

SNELLA Southern New England
Law Librarians Association

*Testimony
Written 2/25/13*

6362

H.B. 6362

March 1, 2013

Senator Anthony J. Musto, Co-Chair
Government Administration & Elections Committee
Legislative Office Building
Room 2200
Hartford, CT 06106

Representative Ed Jutila, Co-Chair
Government Administration & Elections Committee
Legislative Office Building
Room 4046
Hartford, CT 06106

Chairman Musto, Chairman Jutila, and distinguished member of the Government Administration & Elections Committee:

I am Jonathan C. Stock, Government Relations Chair of the Southern New England Law Librarians Association. SNELLA, founded in 1978, is a local chapter of the American Association of Law Libraries (AALL).

Thank you for this opportunity to comment on H.B. 6362 entitled *An Act Concerning the Transparency and Accessibility of the Regulations of Connecticut State Agencies*. SNELLA views this legislation as admirable and we believe that its objectives are inextricably linked to a related bill we support: S.B. 235 entitled *An Act Concerning the Adoption of the Uniform Electronic Legal Material Act*. The former bill would transform our state administrative regulations into electronic format, making this version official; the latter would ensure that this digital version is authentic, that previous versions would be electronically preserved, and that—as in the past with print—there would be open public access at no or minimal cost.

SNELLA does, however, wish to affirm a commentary offered by Pamela Booth—Administrator for the Legislative Regulations Review Committee—regarding the need to require that each agency submit a single hard copy with each e-filing. She cites instances where the electronic version failed to accurately transfer information from its hard copy original. Absent that hard copy original, there would have been no way to find and correct the problem. Ms. Booth recommends that we should continue retaining a hard copy original until problems associated with any new e-project are worked out. We agree with her observation.

As a law library association, however, SNELLA wishes to expand upon this insight. Taken from our perspective, there is a serious problem with purely electronic

preservation. Stating the problem is easy—only the solutions are hard. The problem is two-fold. First, we do not know how long digital information lasts. Second, things change fast: data that is readable today may become unreadable tomorrow as hardware and software mutate through time. Technologies, many ingenious, have arisen to address these concerns, but whether they work long term remains uncertain.

Certainty requires maintaining last hard copy depositories—preferably more than one and, preferably, at disparate locations. We shall, in future, print less; but we must, in future, print some. The tangible must safeguard the intangible or nothing is secure.

The Southern New England Law Librarians Association recommends, that H.B. 6362 incorporate language requiring the maintenance of last hard copy depositories. The General Statutes of Connecticut, §2-27 provides that the Secretary of the State shall collect two copies of legislative file bills—distributing said documents to two such depositories: the Connecticut State Library and the Law Library of the University of Connecticut.¹ We believe that similar safeguards should be mandated to securely preserve all state regulations whether past, present, or future.

Thank you very much for considering this extremely important matter.

Cordially,

Jonathan C. Stock
Government Relations Chair
Southern New England Law Librarians Association

¹ C.G.S. 2-27 reads: "Printing and distribution of file bills. Copies of each bill reported favorably by a committee shall be made available electronically on the Internet website of the General Assembly and shall be printed in sufficient numbers, as determined by the clerks of the House and Senate, for use by the General Assembly. A greater number of copies of any bill shall be printed upon order of either legislative commissioner. Two copies of each printed bill shall be reserved for the use of the Secretary of the State who shall distribute one copy to the State Library and one to the law library of the University of Connecticut."