

William Kent Krueger

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March 16, 2026

To Senator Kunesch and Representative Gottfried:

I'm writing in support of SF3685/HF3698.

Libraries are a cornerstone of our democracy. Free and easy access to literature helps to open the eyes of us all to our world, to its cultural wonders, natural beauty, profound history, and to the part we play in sustaining all that is good on this planet. I grew up with bookmobiles and with a library card in many small communities across this nation. Who I am today has been shaped by what libraries offered me freely from childhood.

As an author, I'm aware that so many of my readers discover and continue to read my work because of their local library. Although I make my living from the sale of my novels, I hate to think that acquisition of my work is so financially onerous that it adversely affects a library's ability to offer all the important services patrons have come to rely on, especially those among us—and there are many—who are so economically stressed that they can't afford the simple luxury of buying a book.

For the health of our free libraries and for the mental and spiritual wellbeing of all our citizens, I support this important measure. I firmly believe that, in the end, as a result of the passage of this legislation, we will all be better citizens and better human beings living together in a better world.

With hope,

William Kent Krueger
Author of the New York Times best-selling Cork O'Connor mysteries and proud Minnesotan

Date of Hearing & Bill Number: March 18, 2026 | HF 3698

To: Members of the Elections Finance and Government Operations Committee

From: Shelley H. Husband, EVP, Government Affairs

Affiliation: Association of American Publishers

City of Employment: Washington, DC

Position: Oppose

The Association of American Publishers (AAP) is the national trade association for book, journal, and education publishers in the United States, including large, small, and specialized publishing houses from across the country. We respectfully submit this testimony in opposition to HF 3698 because this legislation would significantly harm readers in Minnesota, undermine the rights of authors and publishers, and threaten the viability of independent bookstores.

Publishers have served public libraries and their communities very well in the digital age—to the point that today more patrons than ever before can access for free, at the push of a button, a record number of award winning and best-selling literary works that they might otherwise have purchased from booksellers.

Last year, readers borrowed more than *820 million* ebooks, audiobooks, and other digital content – an increase of nearly 11% over the previous year – and library check-outs continue to increase even while commercial revenue for ebooks declines each year. These “digital check outs” are made possible because publishers have long offered discounted access to public libraries, for them to make digital formats available to their patrons under controlled terms, as a supplement to physical books, which by far remain the most popular format.

While we recognize that many libraries are looking for ways to efficiently and cost effectively serve their patrons, collections spending and spending on electronic materials in particular, represents a small portion of overall library budgets. Moreover, libraries enjoy special multi-user licenses from publishers that permit them to do things that readers in the consumer markets may not do. Libraries make ebooks available over and over again to their patrons, at an aggregate cost that is far less than the per-reader rates in the consumer market.

The U.S. Copyright Act governs the distribution of literary works in all formats, including the licensing of ebooks and audiobooks to public libraries. The Copyright Act is the basis of invaluable creativity and innovation in the marketplace. The basic bargain of the Copyright Act is economic. It serves the public by encouraging and incentivizing authorship and publication, including through modern delivery models. Efforts to regulate the terms under which authors and publishers may exercise their exclusive, federally

protected rights are unconstitutional and threaten the entire creative economy that is so critical to the state of Minnesota and the Nation.

The ultimate irony and shame of this misguided legislation is that it would likely impede – rather than expand – access to digital library materials in Minnesota. This legislation will likely have the opposite effect that lawmakers desire: when publishers aren't able to bend to the restrictive and extreme demands dictated by this legislation, libraries may lose access to new releases, experience higher costs, or be prohibited by the state from licensing ebooks and audiobooks altogether.

While they are not required to do so, publishers currently license new release ebooks and audiobooks to libraries on the first day of a book's release. However, this legislation may make it impossible to do so while also protecting the viability of independent bookstores in the city. As a result, it is possible that Minnesota libraries may have less early access to new titles in digital formats.

As a result of this legislation, authors may be prevented from getting their books in Minnesota libraries. