

# CONNECTICUT STATE LIBRARY



Kendall F. Wiggin  
State Librarian

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TO: Sen. Joseph Crisco, Jr. Chair  
Beverly Henry, Chair  
Task Force to Study Converting Legislative Documents from Paper to Electronic Form

FROM: Kendall F. Wiggin  
State Librarian *KFW*

RE: State Library's Concerns and Recommendations for the Task Force

The State Library's concerns about and recommendations concerning the conversion of legislative documents from paper to electronic form stem from its legal responsibility derived in Section 2-11; 2-13; and 2-23 and its defacto status as the archives for legislative bills, resolutions, calendars and journals and other legislative publications.

## Basic Considerations:

What is the purpose of the document?

Is it part of the official record?

Is it required to be kept permanently? If it is not mandated by statute to do so, is it good public policy to retain a permanent copy?

What is the official copy? How do the Clerks or the State Library certify a copy?

What are the standards for the electronic form?

Is there a written policy for the retention and destruction of legislative documents? As an example, bill text is posted on the CGA site back to 1988 but amendments and favorable reports begin in 1999.

What constitutes "public inspection" or public access?

## Electronic Records

Records in paper format can be converted to digital format either by scanning or through digital capture.

- There should be standards for the resolution of the capture.
- There should be standards and procedures for creating PDF documents that are optimized for long-term digital preservation, this includes relevant metadata. (CSL recommends basing them on PDF/A-1 specification, ISO 19005-1)
- There should be a file naming schema
- There should be a policy on the disposal of paper originals
- If no indexing is done, then digitized documents should be optimized for online searching

Born Digital. Records that are created digitally.

- There should be standards for their creation
- There should be a file naming schema
- There should be a preservation strategy

**Digitization is a means of providing greater Access it is not a means of Preservation.** Within the Executive Branch any public record that has permanent or archival value can be digitized but a human readable copy (usually microform) must be maintained.

"The Public Records Administrator may approve the disposal of original public records having a retention period of more than 10 years or as having permanent/archival value and reformatted on a digital imaging system if the agency also retains a security copy of the record in a human-readable storage medium approved by the Public Records Administrator, and the security copy is maintained in an organized record-keeping system." *Office of the Public Records Administrator and State Archives General Letter 2001-1.*

#### **Transcripts of Public Hearings and Bill Histories**

The State Library has been indexing, binding and making available to the public transcripts of legislative public hearings since 1899. This material includes written testimony and other exhibits submitted during the hearing. This is done in collaboration with the Senate and House Clerks offices. Since public hearing testimony is often occurs on a variety of bills in no particular order, using the transcribed and indexed version of these hearings is the only accurate method to quickly locate relevant discussion. Additionally, there are many instances where those testifying simply don't mention a specific bill number.

These public hearing transcripts:

- Are the official record of the hearings
- Are a vital part of the legislative history of a bill
- Are fully indexed and speakers are identified
- Are cited in legal cases - courts have directly cited to pages contained in public hearing transcripts in at least 677 cases as per a recent WestLaw search.
- Are the only discussion available on a bill that does not reach the House or Senate floor
- Are the only discussions available on a bill that is passed on a consent calendar. As an example, during the 2010 Regular Session, 345 bills were placed on the consent calendar meaning that the House and Senate transcripts provide record of a procedural action but provide nothing as to legislative intent.
- Are preserved on microform

#### Audio Only

- Audio recordings without a transcript are unusable for legal research or citation purposes
- There is currently no technology available that enables indexing of audio files to the level of detail needed to locate discussion on specific bills
- MP3 files can not currently be considered archival or permanent
- All audio preservation is expensive. It is estimated that preservation engineers' studio time required for a recording averages three times the length of the source recording. Digital preservation holds great promise but it adds significant investment costs, such as the creation and maintenance of repositories and the generation of controlling metadata. *Preservation of Digitally Recorded Sound*. Samuel Brylawski. Recorded Sound Section Motion Picture, Broadcasting and Recorded Sound Division. Library of Congress <http://www.clib.org/pubs/reports/pub106/sound.html>
- MP3 files are easily downloaded and edited. What will constitute the official audio file?
- Significant time and resources will be needed by state agencies, the legal community and the general public to listen to an entire audio of hearings.
- What legal standing will transcripts created from the audio files by state agencies, law firms, and individuals have?

#### On-line Bill Histories

- Currently inconsistent as far as content
- It is unclear how long they will remain online and what the preservation strategy is for them
- Prior session information not easily found