

Legislative History for Connecticut Act

PA 14-82

HB5477

House	1135-1186	52
Senate	3158, 3162-3164	4
<u>General Law</u>	<u>788-791, 1158-1163</u>	<u>10</u>
		66

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

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

THE CLERK:

House Bill Number 5263 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 SAYERS:

The bill as amended passes. Will the Clerk please call Calendar Number 165.

THE CLERK:

On Page 38, Calendar Number 165, Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, House Bill Number 5477 AN ACT CONCERNING A STATE-WIDE PLATFORM FOR THE DISTRIBUTION OF ELECTRONIC BOOKS.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Thank you, Madam Speaker. I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER SAYERS:

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. Today I bring forward this bill on e-books, which was the result of a study which we passed last year for the Attorney General's Office, the State Librarian and the Commissioner of Consumer Protection, to undergo a study to determine how we could better promote the distribution of electronic books among our public libraries.

A number of interviews were held with manufacturers and distributors and it was determined that oftentimes there are agreements not to sell and distribute these books to our public institutions for private market reasons.

The study indicated that there were several options, but one of the options, which is the substance of this bill, suggested that we create a

statewide platform under the aegis of the State Library Board, to try and come up with the proper leverage and mechanism to distribute e-books in an accessible and equitable way throughout our state to our public libraries.

It's somewhat propitious that today is also State Library Day here at the Capitol as we take this bill, and I also want to thank Representative Brian Sear for his advocacy of this particular bill.

The value of this bill will, it will create equity and access of e-books. It will create access statewide to allow all users to access e-books. It will also free up local funds of libraries, which purchase these e-books at a costly price, and it will build on a success of the icon system already in effect.

This passed the General Law Committee unanimously. It is effective July 1, 2014. There is a fiscal note, Madam Speaker, that indicates that to implement and start this, there would be a cost of about \$2.2 million, but it was anticipated that this would be accomplished through bonding and I understand that it is on the Bonding agency and has the support of the Governor and bipartisan support in general.

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Any ongoing expenses of the State Library Board would be absorbed and assumed through their regular budget.

I think this is a great bill for the State of Connecticut and I would urge my colleagues to pass it.

DEPUTY SPEAKER SAYERS:

Will you remark further on the bill?

Representative Carter of the 2nd.

REP.. CARTER (2nd):

Thank you very much, Madam Speaker. A few questions, through you to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please prepare your questions.

REP. CARTER (2nd):

I'll, you know, put the money question out there first. Obviously, this is an expensive bill and it may have some value. Through you, Madam Speaker, I notice that we had somebody testify they were looking for the Library Board to have a million dollars, yet we gave them 2.2. Through you, Madam Speaker, is there a reason that we doubled down on the amount that we're going to give?

DEPUTY SPEAKER SAYERS:

Representative Baram.

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REP. BARAM (15th):

According to the OFA report, it is anticipated that they will need approximately 2.2 million, 1.1 million is for computer code writing to create the platform and 1 million for the initial purchase of electronic books.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

Through you, Madam Speaker, computer code writing, I would wonder if the good Chairman could elaborate exactly what the computer code writing is and what we're going to do with that? Through you, Madam Speaker.

THE CHAIR:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it is my understanding that the computer codes would identify purchased e-books and as they're distributed to public libraries, it's a way of keeping track of them, determining who has taken them out of the library, when they're returned, and also for purchasing purposes, which e-books have been purchased and when.

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DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

Through you, Madam Speaker, I also know that in the early days of this concept last year, one of the big questions was whether or not industry could handle this because their platforms were not standardized enough to allow e-books to go out to the public.

Through you, Madam Speaker, has that been solved in this bill? Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it's my understanding that the State of Connecticut through the Library Board would establish the platform so that this would be a public endeavor and this was actually tried in other states. I believe Colorado was one, very successfully.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

And through you, Madam Speaker, then once the state comes up with a platform, any local library in

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the state will be able to use this? Through you,
Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

Through you, Madam Speaker, do we know at this
time whether or not that local, the platform developed
will be an Internet type of system of if it's going to
be something that's located in each library? Through
you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

It is my understanding that the libraries will do
what they're doing now under iConn, which is to make
books available through the Internet but also
available through individual libraries taking them out
as you would a regular book.

DEPUTY SPEAKER SAYERS:

Representative Carter.

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REP. CARTER (2nd):

Through you, Madam Speaker, do we know at this point if the local libraries around the state will be paying any kind of fee for this service to help the state recoup the investment that we're making?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, to my knowledge, I don't know exactly what the particulars will be once the system is up and running, but the theory is that the state, through this platform, will save localities money in the purchase of e-books so that the local libraries will not have to expend as much money in their budget for these kinds of costly materials.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

So if I'm to understand that answer, through you, Madam Speaker, this, the e-book program could actually be less expensive long term? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

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Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I believe that is the case.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

Through you, Madam Speaker, is there a, will the state be involved in choosing any kind of titles that are available, or will this be done by the State Library Board, or can local entities choose what titles they're going to have available? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it's my understanding this will be done by the State Library Board, but I believe that the State Library Board currently solicits the opinion of its member libraries.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

Through you, Madam Speaker, kind of a funny question. But I know in most normal libraries if you fail to turn something in, like a book, there's going to be a substantial fine or a gain in a period of time.

Through you, Madam Speaker, with the e-book, would the good Chairman know if the e-books just disappear and not be available, or how that's going to work? Will there be any fines associated with late return?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it's my understanding that the technology exists to be able to set the e-book for a specific period of time and then it terminates or disappears.

DEPUTY SPEAKER SAYERS:

Representative Carter.

REP. CARTER (2nd):

Through you, Madam Speaker, one final question. Actually, disregard that. No final questions.

Through you, Madam Speaker, I've seen this bill come

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through last year and I think what we're doing makes sense.

I think in the long run there's actually a couple of savings to be made. Obviously, by having electronic books, the libraries will not have to spend as much money and they can divert that money somewhere else, which I think is a good idea.

So I think the state's investing in something that really makes sense. I'm hoping that we do it with our current infrastructure of Internet technology because I think that also would make sense when the State Library Board puts this thing together.

And I'm also understanding that the industry now has weighed in on this and the industry before, wasn't quite ready for something like this because of the standardized platforms weren't available, and I think the fact that the State of Connecticut is stepping forth and making this kind of investment, I think it's going to go a long way in our communities with our local libraries who frankly, they have to get a facelift.

