in a free society. No way. No how. It's got to stop here and what better place than New England and Connecticut? We're going to stop them.

Thank you.

CHRISTINE BRADLEY: Thank you.

SENATOR DOYLE: Representative Carter.

REP. CARTER: Thank you, Mr. Chairman. Just a couple questions.

Are your e-books available online, like for a member outside?

CHRISTINE BRADLEY: Yeah -- no. This is how it works, each library has a website and so there's a link to our platform we call it on the website.

So let's say for instance you wanted to borrow an e-book from your library. You go on to their website and you click into it and you choose your book and you take your library card number and you make the transaction with your library card, but you have to go to your library's website which then actually goes to an e-book platform, but that's how you would do it.

So you could do it -- the other thing I like, you can do it remotely. You know, your key is your library card and that's what gives you the access to whatever your library has purchased.

REP. CARTER: And about how much is a library membership down in Norwalk?

CHRISTINE BRADLEY: Library cards are free.

REP. CARTER: Free?

CHRISTINE BRADLEY: Yeah, to citizens, residents of Norwalk, yeah.

REP. CARTER: By the way, I'm part of the Friends of the Library, so I give money, so I always assumed there was a charge. Boy, was I wrong. Those guys had me going.

(Inaudible) thank you very much for your time.

SENATOR DOYLE: Thank you.

Any further questions?

Chris, can you -- one more question. Yeah, representative Rovero first. Yeah.

REP. ROVERO: Thank you, Mr. Chairman.

I had a question and I guess I'm getting confused. Is it that the libraries do not have access to e-books or the libraries do not want to pay the price that e-books want to charge you? I'm confused. What's the problem?

CHRISTINE BRADLEY: I hear you. It's -- the problem is that we cannot purchase certain books at all. Pricing varies from publisher to publisher and some of the pricing is quite high, but that's a separate issue. Okay.

The problem that we have is that they flat out will not sell certain titles that are on the best seller list and what they'll do in some cases is a popular author -- let's say, James Patterson, he writes lots of mysteries; they'll only sell us titles he's written from 2010 and back. They won't sell as any of the new stuff, which again is on the best seller list.

So -- but it varies from publisher to publisher. We have six major publishers in our country and each one of them has a different way they deal with libraries. And only one of those absolutely will not sell any e-books to libraries, period.

REP. ROVERO: And I have a problem. I can't understand why any business would sell it to me at, say \$10 --

CHRISTINE BRADLEY: Yeah.

REP. ROVERO: -- and not want to sell it to you at \$10. I can't understand that. I have a problem with that.

CHRISTINE BRADLEY: Representative --

REP. ROVERO: I have a problem with you saying,

look, I want to pay one \$10 and give it out to a hundred people because those people have to make money, but I do have -- I agree with the gentleman at the other end that said that if this -- discrimination. But on the other hand we can't expect it for nothing, you know, we're going to have to pay for it like we pay for hard copies and so forth, but thank you very much.

CHRISTINE BRADLEY: Right. Absolutely.

SENATOR DOYLE: Thank you.

Chris, I have a question. Just to clarify going back to the reason why they might not want to --

CHRISTINE BRADLEY: Right.

SENATOR DOYLE: -- I want to clarify it's not necessarily -- again, Senator Witkos gets it for his own for two weeks. You pay for the same price.

CHRISTINE BRADLEY: Yeah.

SENATOR DOYLE: But how does it work? Somebody mentioned -- the state librarian said you can lend it to 26 people rather than just one to one. That's if you have a bigger number that's a distinction that actually may be a motivation to shut you guys out, even though it's the same thing as with hardcover books.

CHRISTINE BRADLEY: Uh-huh.

SENATOR DOYLE: They may be looking at it differently. Like, what is your library's? Do have, like, is it 26? Or is it -- how does it work like that?

CHRISTINE BRADLEY: Yeah, good question. Now -- and again, I'll just be practical the way I do it in my own library. We purchase one copy and then we loan it out for as long as we can, just the way we do with the print book.

The state librarian was referring to one of the publishers who wanted to set a limit of -- and then force you to buy a second copy. What -- the market really rules that in my library. If we have a long list of people waiting we buy a second copy, just as we do for print books. And so with the Representative's concern, I honestly think the publishers are really thrown by this technology and they're afraid.

I think they're afraid of what will happen and that's why I think an opportunity to sit down with them and say, look, this is how libraries are doing it and they're the same customers you've had for so long. But I think maybe because of what happened in the music industry -- I -- honestly, I don't know. I don't know publishers, but I think that they are just not able to deal with this technology.

SENATOR DOYLE: So right now then the question is you think it's a parallel to a hardcover book. It may be unlimited --

CHRISTINE BRADLEY: Yeah.

SENATOR DOYLE: -- but your point is they may be more fearful of piracy, somehow. It goes to me and I'm a computer wizard and I can make a copy and send it to my friends. That may be their fear, but at some point maybe we'll get testimony or if the bill moves on I'm certain they will appear.

CHRISTINE BRADLEY: Yeah. And that would be good to hear from them because I'm sure they have a point of view. But as I said, there's six of them and each one does it differently. So --

SENATOR DOYLE: But do some limit it to the -- do some limit the usage of the e-book, like, per copy?

CHRISTINE BRADLEY: Yes. Some, yes.

SENATOR DOYLE: Okay. So some have limitations.

CHRISTINE BRADLEY: The 26 copies. Others have -- I don't want to mention certain names.

SENATOR DOYLE: Yeah, don't.

CHRISTINE BRADLEY: Because it's not appropriate, but some of them just jack up the price and that's it. And so that doesn't bother me as much as it does other people and because we pay the price, but it's the not selling to us at all, not --

SENATOR DOYLE: Yeah. And the librarian position is that e-book is the same as the hardcover book.

CHRISTINE BRADLEY: Yeah.

SENATOR DOYLE: So you should be able to -- you paid one price before. Why not now?

CHRISTINE BRADLEY: Yeah.

SENATOR DOYLE: Okay. Thank you.

Any further questions? Thank you very much.

Okay. The next speaker is Representative Betts.

SENATOR DOYLE: Thank you very much.

Any questions from the committee? Seeing none, thank you.

The next speaker is Jay Johnston, then William Giannos, Steve Parker, Vince Juliano John Sartori and Rafie Podolsky.

JAY JOHNSTON: Good afternoon, Senator Doyle and Representative Baram, committee members. I'm Farmington Library Director Jay Johnston and I'm here to tell you we're deep trouble. I'm also here to thank you for your decision to take on this important and leading position for the people of Connecticut, that being proposed Bill 5614.

