

# Planning and Development Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-131

**Title:** AN ACT CONCERNING ELECTRONIC BOOK LICENSING.

**Vote Date:** 3/11/2022

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/25/2022

**File No.:**

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### SPONSORS OF BILL:

Planning and Development Committee

Co-Sponsors:

Sen. Steve Cassano, 4<sup>th</sup> Dist.

Rep. Michael A. Winkler, 26<sup>th</sup> Dist.

Sen. Will Haskell, 26<sup>th</sup> Dist.

Rep. David Michel, 146<sup>th</sup> Dist.

Rep. Tom Delnicki, 14<sup>th</sup> Dist.

Sen. Tony Hwang, 28<sup>th</sup> Dist.

Rep. Aimee Berger-Girvalo, 111<sup>th</sup> Dist.

Rep. Kate Farrar, 20<sup>th</sup> Dist.

### REASONS FOR BILL:

In the wake of the pandemic, libraries are struggling to create and maintain e-material databases, including access to e-books and audiobooks. Due to decreased funding and high purchasing costs of e-materials, libraries cannot sustain an electronic database. This bill would impose a requirement for publishers to license electronic books to public libraries with terms that consider libraries' funds as well as publishers' business needs. This legislation would assist libraries in using their funds to establish and maintain e-databases for the public to access.

**Joint Favorable Substitute, LCO 3058:** Section 1, lines 1-49 are NEW and Effective October 1, 2022. It requires publishers of electronic books and digital audiobooks to license them to public libraries at a fair and reasonable price.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Deborah Schander, State Librarian, CT State Library**

Ms. Schander offered testimony in support of SB 131. She expressed that the advent of electronic books has dramatically changed the relationships between libraries and publishers. Ms. Schander expresses that the licensure process greatly benefits publishers but harms libraries. According to Ms. Schander, libraries are struggling to maintain their "core mission" which is to provide access of information to their communities. Ms. Schander references 2013 and 2015 legislation that aided in the creation of an e-book platform but maintains that it is no longer sufficient. Ms. Schander recognized the complexity of this matter but reaffirmed the importance of equitable access for libraries and thus urges the legislature to support this bill.

### **Dawn La Valle, Director, Division of Library Development, Connecticut State Library**

Ms. La Valle testified in support of Sb 131. Ms. La Valle expresses that it would cost "all academic, public school, and special libraries \$58 million dollars to replicate the services of the state funded State Library of CT Digital Library". She also notes that the same e-book that costs \$15.99 on Amazon would cost a library \$55.00 to purchase, not including the proprietary platform to deliver the content. Ms. La Valle expressed this importance of this bill to ensuring access to e-content statewide, and urges the passage of this bill.

## **NATURE AND SOURCES OF SUPPORT:**

### **Colleen Ballie, Executive Director; Laura Irmischer, Director; Catherine Bushman, Assistant Director- West Haven Library**

Ms. Ballie and Ms. Bushman expressed their support for SB 131. In the West Haven Library, Ms. Ballie states that many patrons must go on a waitlist for upwards of six months for printed content due to lack of materials. Ms. Bushman and Ms. Ballie note that the increase in digital content checkouts have risen dramatically since the pandemic, and libraries no longer have the funding to purchase e-content to support this increase. Both Ms. Ballie and Ms. Bushman are supportive of this bill and emphasize that e-materials should be entitled to the same state discounts and pricing options as print options are.

### **State Representative Dorinda Borer, 115<sup>th</sup> District, Connecticut General Assembly**

Representative Borer testified in support of SB 131. She expressed her support for this bill, as it will increase libraries', and thus the public's, access to electronic books. Rep. Borer justified her support by noting that between 2019 and 2020, borrowed electronic content increased over 33%. Additionally, Rep. Borer emphasized the importance of electronic material to the education system as a result of the pandemic. Rep. Borer noted that passing this bill would provide libraries with more fair access to e-content, which she believes to be essential.