You know, unfortunately, there's a lot of libraries who aren't the same as they used to be and kids aren't going for books any more. I think by

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keeping up with the technology, we're going to help keep those libraries vibrant and a place for our community to go in and share knowledge and a great thing for our kids, so with this, I will support the bill.

I will thank the Chairs of the General Law Committee for their leadership through this, and also for Representative Sear, because he was the one who came out in the very beginning and supported this and I know it's been a long effort for him.

With that, I urge my colleagues to support the bill. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker. I just have a few questions for the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please prepare your questions.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker. I certainly see the wisdom and necessity of doing something like this. I just would like to understand better how it's going to

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work, and so that's the sense of my questions to the good Representative.

First off, there were, the Representative made some remarks earlier on about reducing costs through central purchases, so am I right that the idea is for the central State Library to buy all of the e-books, which would then be available to, what do we call them, clients, patrons, of any local library, anyone at any library in Connecticut but the purchase is made centrally?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker. That is correct, that the State Library Board would do the purchasing en masse, trying to get the best price possible and also convincing some of the distributors and manufacturers who have heretofore been hesitant to sell or distribute to public libraries, to do so given the number of public libraries that will be participating in this platform.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

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REP. LAVIELLE (143rd):

And so, I presume that contrary to normal physical books, several of us could, in quotes, borrow the same e-book at the same time and be reading it in several entirely different locations. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker. That is correct. The rules governing how many books can be taken out at one time obviously have to be determined. We were not privy to those kinds of details, but I think you're correct. Those kinds of regulations would be created by the State Library Board.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. And just a few minutes ago Representative Carter and Representative Baram were discussing fines, and the idea of the book simply disappearing from access on line, but here is something I don't understand.

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If you have borrowed an e-book, meaning that you have access to it for a limited time, you can't be charged a fine for not returning it because you never took it away. It can be simply taken away from you.

So is there any possibility of charging fines at all for the local libraries? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, there probably is an opportunity to charge fines. This technology changes all the time and if a consumer violates the rules of the library, I'm sure that a fine will be imposed.

But the beauty of the technology is that it can be set through computer technology to create a specified period when it just disappears and it prevents the materials from being disseminated to other people, again in violation of the contract to use it solely for yourself.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, and I appreciate the answer. I think there is an element that, it seems to me there's an element that falls out of this arrangement that we do have in the lending of physical books because when you lend a physical book obviously the person who gets it keeps someone else from getting that same book, which we don't have here. That's not the case.

And the fact that the person keeps that book for too long is an abuse of the regulations or is a violation of the rules and therefore, that person is charged a fine. And I guess that that's one way, I really don't know much about the economics of this, but I think that must be one way that local libraries actually generate some of their revenue because they do count on having a certain number of fines, even if they theoretically don't really want them.

And so that's completely eliminated here and I'm curious as to whether this arrangement, inevitable as it may be, is going to lead to a drop in revenues for local libraries. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

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Through you, Madam Speaker, I have no knowledge that this would result in a drop of revenue for local libraries. From my own experience, libraries would much prefer that people return their books on time than trying to make a small amount of money through penalties.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker. I think it's an interesting conundrum to puzzle over. I'm not sure what I think about it, but I do think that the fact of e-books is here. It is with us. Libraries must deal with it.

I know that there were some problems earlier on with publishers and negotiating prices and making sure that the libraries got a sufficiently good and reasonable deal because they were going to make the books available on a limited basis to a large number of people.

So I'm pleased to see it go forward, but I do think that it will be interesting to see how it works out in practice and probably the public will want some further and more complete information on the subject,

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and I will support it. Thank you very much, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts of the 50th.

REP. ALBERTS (50th):

Thank you, Madam Speaker. If I may, several questions to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please prepare your questions, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker. As I read the language of the bill, it is permissive and it suggests to me that there are, this bill if it's adopted will give the State Library Board the possibility of adopting this program. Am I to understand that the proponent believes the State Library Board will, in fact, move forward with this proposal?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, that is my understanding. The study committee included the State Librarian, who has the respect and support of the

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Library Board and I don't believe this recommendation would have come forward if the State Library Board did not intend to try and implement it.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And my understanding is that the State Library Board presently provides other support for the public libraries across the state.

Do we have any knowledge that if we move forward with this, that any of those other programs might be lessened to any extent? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, there is no indication there would be a reduction in any other program. The State Library Board has fully embraced this and continues to support all its other programs.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And my understanding, the proponent was also mentioning an equity arrangement so that all community libraries, if I understand it, all of the libraries in the 169 towns of the state would be able to participate and there would be a mechanism by which even potentially patrons of the smaller libraries, which I have several, would be able to be on a level footing with some of the larger libraries. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, that is correct. The intent is to create equity not only among the libraries, but among patrons wherever they may live.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (15th):

I thank you, Madam Speaker, and I thank the proponent for answering my questions. I think this is an excellent bill that's probably well overdue and I urge my colleagues to support it. Thank you.

DEPUTY SPEAKER SAYERS:

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Representative Klarides of the 114th.

REP. KLARIDES (114th):

Thank you, Madam Speaker. Madam Speaker, through you, a few questions to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please prepare your questions, ma'am.

REP. KLARIDES (114th):

Thank you. Madam Speaker, in Section 1 of the bill, Subsection a, starting on Line 4, those first few lines, it says the State Library Board may institute and conduct programs of statewide library service, which may include but not be limited to, and then it goes on to articulate those subsections.

I guess what I'm confused about is, if it's not limited to, which means it could be anything, and if it may include, which means it's not mandated to include, why do we need a list at all? Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, the technology of e-books is changing rapidly and I think the intent was to give discretion and flexibility to the Library Board to adjust to that changing technology.

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DEPUTY SPEAKER SAYERS:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And I appreciate that answer, but I still don't, I'm still not clear on it. I understand what the purpose of this bill is adding that section at the end of Subsection a, but at the beginning of Subsection a starts with, may institute and says not limited to, that means you could really do anything, so I don't really understand the need for this at all.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I think there's little doubt by this bill that the State Library Board has embraced the idea of trying to purchase and disseminate e-books and that is the mission of this bill.

The language gives flexibility to the State Library Board to come up with the specific programs and policies that it feels will best accomplish that mission and to identify in detail with rigid

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structure, what the Library Board can and can't do, I think would be a mistake.