I'm also so proud to be here today and see this process and see you sitting through the testimony. It's very inspiring for me to know that our state is so well represented and to hear the people speaking and to see you listening.

I'm not here to disparage those publishers who will not sell to us or those publishers who sell only to us at a premium price. I'm here to alert you and send the word forward that public libraries in Connecticut cannot sustain in the 21st century without the partnership we have enjoyed with publishers over the past 100 years.

If this is an access, okay? And this is reading. Okay? Reading starts here. If you look at the demographics of books, there's a split between people under 40 and people over 40. People over 40, of course, read books. People under 40 are continually adopting electronic media.

So if you look at our demographics and then look at our production, our real books are going down and our electronic books are going up. So it will be a precipitous fall if we do not remain engaged in the electronic book business for the citizens.

In that relationship we have engendered a love of reading providing a platform for young people, pre-k, adolescents, young adults, adults and the elderly all to enjoy reading and also to facilitate reading with materials. We need materials to read.

A history lesson I thought would be interesting. Andrew Carnegie, a young man who came to this country with very little on his back but a shirt and a tattered coat, at that point in American history libraries required membership that cost money which Carnegie did not have. We found ways to learn what he needed to without libraries because of his genius, but at the end of his life when he was divesting his wealth he knew that if he had the access to libraries he needed as a young man his journey would have been a great deal less arduous and his successes even greater.

It is because of this that Carnegie built libraries across America making America better for hundreds of millions of people he would never ever know. And I think that's something we forget, that the American public library system was really -- the genesis of it was Andrew Carnegie, because before Carnegie every town did not have one. And in state of Connecticut where the law of 1894 allowed municipalities to provide public library service, Carnegie came in right around that time. And really, most of the towns in Connecticut have Carnegie libraries.

In closing, I'd ask each of you to pick up the shield of justice and hold it high and say that Connecticut cannot tolerate American publishers turning their backs on the institutions which have made them successful. We need e-books from all publishers with all the authors. We need a partnership that would allow libraries to give access to elderly people who want to read and can read e-books, because e-books allow the flexibility of increasing the font size so that one page can become 8 views when even I can read with these old tired eyes.

The legality of this is a moral one and shrieks for justice. I am just so proud that you have all the courage to go forward with this important legislation. Connecticut here sits at the cusp of this problem. And I am very excited that you all have taken on Representative Sear's suggestions.

SENATOR DOYLE: Thank you.

Any questions from the committee? I'll just point out I'm in your graphic. I'm over 40 and I read the hardcover newspaper and the hardcover books and I will not be seeking an e-book. So I play right into your premise.

JAY JOHNSTON: I'm 70, I need them.

SENATOR DOYLE: Yeah. Thank you.

Next speaker is William Giannos, Steve Parker, Vince Juliano, John Sartori, Rafie Podolsky Lorna Bolduc.

Is William Giannos -- I may have mispronounced it.

A VOICE: (Inaudible.)

She's watching over us today. That's why I'm here.

SENATOR DOYLE: Thank you.

Any further -- thank you very much, Steve for coming down.

STEVE PARKER: Thank you.

SENATOR DOYLE: Thank you.

STEVE PARKER: Sandy, thanks for being such a champion for a long time.

SENATOR DOYLE: Thank you.

The next speaker is Vince Juliano then John Sartori, Rafie Podolsky, Lorna Boldoc, Scott Soucey, Mike Fox.

Vince Juliano.

VINCE JULIANO: Good afternoon. I'm Vince Juliano. I'm the Assistant Director of Russell Library in Middletown, Connecticut, and I'm here to speak in favor of H.B. 5614. You all have my testimony. I'm going to just hit a few key points so we don't go over the same ground over and over again.

I am concerned about the pricing and the unavailability of e-books and I make no bones about it. And I'll get to a couple of examples, but first I just want to mention that that magic 26 number that came up, okay? The 26 refers to the number of uses that a publisher would allow an e-book to be used at a library. It does not mean we lend it out to 26 people at the same time. It means we lend it out to one person at a time and we would be able to do that 26 times. So I just want to

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rgd/gbr GENERAL LAW COMMITTEE

February 7, 2013
1:00 P.M.

be sure that that's clear.

Now the way we use e-books is we use a contractor, a distributor and that distributor lends the books, allows -- I should say, allows the patron to download the e-book to their device, again, just one item at a time.

This is a new -- this is an exciting service. There are a lot of bumps along the way. My library participated in a moratorium against a publisher who jacked up the prices on their books, okay? From \$35 to \$105. They did that brazenly and we had no choice. Several libraries decided to not buy items from that particular publisher. However the publisher has reacted a little bit and very selectively reduced some of the prices.

Now let me get to prices. Douglas County Libraries throughout the West and Colorado, a few months ago they started an e-book pricing comparison sheet, okay. There's a handful of facts that I want you to be aware of. In January they looked at the top 20 books that are sold by Amazon.com. Okay? Seventeen of the top 20 books are available as e-books, so not everything was available to anyone as an e-book, only 17 of the 20.

Okay. Of those 17 titles, 8 were not even being sold to libraries. So that's almost half of the top 20 books, that Amazon sales were not even available to libraries. Of the remaining nine titles the selling price to libraries is higher than the price that either of the two major book distributors sell to the general public.

So if you add up the cost of those nine titles, consumers -- I'm going to finish -- the consumers who purchase them from

distributor one would pay 125, almost 126 dollars. Distributor number 2 would charge \$128 for those same books. However if a library bought those same books, the cost would be over \$519. Okay? We're talking about four times as much for the same titles that I could buy. Okay? As an individual. But I buy them as a library, suddenly the price drops -- I mean, increases from \$125 to almost \$520.

Now this is not an isolated case. Douglas County Libraries do this in a variety of ways almost every month now for the past few months. A few months ago they looked at the New York Times bestseller list and they looked at the top 25 USA Today bestsellers. The results were pretty much the same.

So in short, libraries are being discriminated against in terms of price and libraries are being limited severely in their ability to carry out the mission of bringing reading materials and information the public.

I want to thank you, by the way, for listening to us. I know it's a long day.

Oh, one more thing. Senator Doyle, you can read hardcover books and e-books. I do. Okay? So let me assure you that --

SENATOR DOYLE: Someday I may have to.

VINCE JULIANO: -- they both work fine.

SENATOR DOYLE: Someday I may have to.

Thank you.

Any questions from the committee?

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rgd/gbr GENERAL LAW COMMITTEE

February 7, 2013
1:00 P.M.

Representative Rovero.

REP. ROVERO: Thank you, Mr. Chairman.