### **Kate Byroade, Library Director, Cragin Memorial Library**

Ms. Byroade testified in support of SB 131. She commented that major publishers have made it difficult to build "digital collectives" in library communities. In the wake of the pandemic, digital rentals increased in Cragin Memorial Library, creating a greater need for more electronic materials and e-books. Ms. Byroade testified that libraries pay up to 370% more for an e-book than an individual would, and 278% more for audiobooks. Ms. Byroade expressed

her frustration in this inequality and urges the legislature to pass this bill, as it would enable libraries to access digital materials at a fair price.

**The following speakers are library directors and employees who testified in support of SB 131. The each testified to the struggles their libraries are facing due to decreased funding and an increase in e-content needs due to the pandemic. Each speaker expresses their support SB 131 and notes that libraries are essential to their communities maintaining affordable access to e-books and other e-content.**

- Taylor Cordova, Reference Librarian, West Haven Public Library
- Geri Diorio, Assistant Director, Stratford Library Association
- Glenn Grube, Library Director, Avon Free Public library
- Elizabeth Lane, Director, Bloomfield Public Library
- Marianne Lorio, Electronic Resources Specialist, Hartford Public Library
- Janey Nocek, Library Director, Portland Library
- Danielle Pensa, Board of Trustees, Cragin Memorial Library
- Thomas Piezzo Director, Brainers Memorial Library

**The following speakers testified in support of this bill. They testified to the importance of libraries in education and community development. Additionally, they emphasized the pressures that libraries are facing due to decreased funding and inflated e-content costs from publishers. These speakers urge the legislature to support this bill and provide fair access of e-content to libraries.**

- Melissa Baker
- Daniel Becerra
- Elijah Clapp
- Georgianne Cohen
- Karla Dalley
- Carl DeMilla, Past President, CT Library Association
- Christine Feeley
- Ludmila Gooper
- Robert Hammond
- Meredith Hargreaves
- Sally Henowitz
- Peter Herrmann
- Adrienne Maslin Leinwand
- Elaine Leon
- Elizabeth Litt
- Seth Mahler
- Victoria MarkAnthony
- Ian McGillivray
- Cheryl Morgenstern
- Mary-Joy Morse
- Sandra Meyers
- Frank Nichols
- Nancy Nichols
- Lisa Peterson

- Susan Petty-Bailer
- Lauren Phillips, New Canaan Library
- Sally Tornow
- Elizabeth Vozzola

## **NATURE AND SOURCES OF OPPOSITION:**

### **Terrence Hart, General Counsel, Association of American Publishers**

Mr. Hart testified in opposition to SB 131 on behalf of the Association of American Publishers (AAP). He says that this bill "violates and is preempted by federal copyright law and...is unjustified". Mr. Hart notes that the AAP encourages both authors and publishers to provide books to the public at a reasonable cost. However, Mr. Hart also recognized that federal copyright law prevents state governments from establishing regulations such as those within SB 131. Mr. Hart provided the example of a recent court ruling in Maryland on a similar bill, which upheld the precedent that this would be a federal issue, not an issue for state government. Mr. Hart concluded by recognizing the importance of libraries to our state, but ultimately urged the legislature to reject this bill, as it would negatively affect both authors and publishers, as well as violate federal copyright framework.

### **Keith Kupferschmid, CEO, Copyright Alliance**

Mr. Kupferschmid testified to urge the committee to oppose this legislation. Similar to the comments of Mr. Hart, Mr. Kupferschmid testified that this bill would be in violation of federal copyright laws and would have an adverse effect of authors and publishers. Mr. Kupferschmid restated that copyright issues fall under congress' jurisdiction, not state governments. Mr. Kupferschmid urges the committee to reject SB 131 as it would both violate copyright laws and place risks on authors and publishers who would be subject to these regulations.

**Reported by: Madison Chain**

**Date: March 24, 2022**