So this bill gives deference to the experience and the intelligence of the State Library Board in dealing with these kinds of issues.

DEPUTY SPEAKER SAYERS:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. Staying on that section, if it is not articulated in Subsection a, may the State Library Board do something, may they institute a program that is not already articulated in Subsection a?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker. Again, I think the intent of this bill is to address the distribution and acquisition of e-books. It does give them flexibility because it has the language may include, but not be limited to, so if there are other ways of creating dissemination and purchase, I think that gives the

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Library Board the flexibility to pursue those other strategies.

DEPUTY SPEAKER SAYERS:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. Although I have the utmost respect for the Chairman, I still don't understand why we write legislation that says may include but not limited to and then make a list of things that we may do, because clearly, they could do anything they want to do, institute any program they would like. So I don't really understand that, but I will continue on.

Through you, Madam Speaker, how will the people that go to the libraries, the citizens of the towns in the state, how will they know of this new program?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I assume that this program will be widely publicized, not only by our state media, but by each individual library, trying to

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encourage patrons to take advantage of the e-books that will be available.

I would also just like to point out to my colleague's last question as I look at this more closely, I would point out that the provisions under Section 1 are existing law, not new law. It's really Section, or Subparagraph 9 in Section 1 that adds to the responsibilities of the Library Board the creation and maintenance of a statewide platform for the distribution of electronic books to public libraries.

So Items 1 through 8, that's existing statute. Those are the responsibilities that the State Library Board has been fulfilling for many years.

DEPUTY SPEAKER SAYERS:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker, and I thank him for that clarification, but I did understand that. It's just adding that subsection is just nine things I didn't understand about why we have that.

I mean, if it said you shall do things and are limited to these things, then I would understand it, but since we use may and we say not limited to, that

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means they could do anything they want. I don't know why we're specifying these things.

But to the good Chairman, the way the library will let people know about these e-books, do we have a fiscal note on that? Will that be a cost? Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, the OFA fiscal note indicates that the cost to continue the program after it is established is about \$100,000 per year and that will be absorbed in the State Library Board budget.

DEPUTY SPEAKER SAYERS:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. I know the Chairman previously mentioned that the cost of this will be bonded. That's where the money will come from, but how will the funding be sought in the out years? Will we have to bond this every year? Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

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Through you, Madam Speaker, my understanding that the initial creation of the platform for roughly \$2.2 million will be bonded hopefully all at one time and then the ongoing operational expenses will become part of their budget and part of our operational budget.

DEPUTY SPEAKER SAYERS:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. I thank the gentleman for his answers.

DEPUTY SPEAKER SAYERS:

Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker. Connecticut has a distinguished history of inter-library exchange, and in many parts of the country it is the envy. We have the Connecticut Library Consortium and they are downstairs today in the Concourse along with other libraries.

We've also, when we established the iConn, if you have not used it, it is a very powerful tool in which you can get magazines, periodicals and you can get books on it, but they are books that do not have a copyright situation. They are past the date in which

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there would be an infringement, and so you can get many of the classics to read on a tablet.

Currently in libraries today, you can take a tablet if you are not particularly electronically literate like some of us standing here, and you'd walk in and they are very helpful. They have paperwork to show you how to do it or they will have someone who will help you set up your tablet or other electronic device to be able to take in these books.

I spoke on this in the Finance Committee and we did pass this out of the Finance Committee because it, this is something in this bill that the patrons want, and it is something that will reach across such a broad spectrum of patrons from many older people who like holding a tablet because it's easy to hold, and also down to some of the youngest of our library patrons who can get not only books for pleasure but also for resource materials and books that they want to read for school and they can also download them onto their personal device.

So I'm standing this afternoon in great support of this, Madam Speaker. It is something that I believe makes us current, vibrant and again, one more

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thing that will make us the envy of the nation. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative Sear of the 47th.

REP. SEAR (47th):

Thank you, Madam Speaker. I rise in complete support of this bill. Last year we tried to address the inequity and availability and pricing of e-books for libraries across the state, not just public libraries, but educational libraries, school libraries, academic libraries and there are some private libraries also. The problem was availability and price and every library was on its own in terms of trying to negotiate with a specific publisher over what was available and how much it cost.

I want to applaud the Office of Consumer Protection. They did a very thorough study and they studied not only the e-book situation, but the role that our libraries play in our society today and how important that is.

And I will read a brief quote. They did conclude that the importance of having e-books at libraries is not simply a matter of convenience or consumer

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protection, excluding libraries from popular e-content will further the digital divide as those unable to afford to buy books will be excluded from a wide range of e-content and of a delivery platform that is increasingly popular.

So what this statewide platform will enable is the libraries individually will not have to negotiate with a publisher for price or availability or format. Many different publishers offer e-books in different formats and the library staff has to help their patrons sort through a variety of a plethora of platforms.

The State Library platform will negotiate with publishers for availability, for price, and they will establish a common platform that all the libraries in the state will be educated on and will use, and it will be almost seamless.

So the iConn, the iCart programs that they have through the state where there's a seamless system of sharing between the libraries, this e-book platform will be set up on that same model with complete sharing among the libraries and predictability and the staff will be able to educate the patrons. You can go

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to one library and download a book of the same format as any other library in the state.

So I'm in full support of this bill and I appreciate the General Law Committee and the Office of Consumer Protection for all the hard work they did and I thank you.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative O'Neill of the 69th.

REP. O'NEILL (69th):

Yes, thank you, Madam Speaker. If I may, a few questions to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please prepare your questions, sir.

REP. O'NEILL (69th):

Thank you. I notice that the fiscal note indicates that there is a cost of approximately \$2.2 million associated with the, I believe it's the initial startup of this program, and I don't see anything in the bill that calls for that to be done or specifies the number of employees or really much of anything. It just says that a program can be created, basically, the platform can be created.

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Through you, Madam Speaker, is, where did the \$2.2 million come from? What's the basis of that figure?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it's my understanding that OFA consulted with the State Library Board to assess what the various startup costs would be and that this is their best analysis of that cost.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I noticed as part of this there was about, I think it was 1.2 million or something like that for the creation of the platform write in code, and then I believe that the figure says that there's \$1 million for an initial purchase of e-books.