One quick question. You said you lent out a book, an e-book, 26 times. That's the maximum times you could lend it out.

VINCE JULIANO: Now this is with one particular publisher.

REP. ROVERO: Okay. Did you have to pay every time you lend it out? Or do you pay one fee and then you could lend it out 26 times?

VINCE JULIANO: You pay one fee. Just as other speakers have told you, this is precisely what we do with other books.

REP. ROVERO: No, forget about other books. E-books, in other words, they charge you a fee for using it and every single time you lent it out, will you have a problem with paying the same fee that I had to pay if I didn't go to your library?

VINCE JULIANO: Yeah, but I'm not reading it 26 times. I'm lending it out --

REP. ROVERO: I know that, but the publisher is only getting paid once.

VINCE JULIANO: Right now. Right now he's only getting paid once for this book. That's the whole idea of a public library, is to make available to the general public materials. Not everyone can afford to go out and spend \$26 or \$25 for every book they want to read.

One of the things we can do in a public library is provide a wide variety of reading materials so that people can find things they

want to read, take them home and read them. Many of the books that go out of the library are, believe it or not, are not read cover to cover.

People take them home, they read a few pages, they bring them back to the library and say, this isn't my taste. Now that's -- that happens frequently and that can happen with those 26, as we call them, circulations or downloads. It doesn't mean all those books are read cover to cover.

REP. ROVERO: Okay. I was just trying to get in my mind why a company would not let -- allow you to put out more than 26 times, but now I'm getting the idea. In other words, they're only getting paid once, where if they give it to every one of us they're going to get paid this amount of times. Okay. You answered my question. Thank you very much.

VINCE JULIANO: Yeah. Well, they have to sell it to you first. And one of the things we do in libraries is we found that people who use libraries to read books also buy books. So it's been -- we've had a good relationship with publishers until now.

SENATOR DOYLE: Thank you.

Any further questions from the committee?
Seeing none, thank you very much.

VINCE JULIANO: Okay. Thank you.

SENATOR DOYLE: Next speaker is Jim -- sorry, John Sartori, Rafie Podolsky, Lorna Bolduc, Scott Soucey, Mike Fox, Chris Herb.

John Sartori.

KATE BYROADE: That's okay. Everybody does it.

Hello. I'm another member of the library mafia. My name is Kate Byroade. I'm a resident of West Hartford and the Director of the Cragin Memorial Library in Colchester.

HB 5614

You guys asked great questions and you can -- I can understand why it's confusing to you, because it's confusing to us in our everyday job. I would like to contribute some additional clarity around the proposed e-books legislation.

I don't know exactly what the legislative solution is, but the entire book material budget I work with in Colchester is \$48,500. That's to serve a population of just over 16,000 people. I have about \$2,500 allocated this year to purchase e-books.

I have some major problems with the publishers. Four out of six major publishers -- four out of six will not sell me e-books. They won't do it. It's pretty mean.

One of the remaining publishers will sell to me, but only on the condition that I can only let it be borrowed 26 times. And when I say sell, I mean I pay a fee. I don't actually own the material. And then I have to decide whether or not to renew the license.

When that first happened we thought it was terrible. Now we're seeing it as kind of almost a deal-able model because at least we know that the books are getting used and that the amount that we're paying is not unreasonable.

And then the final of the six major publishers

will only sell me a best-selling book at usually three times it's hardcover price. So 80 to a hundred dollars, which is pretty ridiculous again. Because with my \$2500 budget 80 bucks a pop does not go very far, especially since they're one of only two publishers I can buy materials from at all.

E-books have been around for over a decade. I want to reiterate my colleague, Christine Bradley's feeling that the publishers are acting from a place of fear and are not dealing with us in a fair, constructive, rational manner. E-books have been around for a decade. If they were going to get hacked and pirated it would have happened by now. The iPhone 5 was hacked in eight hours.

Textbooks, e-textbooks are something that college students, who are hackers, would like. They're not hacking them? Why? Because the market is fair. When iTunes came out pirated music went down because it was a fair business model. I think the publishers, when they're selling to the public directly, it's a fair business model, but they're not being fair with libraries. I think that the sales model for e-books pioneered by Amazon made e-books tremendously popular. They sold them to the public at a fair rate. They're not doing that with libraries.

And thank you very much for your consideration. We will have to have a lot of discussion around it. Take care.

SENATOR DOYLE: Thank you.

Any further questions? Any further questions from the committee? Thank you very much.

That's the last person signed up. Are there

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FARMINGTON LIBRARIES
Since 1901PS: 10
Line: 23Jay Johnston M.S., M.A.
Executive Director, CEO

RE: Remarks on February 6, 2013 supporting Connecticut General Assembly Proposed Bill No. 5614 a bill that would require publishers of electronic books to license e-book titles offered to the general public to libraries.

Good afternoon Sen. Doyle and committee members. I am Farmington Library director Jay Johnston and I'm here to tell you that we are in deep trouble. I am also here to thank you for your decision to take on this important and leading position for the people of Connecticut and the people of the United States of America.

I'm not here to disparage those publishers who will not sell to us or those publishers who sell to us only at a premium price. I'm here to alert and send the word forward that the public libraries of Connecticut cannot sustain in the 21st century without the partnership we have enjoyed with publishers over the past hundred years. In that relationship we have engendered a love of reading, provided a platform for young people, pre-K, adolescent, young adults, adults and the elderly to enjoy reading and to facilitate access to reading materials.

A history lesson: Andrew Carnegie as a young man came to this country with very little but the shirt on his back. At that point in American history, libraries required membership that cost money which Carnegie did not have. He found ways to learn what he needed to learn without libraries because of his genius. But at the end of his life when he was divesting his wealth, he knew that if he had the access to libraries he needed as a young man, his journey would have been a great deal less arduous and his successes even greater. It is because of this that Carnegie built libraries across America making America better for hundreds of millions of people he would never know.

In closing, I will ask each of you to pick up the shield of justice and hold it high and say that Connecticut cannot tolerate American publishers turning their backs on the institutions which have made them a success. We need e-books from all the publishers with all the authors. We need a partnership that will allow libraries to give access to elderly people who want to read and can read e-books because e-books allow the flexibility of increasing the font size so that one page can become 8 views which even I can read with my tired old eyes. The legality of this is a moral one and shrieks out for justice. I am so proud that you all have the courage to go forward with this important legislation.

Thank you so very much...

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www.russelllibrary.org

A Gateway to the Future of Middletown

PS: 11
Lae: 12
HB 5614

Good afternoon members of the General Law Committee.

