

Public Hearing Testimony

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Date: 3/12/07

Bill Number: 7290

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**Testimony of  
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**Concerning Raised Bill No. 7290  
AN ACT CONCERNING PUBLIC LIBRARIES  
March 12, 2007**

The Connecticut State Library Board supports Raised Bill 7290. Much of what appears in the bill represents the work of the Advisory Council for Library Planning and Development (ACLPD) Task Force for Review of Public Library Statutes and was endorsed by the State Library Board.

The evolution of the state and public library statutes since they were originally enacted in the 19<sup>th</sup> century along with the transfer in 1965 of the Public Library Commission from the Department of Education to the State Library has, over the years, created confusion.

The Task Force for Review of Public Library Statutes was formed in December 2004, and charged with reviewing and proposing changes to the Connecticut General Statutes pertaining to Public Libraries. The members of the Task Force were selected to represent a variety of library constituencies. The State Library Board accepted the recommendations of the Task Force in November 2005.

Many of the revisions proposed in Raised Bill 7290 attempt to clarify and bring into modern practice the statutes governing the State Library and Public Libraries.

Section 1

Section 4-60 of the General Statutes requires each executive branch agency to submit an annual report to the Governor. The State Library report is included in the Digest of Administrative Reports. The requirement to submit a biennial report to the General Assembly appears to date back to the early days of the State Library when the General Assembly named the members of the State Library Committee. For at least 100 years the practice has been for the State Librarian to submit a report to the Governor. However in the previous audit of the State Library, the agency was cited for not submitting a biennial report to the General Assembly. Since this requirement seems redundant the Agency is requesting that the biennial report requirement be dropped.

Currently there is a 2 term limit (total of 4 years) for serving on the Advisory Council for Library Planning and Development. It is difficult to find qualified people willing to serve on boards. By allowing individuals to serve more than 4 years over the course of their careers the Council would benefit from the accumulated experience of former ACLPD members.

## Section 2

The changes proposed regarding the powers and duties of the State Librarian are the result of a review by the Office of the Attorney General. The changes recommended by that office are necessary for the efficient operation of the State Library and clarify ambiguities in the statute. Because the State Library Board only meets every two months a great deal of time could go by in approving personal service agreements and a host of other routine contracts that need to be signed for the operation of the agency. The Board currently approves all federal grants and public library construction grants. The requirement for the State Librarian to get approval to purchase books and hire staff is more than 100 years old and has not been practiced for decades.

## Sections 3 - 5

The revisions to the state document program and town and municipal documents reflect the move to electronic documents and the need for the State Library to continue to receive these important documents, even though they may no longer be in paper format. The definition of publication is expanded to include electronically "published" documents. The proposed legislation clarifies that the State Library's state document depository includes electronic and other intangible format publications as well as traditional printed publications. The legislation also changes the publication of the official indexed list of Connecticut state publications from quarterly to annual. The legislation also clarifies that the State Library's municipal document collection includes electronic and other intangible format publications as well as traditional printed publications. The State Library has taken a national leadership role in meeting the challenge of identifying, cataloging and providing permanent access to state government electronic publications. I have attached a small technical revision in Section 5 where a verb was left out of paragraph (a).

## Section 6

Changes board of directors to board of trustees. Over the years the term "director" has been commonly applied to the administrative head of the library and "boards of directors" as trustees. Here and throughout the statute the distinction is being made to avoid the current confusion over trustee and director.

## Section 7

In addition to the change from director to trustee, the provision for the town clerk to deposit books in the town library is eliminated as being unnecessary.

## Section 8

The provision authorizing the State Library to purchase books for local public and school libraries and to advise and assist correctional and charitable institutions is eliminated as obsolete.

## Section 9

Eliminates the obsolete provision for an advisory board for each of the library service centers.

## Section 10

The proposed changes make it clear that it is the principal public library that receives the annual state grant; spells out free public library service; replaces the 1980 census with the most recent federal census as the basis for determining population; and insures that the grant will be used for library purposes. Legislation providing for free public libraries in Connecticut was enacted in 1893. In recent years there has been pressure on some libraries to charge fees for library services that have been traditionally viewed as free library services. The proposed language is intended to establish a common basis for what is deemed to comprise free library service in our state for those towns that opt to have a principal public library.

## Section 11

The proposed change would keep the state's share of a public library construction project to 1/3 the cost of the project, but increases the maximum grant to \$1 million. The cost of library projects has increased greatly in the past ten years and the \$500,000 limit represents an increasingly smaller percentage of larger projects.

## Sections 12-16

Clarification of library director and trustee.

## Section 17

Clarifies that trustees are to serve without pay, not the librarian.

## Sections 18-20

As discussed earlier, this will ensure that the State Library can continue to provide access to municipal publications as municipalities move to electronic publishing by requiring notice from the town clerk of the existence, availability and location of electronic publications of the town. Changes in these sections also expand the definition of ordinances, charters and special acts published by municipalities currently received by the State Library to include electronic versions.

## Section 21

The way the public uses a library has changed greatly since this provision was first enacted. It is no longer sufficient to only consider circulation records when protecting the privacy of library users. A fundamental tenet of public libraries has been that each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted should be protected. It also makes it clear that these records may be released to any third party pursuant to a court order or with the written permission of the library user.

The library community and staff of the State Library have put a tremendous amount of thought and time into the development of these proposed revisions. I urge the Education Committee to give Raised Bill 7290 a favorable report.

Proposed revision HB 7290

Sec. 5. Section 11-9d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) Designated staff in each state agency shall be responsible for [supplying] making the publications of that agency available to the State Library. Each [such] state agency shall notify the State Library of the identity of such designated staff not later than thirty days after October 1, 1977, and upon any change of personnel. Said staff shall supply the State Library annually or upon request with a complete list of the agency's current publications.

(b) Every state agency shall, upon publication, deposit a sufficient number of copies of each of its tangible publications with the State Library to meet the needs of the depository library system.

(c) Every state agency shall, upon publication, supply the State Library with, or notify the State Library of the existence, availability and location of its intangible publications.

*The word "available" needs to be added to make the sentence grammatically correct.*