And so, first of all I want to make sure I understand that that is what the division is of these two major expenditures of money are going to be one, creating the code to create the platform and then

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number two, purchasing the e-books. Is that my reading of the fiscal note?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, that's correct.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And so, the first, the \$1 million for the initial purchase of e-books, is that, what's the duration of that? If we purchased hard cover books, we know that they would last for as long as books last on a library shelf. Some get discarded, I suppose after a while because nobody takes them out. Some get lost, damaged, and so on, but most of those books would still be in existence 12 months after the initial purchase.

I'm wondering how long will that \$1 million purchase last? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

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Through you, Madam Speaker, part of the beauty of an e-book is that it doesn't wear out because you're not physically handling it. It's all electronic. So it is my understanding that there is a very long duration in the effectiveness of such materials.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I agree. I'm a user of e-books and they're great because they're so affordable. I have my Kindle in the other room and I must have about probably two or three bookshelves worth of book sitting on there so it's very convenient. It's very handy and I really do, myself, enjoy the use of e-books.

But what I'm wondering about is the duration of the license. I'm assuming that when you purchase e-books from a publisher they're not necessarily a permanent transfer, or perhaps I'm wrong about that. Is it contemplated that the \$1 million buys a perpetual license for the e-books that are purchased that way? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

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REP. BARAM (15th):

Through you, Madam Speaker, it's my understanding that the license is perpetual. You purchase it. You own it as long as you're in the purchase acquiring the licensing fees. But again, I'm not an expert in the purchase of these books but from what I understand in our discussions with various experts, I believe that the license is good in perpetuity.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And in looking through the testimony I didn't see any real indication as to any of the financial figures, but I also didn't really see an indication as to how many e-books were contemplated to be purchased to be put on the platform.

And so, I was wondering if the Chair knows approximately how many books does a million dollars buy you, or how many books will we be getting for that million dollars? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

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Through you, Madam Speaker, I wish I could say it was a million books, but I doubt it. I just don't know what the whole idea of the platform is to leverage our good will and the number of libraries participating to get the best price possible.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And there's an additional part of the fiscal note, which is \$100,000 for ongoing activities, which cover salaries and fringe benefits, and again, there's no indication in the bill as to how many employees we are talking about.

I would ask the Chair, was there any indication, I assume were informal off line discussions as to how many people would be necessary to maintain the system once it's been created. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I don't know how many staff are contemplated. I just know that there was discussion with OFA and the State Library Board to

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come up with a number that they felt comfortable in terms of the necessary staff required to support this platform.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And with respect to the \$100,000 in the ongoing operations, it looks to me from the fiscal note that it's, there's no reference specifically to an actual expenditure in the current fiscal year and, or going out to the next fiscal year I think is reflected in the fiscal note because it's discretionary.

The library does not in fact have to move forward with this thing, so it's somewhat indefinite, but it seems like there's definitely going to be an ongoing expense of approximately \$100,000.

And I'm wondering, the bill went to the Finance Committee, I understand that because of the possibility that there might be bonding. Was there any thought about sending it to the Appropriations Committee, given that there is a possibility about it costing \$100,000 per year to continue to operate the program once it's set up?

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Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker. I am not aware that leadership decided to send this bill to any other Committees other than General Law or Finance. I will point out that the votes were unanimous, 17 votes in General Law, 45 votes in Finance, so I have every reason to believe that this is a good bipartisan bill that has been supported by everybody.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Well, frequently a bill is passed unanimously of the Judiciary Committee for one that I'm conscious of, and then they get to the Appropriations Committee and things change, when it comes time to actually spend the money, and I understand that this is all in the nature of a potential expense that's being discussed here.

But the \$100,000 is a not insignificant amount of money in a budgetary atmosphere that we operate within right now.

Earlier in the conversation and in answer, I believe to an earlier question, the Chair indicated that the operating expense, which I don't think was specified but which is this \$100,000 figure was going to be absorbed into the State Library's budget. Is this something that is sort of subject to a notion of within available appropriations or is there actually a plan to free up money from some other place within the State Library budget so that this \$100,000 operating expense can, in fact, be absorbed?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I'm not familiar enough with the State Library budget to know exactly how this will be integrated, but my understanding is in their operating budget that they submit to the Legislature for approval, they will include the support of the platform and I believe that's their intent, to fully integrate it into their existing budget.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

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REP. O'NEILL (69th):

Thank you, Madam Speaker. I would also ask again, the cost here is for about \$2 million or so of bond money. Does the Chair know whether this bond money is included in the bonding package of the Finance Committee that's currently pending? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it is my understanding that this is on one of the upcoming agenda for the Bond Commission and that it has, again, received bipartisan and wide support.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Through you, Madam Speaker, then am I to understand that there was a bond authorization in a bond package bill that came at some earlier point in time and that within that bond package is roughly \$2 million worth of bond money to do this project? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

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Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I'm not aware that there has been any prior approval of this bond package. What I'm trying to say is, my understanding is that it will be placed on an upcoming agenda and has the support of those who create the agenda and look to what projects are worthwhile to support and the initial feedback I'm getting is that this is a priority project for the state.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Okay, thank you, Madam Speaker. I'm not, I used to serve on the Finance Committee and I was on the Bonding Subcommittee for a while and I have a, I think a general understanding of how the bonding system works, but in order for something to get on an agenda, well, let me just ask the question.

When the Chair uses the word agenda, is he referring to the Bond Commission agenda that the Bond Commission, which meets monthly and approves the issuance of the bonds?

Through you, Madam Speaker.

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DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it's my understanding that that is a possibility, that this will be on the agenda of the Bond Commission that meets monthly. If there are any other ways to obligate ourselves to finance this, again, I'm not on Appropriations or Bonding, so I don't know, but my understanding is the strategy is to go before the Bonding Commission.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. I took a quick glance around the room and I do not see the Chair of the Finance Committee around. I do see the Ranking Member of the Finance Committee, perhaps I could put the question to him, since he's here, with respect to whether he is aware of an item either in the bond package that is currently pending in this Session, or in the, an earlier bond package, which would be available for action by the Bonding Commission.

Madam Speaker, and I'd gotten the Ranking Member of the Finance Committee all spun up and ready to roll

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and I'm now informed that the Vice-Chair of the, I believe it's the Bonding Subcommittee is in the room, Representative Lemar, so if perhaps he could, I could direct the question to him and he could give me an answer about whether the money is in the bond package or has been issued prior to this.