My name is Vince Juliano. I am the Assistant Director of the Russell Library in Middletown, CT.

Thank you for providing me the opportunity to briefly discuss this issue. I am in support of legislation that would require publishers of electronic books to offer eBooks for sale to public and academic libraries at the same rates as offered to the general public.

Russell Library is a member of a library cooperative known as Libraries Online, or LION, for short. LION member libraries, early on, sought to provide members of their respective communities with downloadable eBook service. We contract with a company to provide us with an electronic framework so our library customers may borrow eBook titles we purchase by downloading the titles, one at a time, to their own eReaders.

This is a new and exciting service. However, libraries have been the target of discriminatory pricing by several publishers. There are even some publishers who outright refuse to sell eBooks to libraries. Last year, one publisher brazenly tripled the library purchase price of several of its titles. For example, this publisher raised the price to us on one such title from \$35 to \$105! In reaction, the Board of Directors of LION imposed a moratorium on eBook purchases from that publisher. Since that time, that particular publisher has *selectively* lowered prices on some of its titles. However, the problem continues.

Several months ago, the Douglas County Libraries of Colorado, started publishing eBook pricing comparisons to highlight the problem of discriminatory pricing.

Here are a handful of facts from their January price comparison, when they looked at the Top 20 Books sold by Amazon.com:

- 17 of the top 20 books are available in eBook format.
- Of those 17 titles, 8 are not even being sold to libraries.
- Of the remaining 9 titles, the selling price to libraries is higher than the price that either of two major book distributors sells to the general public.
- If you add up the cost of those 9 titles, consumers who purchase them from Distributor #1 will pay a total of \$125.83. If a consumer buys them from Distributor #2, the total cost would be \$127.88. **However**, if a library purchases those very same titles, the cost will be **\$519.46!** That means your local public library would be spending 4 times as much for the same titles that you or I, as individuals, would pay. It means a great deal more money spent on fewer books for the public.
- A few months ago, Douglas County Libraries did similar price comparisons using the New York Times Bestseller List and the Top 25 USA Today Best-Selling Books. The results were similar: libraries were charged more or were being shut out completely, in some cases.

Finally, I am using the term "purchase" very loosely here. In fact, a library never actually owns the eBooks it pays for. It merely *licenses* the title for its use. In short, libraries are being discriminated against in terms of pricing, and they are being limited in their ability to carry out their mission of providing reading material and information to the public.

Thank you.



PO BOX 758 • HARTFORD, CT 06113 • TEL: 860-524-1234 • FAX: 860-524-1234

**General Law Committee
Public Hearing: 2/7/13**

**PLEASE SUPPORT HOUSE BILL 5614
AN ACT CONCERNING E-BOOKS AND LIBRARIES**

The Connecticut Library Association is a statewide educational and advocacy organization comprised of public, academic and corporate librarians. We strongly support House Bill 5614 and we thank Representative Brian Sear and the members of the General Law Committee for addressing the important issue of E-Books and Libraries.

We respectfully propose that the appropriate language for HB 5614 would be as follows:

House Bill 5614:

Be it enacted by the Senate and House of Representatives in General Assembly convened.

(NEW) Section 1. (Effective Date July 1, 2013). Any person who offers to license an electronic book to the public in Connecticut shall offer to license such book to libraries in Connecticut on reasonable terms that would permit the libraries to provide their users with access to the electronic book. These reasonable terms may include: (A) a limitation on the number of users to whom a library may simultaneously provide access to the electronic book; (B) a limitation on the number of days a library may provide a user with access to the electronic book; (C) and the use of technological protection measures that would prevent a user from (i) maintaining access to the electronic book beyond the access period set forth in the license; and (ii) providing other users with access to the electronic book.

We believe that this legislation provides a fair and straight-forward model for e-book publishers to provide licensing access to Connecticut Libraries. The legislation provides appropriate protections for e-book publishers to ensure that e-books are not inappropriately distributed to persons other than the library patron who borrowed the book from the library.

Some e-book publishers have worked with libraries to provide access under terms that are similar to the terms set forth in our proposed legislation; but other publishers are more reluctant, providing the need for this legislation. Patrons of Connecticut libraries should have the ability to access e-book versions of exciting new books and exciting new authors.

THANK YOU VERY MUCH FOR YOUR CONSIDERATION OF HOUSE BILL 5614.



NORWALK

FOR THE MOVE!

THE NORWALK PUBLIC LIBRARY SYSTEM
NORWALK PUBLIC LIBRARY/SOUTH NORWALK BRANCH LIBRARY

PS: 6 Lwe: 25

Testimony of Christine Bradley, Director Norwalk Public Library System
Concerning Proposed H. B. No. 5614 AN ACT CONCERNING E-BOOKS AND LIBRARIES.
General Law Committee February 7, 2013

Good afternoon Senator Doyle and members of the General Law Committee.

I appreciate your holding this hearing on H.B. 5614 because it gives us a chance to alert you to a problem that we have never before encountered. It seems that our money is no good. If a public library wants to buy a book in hardcover, paperback, or audiobook format, any publisher will take our money. However, when we want to purchase that same title in Ebook format, we are either flat out refused, or subject to prohibitive costs and conditions.

Public libraries do not discriminate against EBooks. We have the same check out and purchasing policies as we have for other books. Publishers, however, have been discriminating against public libraries in the selling of EBooks.

Their unwillingness to sell to libraries may stem from their own fears or misunderstandings about these new technologies. But I fear the beginning of a new divide, not the digital divide that libraries have worked so hard to ameliorate, but a readers' divide. These publishers are preventing people from participating in the great recycling center that is the public library. If you download your EBooks from the public library, you can read only certain titles and only backlists of certain authors. If you can afford to pay for each book you download, then you can read whatever you want.

Norwalk Public Library's book budget is \$250,000; our patrons expect us to buy books on the best seller list. It's their tax dollar at work. But publishers have decided that library customers are not equal to individual customers when it comes to EBooks, that the library's money is not as good as the individual's. This has never before happened. In fact, libraries are used to getting a considerable discount on books because we buy so many copies.

In CT, we have a public library in every city and town because we value a literate populace. We need your help in convincing the publishing industry that public libraries are their best customers, not a threat to their business. Publishers, however, are becoming a threat to the reading public.

EBooks are most popular with people who read a lot. One of our biggest challenges in the library this winter has been helping people get the knack of downloading eBooks to the many different kinds of Ereaders and tablets that are now available. That is problem we can deal with. The problem with which we need your help is to be able to buy the books they want to download.



