

STAND. COM. REP. NO. 1705

Honolulu, Hawaii

APR 04 2023

RE: S.C.R. No. 70

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Public Safety and Intergovernmental and Military Affairs and Education, to which was referred S.C.R. No. 70 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND FEDERAL COPYRIGHT LAW TO EXPLICITLY PROTECT CURRENT LENDING PRACTICES OF NONPROFIT ONLINE LIBRARIES,"

beg leave to report as follows:

The purpose and intent of this measure is to urge the United States Congress to amend federal copyright law to explicitly protect current lending practices of nonprofit online libraries.

Your Committees received testimony in support of this measure from the Hawai'i State Public Library System.

Your Committees find that while traditional brick-and-mortar public libraries facilitate collective knowledge by acquiring books and lending those books to the public, free of charge, nonprofit online libraries work on this same principle in the virtual realm by acquiring and maintaining numerous hardcopies of books, scanning digital versions of those books, and lending those digital versions to the public, also free of charge. Your Committees note that despite the fact that the number of digital copies of a book that an online library lends out at any given time never exceeds the number of hardcopies of that book in the library's inventory, a number of major publishers claim that this lending system is in violation of copyright and are seeking relief



in the case of *Hachette Book Group, Inc. v. Internet Archive*, which is pending before the United States District Court for the Southern District of New York. Your Committees believe that Congress should act to preserve nonprofit libraries and protect the flow of knowledge to the public. This measure will encourage Congress to amend copyright law to prevent a devastating impact to the patrons of nonprofit online libraries.

As affirmed by the records of votes of the members of your Committees on Public Safety and Intergovernmental and Military Affairs and Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 70 and recommend its adoption.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Intergovernmental and Military
Affairs and Education,

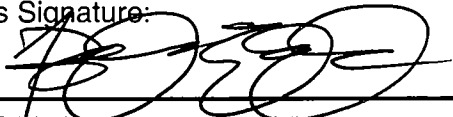

MICHELLE N. KIDANI, Chair


GLENN WAKAI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SCR 70	Committee Referral: PSM/EDU	Date: 4/3/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
MCKELVEY, Angus L.K.	✓			
AWA, Brenton	✓			
TOTAL	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Thirty-Second Legislature
 State of Hawai'i

**Record of Votes
 Committee on Education
 EDU**

Bill / Resolution No.:* SCR 70	Committee Referral: PSM / EDU	Date: 4/3/2023
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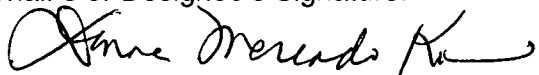
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	/			
KIM, Donna Mercado (VC)	/			
KANUHA, Dru Mamo	/			
RICHARDS, III, Herbert M. "Tim"	/			
FEVELLA, Kurt	/			
TOTAL	5			

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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