So, through you, Madam Speaker, to the Vice-Chair of the Finance Committee, is there money in the bond package for this year for the \$2 million or has there already been money authorized in an earlier bond package?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lemar, would you care to answer.

REP. LEMAR (96th):

Thank you. Again, this bill is permissive, through you, Madam Chair. This bill is permissive and in as we haven't actually allocated these dollars yet, and we're just authorizing the creation of the platform, the timing of the bonding hasn't been yet established.

So it's not in the current bond agenda that's being considered, but moving forward if this permissive action is granted, we could consider

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bonding if necessary. Thank you, Madam Chair, through
you.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And so just that I'm
clear.' Is there a pool of bond money out there that's
accessible to the State Librarian or the Library Board
out of which they could pull \$2 million and put it on
a bond agenda next month, the month after, if this
bill is passed?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lemar.

REP. LEMAR (96th):

Thank you. Through you, Madam Chair, yes, there
would be available dollars that are eligible to be
allocated from general bonding that the libraries
would be able to apply for.

DEPUTY SPEAKER SAYERS:

Representative O'Neill.

REP. O'NEILL (69th):

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Okay. Thank you, Madam Speaker, and I thank the Chair of the General Law Committee and the Vice-Chair of the Finance Committee for their answers.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan of the 31st.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Through you, Madam Speaker, just a couple of questions to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please prepare your questions, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. When I look at the fiscal note, I know we have talked about it and listening to the debate, I just wanted to be clear that in the ongoing years, you know, the maintenance as (inaudible) approach us, will all that be part and parcel of the budget for the library, or will it be bonded? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, it is my understanding only the startup costs will be bonded

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and the operational costs going forward will be part of the State Library Board budget.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Just enlarging on that, when you look at the operational budget, obviously there's maintenance, there's going to be staff and I can understand that. But what about the purchase, I know Representative O'Neill touched upon that, and I just wanted to be clear for myself that further purchase as far as the books are concerned, an ongoing process, would that be considered a part of maintenance, or would that go back to the bonding?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I don't know exactly what the State Library Board will propose for future purchases.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

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Thank you, Madam Speaker. My final question. In that case, whatever the State Library proposes regardless of the dollar amount that is one million, which is the initial amount, or it is hopefully much less than that, would that be through the general budget?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, that would be a decision of the State Library Board to determine how they wish to pursue that funding.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st);

Thank you, Madam Speaker. And I want to thank the good Chair for his answers to my questions.

DEPUTY SPEAKER SAYERS:

Thank you, sir. Representative Belsito of the 53rd.

REP. BELSITO (53rd):

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Thank you, Madam Chair. I have a couple of questions. One is, how long will this bond be out for? Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I have no knowledge what the Bond Commission or any other Committee of jurisdiction would decide in terms of the length of the bonds. That's something that would have to be decided by the fiscal leaders and individuals on those Committees.

DEPUTY SPEAKER SAYERS:

Representative Belsito.

REP. BELSITO (53rd):

Thank you. Through you, Madam Chair, with the \$1 million we're bonding, does that augment the amount we were going to spend on paper books, or is that the total amount?

Madam Speaker, through you. I'm sorry.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

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Through you, Madam Speaker, based upon the fiscal note, it's my understanding that the \$2.2 million is specifically to create the platform and purchase the initial selection of e-books.

DEPUTY SPEAKER SAYERS:

Representative Belsito.

REP. BELSITO (53rd):

Thank you. Through you, Madam Chairman, Speaker, rather, the \$1 million is being bonded and we're buying books. How much are we spending on paper books? That's electronic books. How much are spending on paper books this year in addition to the \$1 million in electronic books? Through you.

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I don't have that information.

DEPUTY SPEAKER SAYERS:

Representative Belsito.

REP. BELSITO (53rd):

Thank you, and through you, Madam, will these, are we starting on a pace to eliminate paper books in our library? Thank you. Through you.

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DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I know of no strategy to eliminate traditional paper books. This is merely to supplement the books that exist in libraries and to recognize that more and more people are using e-books as their method of reading novels and other kinds of reading materials.

DEPUTY SPEAKER SAYERS:

Representative Belsito.

REP. BELSITO (53rd):

Thank you, and through you, Madam Chairman, will there be a reduction in the amount of paper books we're buying this year because of the additional \$1 million in electronic books?

DEPUTY SPEAKER SAYERS:

Representative Baram.

REP. BARAM (15th):

Through you, Madam Speaker, I would say not, because this is a proposed bonding sum that would create the initial selection of e-books and has nothing to do with the existing budget of the State Library Board.

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DEPUTY SPEAKER SAYERS:

Representative Belsito.

REP. BELSITO (53rd):

Thank you, Madam Chair, and through you, Madam Speaker, will we be reducing the amount of paper books in the future?

REP. BARAM (15th):

Through you, Madam Speaker, again, I can't anticipate the policies of the State Library Board, but I don't think the intent is to trade one selection against the other. This is merely to create an e-book selection that is in high demand by patrons throughout our state.

REP. BELSITO (53rd):

Thank you, Madam Speaker. Thank you.

DEPUTY SPEAKER SAYERS:

Will you remark further on this bill? Will you remark further on this bill? If not, will staff and guests please come to the Well of the House. Will members take your seats and the machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll. Members to the Chamber please.

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The House of Representatives is voting by Roll.

Members to the Chamber please.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to be sure that your vote has been properly cast.

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

THE CLERK:

House Bill Number 5477.	
Total number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	6

DEPUTY SPEAKER SAYERS:

The bill passes. Will the Clerk please call
Calendar Number 125.

THE CLERK:

On Page 36, Calendar Number 125, Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, Substitute House Bill Number 5055 AN ACT ELIMINATING MUNICIPAL MANDATES.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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THE CHAIR:

The Senate will stand at ease.

(Chamber at ease).

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President. Madam President, some additional items to mark at this point. They may -- may be skipping around the Calendar a little bit.

But Calendar page 10, Calendar 415, House Bill 5518,
move to place on the Consent Calendar.

THE CHAIR:

Yup.

SENATOR LOONEY:

And also, Madam President, Calendar page 18, Calendar 489, House Bill 5227,
move to place on the Consent Calendar.

Madam President, Calendar page 19, Calendar 494, House Bill Number 5573,
move to place on the Consent Calendar.