State Agency

STATE OF CONNECTICUT

CONNECTICUT STATE LIBRARY

231 Capitol Avenue • Hartford, Connecticut 06106



KENDALL F WIGGIN
State Librarian
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Testimony of
Kendall F. Wiggin, State Librarian

Concerning Proposed H. B. No. 5614

AN ACT CONCERNING "E-BOOKS" AND LIBRARIES.

General Law Committee

February 7, 2013

Good afternoon Senator Doyle, Representative Baram, and distinguished members of the General Law Committee My name is Kendall Wiggin and I am the Connecticut State Librarian. I am here to speak in support of H B 5614

For more than 100 years libraries have been acquiring books through purchase and gifts and loaning them to the residents of Connecticut. Last year Connecticut's public libraries loaned over 20 million books and magazines Libraries are able to easily acquire and loan printed books because they are copyrighted and sold. Libraries are not, however, able to acquire and loan eBooks in the same way. Why? Because eBooks are licensed just as the software on your computer or tablet is. You don't own that software and libraries don't own their eBooks To use that software you were required to agree to a license agreement that you probably didn't understand and which severely limits what you can do with that software. If you won't agree to the license you cannot use the software. Today some of the biggest publishers will not license their eBooks to libraries. Some will license them to libraries, but under terms that are less than favorable to libraries.

Public Libraries provide a public good by making information freely available to all – regardless of age, ethnicity, educational level, or income. Equity of access is a core value of libraries It shouldn't matter what format the content comes in – including digital.

For public libraries to continue to meet the information needs of their communities they need a level playing field in the eBook market place. The Connecticut Library Association is proposing changes to this bill which I support. These changes would go a long way toward improving access to eBooks for all the residents of our state by addressing the inequities libraries are facing in the market place while at the same time protecting the interests of publishers and authors

I look forward to working with the Committee, the Connecticut Library Association and others to insure that the public's access to information through libraries is not abridged and that public libraries continue to play an important role in building literate and knowledgeable communities



State of Connecticut
 HOUSE OF REPRESENTATIVES
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 PS: 1 Line: 18

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MEMBER
 ENVIRONMENT COMMITTEE
 GOVERNMENT ADMINISTRATION & ELECTIONS
 COMMITTEE
 PLANNING & DEVELOPMENT COMMITTEE

TO: Senator Doyle, Representative Baram
Members of the General Law Committee

RE: Proposed House Bill 5614

I am Brian Sear, Representative from the 47th District. I'm here to testify in support of Bill 5614, An Act Concerning E-Books and Libraries, which I am sponsoring. While the current wording of the bill only references cost equity, our goal is to ultimately provide fair access for all Libraries, of which cost plays a significant role.

Libraries of all types: Public, Academic, School, and Special, play an essential role in our society... providing information and resources to all of our population. This is not a static role; it is ever evolving. There is no downside to Libraries, and no segment of the population that is not served by them. Young, old, rich, poor, urban, rural... all of our population use libraries to access entertainment, professional development, research, and just plain curiosity.

Libraries serve society best when they provide a full range of information. Currently, due to technological and economic considerations, Libraries are being discriminated against in access to electronic books. There is no clear framework for providing this access, or agreement on a fair cost and/or licensing structure.

Rather than sitting on the sidelines waiting for some sort of market-based framework to evolve, if it ever would, we in Connecticut want to take the lead in creating a framework of fair and comprehensive access to e-books for all of our Libraries' patrons. Every day, throughout Connecticut, and the country, Library Directors and their staffs are faced with disappointed and frustrated patrons who want to know when, and what, titles will be available in electronic format for the books they want to read. Library Boards are similarly frustrated in trying to determine what resources to commit to e-books.

I believe fair and thoughtful Legislation will create a working system in Connecticut that will benefit all parties. Thank you for your consideration and willingness to address this exciting new proposal.



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February 7, 2013

HB5614

Please accept my testimony on behalf of the Connecticut Library Association, Connecticut's professional organization of over 1,000 librarians, library staff, trustees and friends who work together to improve library service in our state.

I want to thank Representative Brian Sear for his assistance and support of this proposed bill. Also, on behalf of the organization I want to thank the members of the General Law Committee for scheduling this public hearing and taking testimony.

My remarks today will be brief in order to allow my library colleague to speak in more detail concerning aspects of this issue affecting Connecticut's libraries.

Publishers and libraries have long had a mutually beneficial relationship regarding the availability and access to books. Now as publishing is changing with technology, publishers are having a difficult time addressing our concerns.

You will hear testimony on many aspects of this issue. However the key issue is equity of access, a cornerstone of library service. Today, publishers do not provide libraries with access to their full list of electronic books. They further hinder access with a variety of restrictive circulation models. Combine these factors with pricing which is set higher than retail and what remains is a situation which inhibits equity of access and which we believe to be discriminatory.

We are asking that Connecticut's libraries have access to publisher's full title lists at pricing levels consistent with that of the current consumer market.

In accomplishing this, Connecticut's libraries will be able to fulfill the promise of equal access for all citizens of the state.

Submitted by:

Carl R. DeMilia
President, Connecticut Library Association
Director, New Milford Public Library



Betsy Gara
Executive Director
COST
Before the
General Law Committee
February 7, 2013

HB-5614, AN ACT CONCERNING "E-BOOKS" AND LIBRARIES

The Connecticut Council of Small Towns (COST) supports HB-5614 which will help municipalities save costs associated with E-Books and encourage students and residents to read more by making such books more widely available.

Given the difficult budgetary pressures facing Connecticut's small towns, we are exploring opportunities to save money and resources wherever possible. We are interested in efforts to reduce costs associated with E-Books in ways that will not compromise the public's access to literature.

COST is an advocacy organization committed to giving small towns a strong voice in the legislative process. Its members are Connecticut towns with populations of less than 30,000. COST champions the major policy needs and concerns of Connecticut's suburban and rural towns.

February 2013

Connecticut Library Association Talking Points

Proposed Bill No. 5614

Summary: In February, a bill proposal will be introduced in the Connecticut General Assembly that would require publishers of electronic books to license e-book titles offered to the general public to libraries.

Basic E-book Challenges

- Several of the world's largest publishers are resorting to price gouging or setting checkout limitations on e-books sold to libraries, while others have openly refused to sell to libraries.
- In many cases, e-book circulation is hindered by the availability of popular titles.
- We expect the number of e-book readers borrowing from their libraries to grow over the coming years. Pew data found that "e-book users are quite attached to their libraries" and that "they are very important to them and their families."

On the Bill:

- As more and more content is delivered digitally, Connecticut libraries are struggling to provide free access to the communities they serve when some publishers place unfair restrictions and prices on ebooks and other digital content.
- Six major publishers are making it difficult for libraries to purchase ebooks by imposing unfair e-book lending practices, which includes price gouging, lending restrictions and, in some cases, outright refusal to license e-books to libraries.
- As several large book publishers continue to deny libraries access to e-books, state libraries are unable to offer all the e-reading choices our patrons demand and deserve.
- The passing of the bill would make e-books accessible to libraries at fair terms. The Connecticut bill is the first state-wide bill proposal initiated on the availability of e-books for library purchase.
- The bill proposal is reflective of the frustrations that Connecticut library patrons are facing as their local libraries work to serve the public and to fulfill their role in society.
- The bill was proposed because libraries must act now to ensure that patrons have equal access to the reading and educational materials that they need, regardless of their socioeconomic status.
- Today's public libraries are technology hubs that millions rely on as their first or only choice for Internet access and digital content, and Connecticut libraries have a responsibility to provide patrons with the information that they need.
- Libraries have tremendous responsibility in ensuring that all people have access to the content they need – no matter what format that content comes in.

- The ebook bill brings the e-book library lending issue to the forefront. The bill helps to facilitate a public dialogue about the role that libraries play in building literate and knowledgeable communities.
- The public should know that libraries offer e-books and 21st-century library services, but are unable to offer all the e-reading choices that their patrons demand.

Nationwide Library Action

- The American Library Association (ALA) has been a major advocate for fair and equal e-book library lending practices. Over the course of the last year, the American Library Association met with key players in the publishing ecosystem to better understand publisher concerns and to advocate for access to ebooks for libraries under fair and reasonable conditions.
- Additionally, ALA established the Digital Content & Libraries Working Group (DCWG), a member group that advises the Association on issues related to libraries and digital content, and the provision of equitable access to digital content for all.
- In the last year, the Digital Content & Libraries Working Group has developed tools, including the [ALA Ebook Media Toolkit](#), to support librarians across the country in raising awareness that libraries are unable to purchase content at any price from publishers.
- Additionally, the DCWG created reports related to ebook business models for public libraries and initiated a series of tip sheets to provide information on the complicated issues in providing digital resources to their patrons and students.
- Most recently, ALA released the [ALA Business Model Scorecard](#), a report that examines specific variables often seen in library ebook license contracts.
- The DCWG recommends three basic attributes that should be found in any business model for ebooks:
 1. **Inclusion of all titles:** All ebook titles available for sale to the public should also be available to libraries.
 2. **Enduring rights:** Libraries should have the option to effectively own the ebooks they purchase, including the right to transfer them to another delivery platform and to continue to lend them indefinitely.
 3. **Integration:** Libraries need access to metadata and management tools provided by publishers to enhance the discovery of ebooks.
- Other library groups have advocated for fair lending practices, including the State Library of Kansas, which [launched a Facebook campaign](#) in 2012.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 11
3446 - 3814**

DEPUTY SPEAKER MILLER:

Is there objection? Is there objection?

So ordered.

Will the Clerk please call Calendar 130.

THE CLERK:

Calendar 130, on page 5 of the Calendar, favorable report of the joint standing committee on General Law, House Bill 5614, AN ACT CONCERNING E-BOOKS IN LIBRARIES.

DEPUTY SPEAKER MILLER:

Representative Baram.

REP. BARAM (15th):

Good afternoon, Madam Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER MILLER:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill.

Representative Baram, you have the floor, sir.

REP. BARAM (15th):

Thank you, Madam Speaker.

This bill directs the commissioner of Consumer Protection to undertake a study on the availability of

electronic books to Connecticut state public libraries. This study would be in consultation with the state librarian and, Madam Speaker, the Clerk has an amendment, LCO 6850. I would ask that the Clerk please call that amendment and that I be granted leave of the Chamber to summarize?

DEPUTY SPEAKER MILLER:

Will the Clerk please call LCO 6850, which would be designated House Amendment Schedule "A."

THE CLERK:

House Amendment Schedule "A," LCO 6850,
introduced by Representative Baram, et al.

DEPUTY SPEAKER MILLER:

The representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

Hearing none, Representative Baram, you may proceed with summarization.

REP. BARAM (15th):

Thank you, Madam Speaker.

As I said before, this bill, as amended, asks the Consumer Protection commissioner to undertake a study in consultation with the state librarian and the

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Attorney General to determine ways to make e-books more available to our Connecticut state public libraries.

This study would also include consultation with other third parties, such as authors, publishers, electronic distributors and the like. This study would determine what problems exist in making e-books available to our libraries and also recommendations on the availability of these e-books to our libraries. The study would be reported back by February 1, 2014.

There is no fiscal impact in connection with this bill and I would move its passage.

DEPUTY SPEAKER MILLER:

The question before the Chamber is adoption of House Amendment Schedule "A."

Will you remark on the amendment?

Representative Carter of the 42nd -- I'm sorry -- of the 2nd.

REP. CARTER (2nd):

Thank you, Madam Speaker.

Question, through you, to the proponent of the amendment.

DEPUTY SPEAKER MILLER:

Please frame your question, sir.

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REP. CARTER (2nd):

Thank you.

Through you, Madam Speaker, as we drafted this amendment, it's my understanding that in the survey we are not including other states because, of course, we're trying to keep the cost down. I just wanted to make sure that it is the intention that as we look at this study we will look at what's going on in other states and this amendment in no way precludes that from happening.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Baram, will you respond, sir?

REP. BARAM (15th):

Through you, Madam Speaker, while we're not doing a formal survey of other states, obviously, the input from the publishers and the distributors will involve suggestions and practices engaged in other states which will become part of the information to allow DCP to make recommendations so, indirectly, I believe that there will be a review of what other states are doing.

DEPUTY SPEAKER MILLER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, and I thank the gentleman for his answers.

As we progress, looking at this e-books concept, I think that we've come together to really bipartisan fashion to come up with a study and make sure that we look at this issue thoroughly. In fact, this has been one of the more controversial issues, I think, that we've had in General Law this year so I would like to give my thanks and appreciation to the good chair of the General Law Committee for his help as we came together on this study idea, and I also urge my colleagues to support it. Thank you.

DEPUTY SPEAKER MILLER:

Thank you, sir.

Representative Sear of the 47th.

REP. SEAR (47th):

Madam Speaker, thank you.

I'd like to speak to the underlying bill as opposed to the amendment.

DEPUTY SPEAKER MILLER:

Can you hold on please, sir. Please stand at ease.

All right, I'm sorry, sir. Thank you.

Representative Alberts of the 50th.