Calendar page 22, Calendar 513, House Bill 5353,
move to place on the Consent Calendar.

Calendar page 28, Calendar 550, that's 5-5-0, House Bill 5514,
move to place on the Consent Calendar.

Madam President, also moving back, Calendar page 20, Calendar 499, House Bill 5419,
move to place on the Consent Calendar.

Back under Favorable Reports, Madam President, Calendar page 11, Calendar 419, House Bill 5477,
move to place on the Consent Calendar.

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Opposed. Reconsideration is passed.

SENATOR LOONEY:

Right now since the matter is before us again, Madam President, I would move to mark it passed temporarily.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Now if the Clerk would call those Consent Calendar items so that we might move to a vote on the Consent Calendar, and then we might proceed to the items that were marked go.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 2 Calendar 166, Senate Bill 427.

Page 4 Calendar 300 Senate Bill 417.

Page 6, Calendar 331, House Bill 5248.

Page 7, Calendar 340, House bill 5273.

On page 10, Calendar 416, House Bill 5407. Calendar 415, House Bill 5518. Calendar 396, Senate Bill 114.

On page 11, Calendar 419, House Bill 5477.

Page 12, Calendar 426, House Bill 5023.

On page 18, Calendar 489, House Bill 5227. Calendar 470, House Bill 5506. Calendar 490, House Bill 5113.

On page 19, Calendar 494, House Bill 5573.

Page 20, Calendar 498, House Bill 5467. Calendar 499, House Bill 5419.

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And on page 22 Calendar 513, House Bill 5353.
Calendar 515, House Bill 5361.

And on page 24, Calendar 526, House Bill 5556.
Calendar 524, House Bill 5219.

Page 25, Calendar 4 -- sorry, Calendar 530, House Bill 5368,
page 27, Calendar 546, House Bill 5061.
Calendar 543, House Bill 5037.

On page 28, Calendar 550, House Bill 5514.

Page 29, Calendar 554, House Bill 5148.

Page 30, Calendar 563, House Bill 5554.

Page 31, Calendar 567, House Bill 5229. Calendar 565,
House Bill 5028.

And on page 42, Calendar 384, Senate Bill 442.

THE CHAIR:

Senator Looney, do you have any more good news for us?

SENATOR LOONEY:

Yes, thank you, Madam President. One additional item to add before we call for the actual vote on the Consent Calendar, and that is item an Calendar page 33, Calendar 575, House Bill 5359. With that one addition it would call for a vote on the Consent Calendar.

THE CHAIR:

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

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on the second Consent Calendar
today has been ordered in the Senate.

THE CHAIR:

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If all members have voted? All membered voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On the second Consent Calendar for today.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent not voting	1

THE CHAIR:

Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. If the Clerk would call the first item marked go to follow the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 33, Calendar 579, Substitute for House Bill Number 5348, AN ACT CONCERNING THE PAYMENT OF DELINQUENT PROPERTY TAXES. Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you. Thank you, Madam President. Pursuant to Rule 15 of the Joint Rules, I am recusing myself from consideration of this bill.

THE CHAIR:

Thank you, sir. Please leave the Chamber.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 2
506 – 1173**

2014

KENDALL WIGGIN: Good afternoon, Senator Doyle,
Representative Baram, committee members.

My name is Kendall Wiggin. I'm the state
librarian. I'm here to speak in support of
Raised Bill 5477. I'd also like to thank the
committee for raising the bill. I've submitted
testimony and I won't read it but I'll just
point out that this legislation comes out of a
report that was a result of the work this
committee did in passing Special Act 13-10,
which was AN ACT CONCERNING E-BOOKS.

And I know it was a big topic at this committee
last year. And I feel that this legislation is
the first step in helping us read some of the
suggestions and recommendations in that report,
specifically making clear that the State
Library Board would have the authority to
pursue the development of an e-book platform.

Over the years the legislature has entrusted
the state library with responsible for many
statewide library projects. I think we've done
well with those. I think we would do well with
this.

I do need to point out that it will take some
funding to actually implement this, and
currently there is no funding in the governor's
current budget.

But this is, as I say, a first step. And it
would help us move forward with this
initiative. So you have my written testimony.
I'd be glad to answer any questions.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Thank you very much.

KENDALL WIGGIN: Thank you.

SENATOR DOYLE: Thank you.

Next speaker, Representative Sear. Is Representative Sear here? Yes, he is.

REP. SEAR: Thank you, Senator Doyle, Representative Baram and other distinguished members of the General Law Committee.

Thank you for the opportunity to testify in support of Raised Bill 5477, AN ACT CONCERNING A STATEWIDE PLATFORM FOR THE DISTRIBUTION OF ELECTRONIC BOOKS.

Now I'll speak from the heart. Last year I did introduce a bill that you're all aware of we worked together on that sought to remedy a situation that exists in the state in terms of availability of e-books to state libraries. And from a secondary basis, the cost of what those books were.

It was all over the map and so we worked that bill through the process. I pursued vigorously a enforcement type of legislation, which basically would say if you sold to the public on the retail end, e-books in the state you would have to provide those to the libraries at a similar cost.

There was pushback on that in terms of you know, free market and commerce concerns. There were also legal concerns that that was a First Amendment right that was being infringed upon, et cetera.

Where we ended up at the end of last year session, and we did vote through, was a study

bill. And at first I was a little nervous that that study bill might have been just the way to take this concept and move it to the side and kind of put it on a side burner, but that didn't happen.

It was the Office of Consumer Protection that was commissioned with putting the study together. They worked very hard and very diligently and came up with a very comprehensive study that didn't even just address the e-book availability, but cast a whole larger picture of digital content at libraries, and what their role is in today's society.

And they did make some recommendations at the end of their report. I will quote just a couple references from that report to put this in context. "To fully appreciate why library exclusion for meaningful participation in the e-book market is problematic, it is necessary to understand the important role of libraries and their communities and how that role is becoming more vital as digital content rapidly seeps into virtually every aspect of daily life.

As information becomes digitized and moves online. The role of the library is becoming more important, not less important. And as a summary, the importance of having eBooks at libraries is not simply a matter of convenience or consumer preference.

Excluding libraries from popular e-content will further the digital divide as those unable to afford to buy books will be excluded from a wide range of e-content, and of a delivery platform that is increasingly popular."