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REP. ALBERTS (50th):

Thank you, Madam Speaker.

If I may, a question to the proponent of the amendment?

DEPUTY SPEAKER MILLER:

Please frame your question, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

There's lots of references in the amendment that's before us, the public libraries. And in my district, we have a number of small libraries that are only open part time and might be open two days a week or three days a week, and I just wanted to ensure that it was the intention of the framer of the amendment, the proponent of the amendment, to make sure that we included these libraries in the scope of this proposal.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Baram, will you respond, sir?

REP. BARAM (15th):

Through you, Madam Speaker, it is our intention to include those libraries.

DEPUTY SPEAKER MILLER:

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Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker, and I thank the
proponent.

And I think this is a good amendment and a good
bill.

DEPUTY SPEAKER MILLER:

Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker.

Question, through you, to the proponent of the
amendment?

DEPUTY SPEAKER MILLER:

Please frame your question, madam.

REP. SAWYER (55th):

Thank you.

When -- I had been following this bill since the
inception and have been a great supporter of it. My
question is has there been a discussion about schools,
school libraries and the inclusion and the effect,
perhaps, during this task force if the schools would
be -- their libraries would be included in the
discussions?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Baram, will you respond, sir?

REP. BARAM (15th):

Through you, Madam Speaker, that is a good point. There has not been specific reference to school libraries. At least, I consider school libraries public libraries they're part of our educational system, which is a public school system, and I think if we can resolve this problem for our normally considered public libraries, it will spill over and be applicable to the school libraries, as well.

DEPUTY SPEAKER MILLER:

Representative Sawyer, you still have the floor, Madam.

REP. SAWYER (55th):

Thank you, Madam Speaker.

And through you, in this discussion, what I did notice is it talks about in consultation with the state library and the Attorney General. I presume that both have agreed to participate.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, our discussions have been with DCP, and it's my understanding that DCP did inquire both departments or agencies and there is agreement to participate.

DEPUTY SPEAKER MILLER:

Representative Sawyer, you have the floor, madam.

REP. SAWYER (55th):

Thank you.

And for legislative intent, would you expect that perhaps the Attorney General would be the Attorney General or his designee?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I believe it would probably be a designee.

DEPUTY SPEAKER MILLER:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker, and I appreciate the clarification, Mr. Chairman.

DEPUTY SPEAKER MILLER:

Will you remark further on the amendment? Will

you remark further on the amendment before us.

If not, let me try your minds.

All those please signify by saying, aye, all those in favor.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MILLER:

All those opposed, nay.

The ayes have it, and the amendment it adopted.

Will you remark further on the bill as amended.

Will you remark further on the bill as amended?

Representative O'Neill of the 69th.

REP. O'NEILL (69th):

Yes. Thank you, Madam Speaker.

Since the amendment has been adopted and has now become the bill, as I understood it, it was a strike-all amendment, I just have a couple of questions to try to understand or, perhaps, provide some legislative guidance to the folks doing the study.

Is the expectation that the study is going to provide, in effect, a clear cut set of guidelines for some type of requirement that publishers have to make e-books available to libraries?

Through you, Madam Speaker.

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DEPUTY SPEAKER MILLER:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I expect that the study will look at how e-books are distributed and some of the legal issues involved in that distribution. Legal issues that may involve commerce laws, copyright laws, freedom of speech, et cetera, and that once those are reviewed, a set of recommendations will be made. Those recommendations will be reported back to the General Law Committee in February of next year. And then based on those recommendations, I would anticipate some further legislation would be developed that would go through the public hearing process to try and make these books more available to our libraries.

DEPUTY SPEAKER MILLER:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Because the underlying bill seemed to be a requirement that the books had to be made available as I understood the underlying bill. And this is actually a subject that's become quite controversial,

not just in the United States, but all around the world with the book publishers. And I'm hopefully going to make a brief quotation from a copy of The Economist Magazine from a couple of months ago. "In the publisher's eyes, librarians are sitting close to Satan," declared Phil Bradley, president of the Chartered Institute of Library Information Professionals.

The publishers worry a great deal, and I think there's hopefully this will be a factor to be considered by the study. And I'm not sure about the amount of time that's been allocated for this study is adequate to really address this issue fully, but the book publishers are afraid that if somebody gets a library card they're never going to buy another book again.

Unlike the situation where you borrow, will have to go to the library, physically pick up the book, physically take it home, physically bring it back when it's due. E-lending is so much more convenient that they're afraid that a lot of people are never going to go through the trouble of buying another book.

While that may make the libraries happy to have access to the books, there's a long-term consequence

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which I hope these studies will bear in mind and that is if the book publishers can't make any money selling books, they're not going to publish the books. I understand there's an alternative route to publication. People go directly to somebody like amazon.com or something and self-publish their books so maybe books will get published that way. But the book publishing industry, as far as I understand it, is deeply concerned about the potential for losses because of e-lending going on through libraries and some of the publishers simply refuse to make electronic versions available to libraries.

I understand -- and I think the study is a good idea, and I believe that this is a very complicated issue. It involves a lot more than just some sort of sense that the libraries are now being treated fairly and we want to force someone to do something, but it has a lot of longer term consequences and ramifications that I think need to be part of this study and I hope they will be.

Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Sear of the 147th.

REP. SEAR (47th):

Thank you, Madam Speaker, and thank you for bringing this bill up.

I'm a freshman, as you all know, and when I came in and they said what bills might you want to sponsor. Ideas to come up with my goal was what can help as many citizens of our state without having a fiscal impact negatively on our citizens and, potentially, every man, women and child does use the library and has access to a library.

There is an inequity that exists at this moment in terms of the e-books being available to libraries, and it's all over the map. Some publishers provide them to libraries at a fair price and it's working fine. Some don't provide them at all. Some provide them at very high price level, and I did want to clarify that there is technology in place right now whereby if you go to a library and you want an e-book, it's not an e-book you buy it's a license you get. It's all set up so you load that onto your device. It's one license, one user and after, let's say, two weeks it goes away. Nobody can copy it, nobody can pirate it. The only way you can copy it is to take your device and put it on a photocopier and kind of do it one page at a time. So the technology for fairness

exists.

Some publishers are offering those, and it's working out fine to the libraries. Others -- it's all over the map. And the frustration for the librarians is there used to providing their patrons with what they ask for and what they expect. If they want a book and the book isn't there, Connecticut is a great state, they can get a book from any of the other libraries in the state. We have a great system of providing those products to their patrons. Very frustrating when people come in and say I'd like an e-book, and there's a very limited available. And there's no predictability of how that's going to change.

So the goal of the bill was to end discrimination and the line was to the publishers, not adversarial, but if you sell it, we want to buy it. If you sell it, we want to buy it.

And I applaud the efforts of everybody involved. I applaud the General Law Committee. I applaud -- this was, indeed, an exercise in bipartisanship. I think everybody feels like they had part of this process involved, and I honor it. I would very happy if we had a bill that made sure that those e-books

were available once the bill was passed. But there's so many implications to this that a study of all of the experts involved with a due date next February 1st and specific parameters of what we're looking at are in place. It gives me great pleasure to be here considering this bill, and I'm told that the industry is already changing. That Connecticut is a leader in this. There's people -- I've gotten emails from around the country and they're watching Connecticut, the librarians and what's going on here. So in a way we're kind of paving the way.

We're a state of leadership, and I hope out of this that this situation which is not adversarial. It's not publisher against libraries. We're all working together to deliver a product to our patrons that this study is productive, and we end up a year from now in a situation where it's working for the publishers, it's working for the libraries and, again, I just want to thank everybody who was involved in this process.

Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Will you remark further on the bill as amended?
Would you remark further on the bill as amended.

Representative Case of the 63rd.

REP. CASE (63rd):

Good to see you up there, Madam Speaker.

I just want to rise in support of this bill. I come from a town who has changed their educational system for their juniors and seniors over to the e-pads and they've made agreements with the book companies and stuff to put everything online and it's made it very interesting, being a parent of three, that you can come home and do your homework and read your books and do everything online, but it's also shown the 21st century of where we're going to. But I have one son who says, "I still want to go to the library and I still want to read a book" so leaving these options of the libraries there but having the stuff online and going forward, I wish we didn't have to do a study on it that we could just move forward and go with it and be the state at the forefront, but I will be supporting the bill. I think it's a great thing and, as we all know, we're moving forward with our iPhones, our iPads and our iBooks so I'm in support. Thank you.

DEPUTY SPEAKER MILLER:

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

If not, will staff and guests please come to the well of the House? Will the members take your seats the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately?

DEPUTY SPEAKER MILLER:

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast.

If all members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill number 5614, as amended by House "A."

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	7

DEPUTY SPEAKER MILLER:

The bill as amended is passed.

S - 664

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 13
3813 - 4129**

Seeing and hearing no objection, so ordered,

Mr. Clerk.

THE CLERK:

On Page 25, Calendar 602, House Bill Number 5614, AN ACT CONCERNING A STUDY REGARDING THE AVAILABILITY OF ELECTRONIC BOOKS TO USERS OF PUBLIC LIBRARIES, Favorable Report of the Committee on GENERAL LAW.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes, Mr. President.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill, in concurrence with the House.

THE CHAIR:

On acceptance and passage, in concurrence with the House.

Will you remark, sir?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

As under our rules House "A" has already been adopted; therefore, the House "A", LCO 6850 is a strike-all amendment. And this -- this was a bill that an issue was raised in the Committee. There was a lot of support -- bipartisan support over the issue of our public libraries getting access to E-books, as our technology increases.

You know, growing up it was all -- it was always hard copy books. E-books is the new technology. And our public -- our State and public libraries -- our

municipal libraries were having issues getting access to electronic books.

After many meetings and issues we've -- this bill leads to a study, so the Department of Consumer Protection is with us, in consultation with the Attorney General and the State Librarian. He's going to investigate this overall issue and report back to us by February 1, 2014.

It's a compromise by all parties involved, a bipartisan compromise.

And I urge the Chamber to approve this important piece of legislation.

Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I rise in support of the bill.

You know it's so great that we have a mechanism for our libraries to -- to continue this tradition of providing books free of charge to anybody throughout the State who wants -- with the interloan library. Our libraries sometimes don't get enough credit. And they're trying to keep up with technology by the use of E-books.

The original bill I thought was a -- was a great concept. And I -- I was excited to sign on as a cosponsor. And there were some difficulties. I want to congratulate and commend Chairman Doyle and Baram and Representative Serra, who actually brought the bill forward, to at least bring this issue to the forefront, get a study on it, and make some of the -- the books that are available today that maybe some people can't afford available to them so they can check it out on an -- on an E-device, an electronic device. And hopefully, come next Legislative Session,

the study will have been completed. We will have some agreed-upon language. We can move the bill forward.

And I urge the Chamber's adoption.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

Senator Doyle.

SENATOR DOYLE:

Mr. President, therefore, I move this bill to the Consent Calendar.

THE CHAIR:

Seeing and hearing no objections, so ordered.

Mr. Clerk.

THE CLERK:

On page 46, Calendar 100, Senate Bill Number 273, AN ACT CONCERNING FOSTER CHILDREN AND INTERNSHIP OPPORTUNITIES. It is a Report of the Select Committee on CHILDREN.

(The President in the Chair.)

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President.

THE CHAIR:

Good afternoon, ma'am.

Would move to place that item also on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, now would ask the Clerk to call the items on the first Consent Calendar, so that we might proceed to a vote on that Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 5, Calendar 278, Senate Bill 709; Calendar 333, House Bill 5759; Calendar 334, House Bill 6396; Calendar 340, House Bill 6211.

On Page 8, Calendar 357, House Bill 6349 and Calendar 398, Senate Bill 1065.

On Page 11, Calendar 457, House Bill 5564 and Calendar 462, House Bill 5908.

On Page 15, Calendar 516, House Bill 5500; Calendar 521, House Bill 6407.

On Page 19, Calendar 558, House Bill 6340.

Page 21, Calendar 574, House Bill 6534; Calendar 575, House Bill 6562; and Calendar 577, House Bill 6652.

Page 23, Calendar 587, House Bill 6465; Calendar 589, House Bill 6447.

On Page 24, Calendar 599, House Bill 6458.

Page 25, Calendar 602, House Bill 5614.

And on Page 29, Calendar 622, House Bill 5278;
Calendar 625, House Bill 6624.

Page 39, Calendar 223, Senate Bill 954 and Calendar
227, Senate Bill 819.

And on Page 46, Calendar 100, Senate Bill 273 and
Calendar 137, Senate Bill 837.

THE CHAIR:

Mr. Clerk, please call for a roll call vote and the
machine will be open on the first Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Members to the Chamber. Immediate roll call has been
ordered in the Senate on today's first Consent
Calendar.

THE CHAIR:

All members have voted, all members have voted.

The machine will be closed.

Mr. Clerk will you please call the tally.

THE CLERK:

On today's first Consent Calendar:

Total Number Voting	34
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease.

(Chamber at ease.)