The recommendations that OCP made -- I was a

little frustrated when I first saw those because they took right off the table the concept of some sort of enforcement action. The attorney general's office had been involved in this study and possibly they had concerns about possible lawsuits coming down the road.

But the more I looked into it the suggestions they did have were productive and constructive and that brings us to where we are today. One of the recommendations was setting up a statewide platform for e-book, not just purchasing, and not just the terms of the cost of the purchasing, but one of the concerns in this whole kind of fluctuating e-book library situation is the file format of the eBooks, having a common platform that libraries can use, having some agreement between publishers and libraries on what would work best for both.

And we had a symposium a couple weeks ago at the University of Hartford. The publishers were there. The libraries were there. They're all working together. This isn't a win/lose situation, and I think we're at a good spot in terms of that being the best remedy or solution to kind of move all of our libraries forward and work with publishers to set up the terms, the pricing, the accessibility and, you know, the file format so that a couple years from now we'll all be working together on the same page.

SENATOR DOYLE: Thank you.

Thank you, Representative.

REP. SEAR: Thank you.

Any questions from the committee? Seeing none, thank you very much. A good bill. The last few years we've been working in bipartisan fashion. Thank you.



STATE OF CONNECTICUT
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Testimony of Kendall Wiggin
State Librarian
Connecticut State Library
Concerning Raised House Bill 5477
"AN ACT CONCERNING A STATE-WIDE PLATFORM FOR THE DISTRIBUTION OF ELECTRONIC BOOKS"
General Law Committee – Public Hearing
March 11, 2014

Good afternoon Senator Doyle, Representative Baram and distinguished members of the General Law Committee. My name is Kendall Wiggin and I am the State Librarian. I am here to speak in support of Raised House Bill 5477

Connecticut is nationally recognized as a leader in resource sharing. For over 40 years Connecticut's libraries have shared their resources with citizens statewide. Today those services include iCONN, Connecticutcard and Connecticar. Several years ago the State Library started getting questions from citizen's who thought that they should be able to use the Connecticutcard program to borrow eBooks. As it turns out eBooks are not purchased but rather licensed and these licenses prohibited eBooks from being shared the way books can be under copyright. As the result of this committee's efforts, Special Act 13-10, "An Act Concerning a Study Regarding the Availability of Electronic Books to Users of Public Libraries" was passed by the General Assembly last year. The act called for the Commissioner of Consumer Protection, in consultation with the State Librarian and the Attorney General, to conduct a study regarding the availability of electronic books to users of public libraries in this state.

That report, issued January 31, 2014 included several recommendations including investing in a state-wide e-book distribution platform. The State Library concurs with the report's conclusion that "[t]he most forward-thinking and sustainable option the legislature could pursue to increase e-book availability at public libraries is to make a significant State-wide investment in the creation of an e-book distribution platform that could be shared by libraries in the State." Over the years, the General Assembly has given the State Library responsibility for a variety of statewide resource sharing services. Raised House Bill 5477 would provide the State Library with the authority to pursue this recommendation.

The report points out a number of advantages of a State library-owned platform. I won't go into them here, but again, the State Library concurs. We have demonstrated our ability to successfully operate statewide library services. With iCONN we have been able to leverage a \$2 million allocation into a \$32

million dollar savings for schools and libraries. I am confident that a statewide eBook platform would leverage libraries' buying power when it comes to eBooks.

This legislation is an important first step in addressing the availability of eBooks across our state, one that lays the groundwork for Connecticut to continue to be a leader in resource sharing. I should point out that implementation would mention that this would require funding that is not in the Governor's current budget.

I urge your favorable action on Raised House Bill 5477.

House Bill 5477
General Law Committee
Public Hearing 3/11/14

**PLEASE SUPPORT HOUSE BILL 5477 – AAC A STATE-WIDE PLATFORM FOR
THE DISTRIBUTION OF ELECTRONIC BOOKS**

The Members of the Connecticut Library Association are grateful to the General Law Committee for raising House Bill 5477.

Last year, the General Law Committee passed 2013 House Bill 5614, Special Act 13-10, which requested the Connecticut Department of Consumer Protection to look at Connecticut's E-book marketplace.

On January 30th of this year, the Department issued to the General Law Committee its report entitled: *Report to the General Assembly's General Law Committee pursuant to Special Act 13-10, "An Act Concerning a Study Regarding the Availability of Electronic Books to Users of Public Libraries."* On page 15 of the Report, the Department provided the following as a recommendation:

Invest in a State run e-book distribution platform so as to provide the State's libraries with greater flexibility in acquiring and managing their e-content and increased negotiating power when dealing with publishers or other owners of e-content.

The purpose of House Bill 5477 is to give the authority to the State Library Board to actually carry out this fine recommendation. House Bill 5477 simply amends the State Library Board's Authorizing Statute – Section 11-1a – to grant the board the authority for the "creation and maintenance of a state-wide platform for the distribution of electronic books to public library patrons."

Libraries in Connecticut have a long tradition of statewide cooperation; sharing resources; and leveraging dollars through state services such as Connecticutcard; iCONN; and the Connecticut Library Consortium.

In harmony with the Department's recommendation, we believe that Connecticut citizens will enormously benefit from a statewide eBook service, with its own eBook platform.

- A statewide eBook platform hosted by the State Library would ensure equity of access to eBooks by all residents of Connecticut, regardless of income, education, or geography.
- A statewide eBook service would make it possible for users of all libraries in the state to access the titles directly using their local library card.
- A statewide eBook platform hosted by the State Library would free up local library funds currently used for platform fees for the purchase of books and other materials, and continue to furnish services on which their users rely.
- A statewide eBook platform hosted by the State Library would build on the success and demonstrated success of iCONN,

We respectfully believe that the State Library Board will need \$1 million for development of the platform – that would include consulting, hardware and licensing; and an initial \$1 million in initial eBook content. We would purchase an initial collection through a vendor that way it would be a bondable cost. We also believe that one new position to oversee this project on an ongoing basis at a salary of \$85,000/per year. **We will be asking our friends from the Finance, Revenue & Bonding Committee to help us fund this project.**

THANKS FOR YOUR SUPPORT OF HOUSE BILL 5477. GO LIBRARIES!!

A rationale for supporting House Bill 5477
A STATEWIDE PLATFORM FOR
THE DISTRIBUTION OF ELECTRONIC BOOKS
General Law Committee – Public Hearing
March 11, 2014

Good day Sen. Senator Doyle, Representative Baram and general law Committee members. I'm Jay Johnston, a legislative leader of the Connecticut library Association, Executive Director of the Farmington libraries and a member of the State Library Board. I'm here to ask you to move House Bill 5477 forward, a bill resulting from this committee's work in last year's legislative session addressing unequal access of e-books to public libraries by some publishers. The General Law Committee passed 2013 House Bill 5614, Special Act 13-10, which requested the Connecticut Department of Consumer Protection to look at Connecticut's E-book marketplace.

The impact of 5614 was positive although no universal in that more publishers now recognize that the public library e-book relationship generates positive sales effects and therefore have opened access for public library acquisitions to a greater extent than before. So, we are supremely grateful that we have been heard and you have acted on our behalf. And, I will particularly like to thank Sen. Doyle and Rep. Baram for their steadfast resolve in those proceedings that followed with the publisher's representatives.

Why should you support House Bill 5477?

1. Because it's etiological basis was derived through findings set forth from special act 13 – 10
2. Because it makes good economic sense
3. Because It's good public policy Good economic sense by leveraging our states buying power with a net benefit in local aid to all 169 municipalities.

What is the DNA of 5477?

1. Grants State Library Board authority to create a platform, acquire e-licenses, and maintain service to state-wide platform for the distribution of electronic books to public library patrons
2. Provides a State Library e-book distribution platform.
3. Provides A statewide source of e-content "books"
4. Provide access to eBooks by all residents of Connecticut

Thank you for your attention and hearing my views on this important issue.



State of Connecticut
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Senator Doyle, Representative Byram, Senator Witkos, Representative Carter, and distinguished members of the General Law Committee. Thank you for the opportunity to testify in support of Raised Bill #5477, AN ACT CONCERNING A STATE-WIDE PLATFORM FOR THE DISTRIBUTION OF ELECTRONIC BOOKS.

Last year I appeared before your committee to support legislation I introduced to ensure access to e-books for public, educational, academic and corporate libraries throughout Connecticut... access that was spotty at best. At first glance, it seemed appropriate to pursue adoption of a type of enforcement legislation: if a publisher offers titles for sale to the public, they would be obligated to offer those same titles to libraries. I vigorously pursued adopting a legislative remedy for the problem. Through the legislative process, questions were raised regarding the legality of enforcement action, and the possibility of market forces solving the access problem. At the same time, the process allowed the public to learn the extent of the lack of e-book availability throughout the state.

I believe the course of action we adopted, commissioning a comprehensive study of the entire situation, was indeed the best approach. I did have concerns that a "study" would be given lip service, and be used as an excuse for inaction. These concerns have proven totally ungrounded. I commend the Office of Consumer Protection for conducting a very comprehensive study, which was eagerly awaited and has not disappointed. Indeed, libraries and legislatures throughout the country are using it as a benchmark for addressing this situation. The study not only addresses the current e-book availability issue, it provides an overview and clarification of the essential role libraries play in improving our culture.

When I first read the report, I was frustrated that enforcement legislation was not recommended. However, upon study and reflection I came to believe the recommendations are indeed in the best interests of the State. I agree wholeheartedly with legislation that allows the State Library to oversee creation and management of a statewide e-books purchasing platform. This will not only help ease the problem of access, it will achieve uniformity in cost and technology throughout all Connecticut libraries.

On behalf of all Connecticut library patrons, I thank you for your crucial role in making Connecticut the national leader in providing access to this valuable new technology.

Testimony of Richard Conroy
President
Connecticut Library Association
Concerning Raised House Bill 5477
"AN ACT CONCERNING A STATE-WIDE PLATFORM FOR THE DISTRIBUTION OF ELECTRONIC BOOKS"
General Law Committee – Public Hearing
March 11, 2014

Dear Senator Doyle, Representative Baram and distinguished members of the General Law Committee. I am Richard Conroy, President of the Connecticut Library Association, and I am writing in support of Raised House Bill 5477.

Passage of this bill would give Kendall Wiggin, Connecticut State Librarian, a tool that would enable him to begin investigating the possibility of providing ebooks to all Connecticut residents through the Connecticut State Library. This concept is still in the developmental stages. However, it is vitally important that Mr. Wiggin have the option to move forward if he is to conduct meaningful negotiations with the vendors who provide the hardware and software required to implement such a plan.

Furthermore, the language contained in this bill directly addresses one of the recommendations contained in the recently released study of publishers' practices with regard to the sales of ebooks to libraries that was conducted by the Commissioner of Consumer Protection. That study was a direct result of the General Law Committee's efforts, Special Act 13-10, "An Act Concerning a Study Regarding the Availability of Electronic Books to Users of Public Libraries" which was passed by the General Assembly in 2013.

Libraries and librarians are collaborative by nature - it is part of our professional DNA. In addition to the resources we share through the State Library, most of us belong to the Connecticut Library Consortium, as well as one of the three major (LION, Bibliomation, and Library Connection) regional library consortia. We pool our resources this way because we understand the importance of making every dollar count. This is an important means we use to provide the outstanding materials and services that we take pride in bringing to our state's residents.

Most public libraries in Connecticut that provide ebooks to their patrons do so through their membership in one of the three consortia, each of which has a separate agreement with a company called OverDrive that supplies us with a software platform that's used to actually access ebooks. Each consortium then purchases licenses to download individual ebook titles from the various publishers through OverDrive. Our patrons can then use the OverDrive platform to borrow ebooks.

The problem is that a patron with a library card from one consortium can't borrow ebooks from libraries that are affiliated with one of the other consortia, even though all three use OverDrive. For instance, a card holder whose library is affiliated with LION can't borrow an ebook available through a library that belongs to Bibliomation or Library Connection. The same holds true for all of the other possible variations on this scenario.

This is the direct opposite of the model that is in place throughout the state for other materials. As it currently stands, a resident of any Connecticut town can use his or her library card to borrow virtually anything available in the collections of any other public library in the state. What's more, those materials can be delivered to that person's home library in a matter of a few days through the State Library's ConnectiCar service.

Connecticut has led the way nationally in finding a solution to the complicated problems surrounding sales by the major publishers of ebooks to public libraries. This legislation is an extremely important next step toward creating a fair and equitable sales and use environment for both public libraries and publishers. It is also a major step toward providing equal access to electronic materials to all of our State's residents. I urge your favorable action on Raised House Bill 5477.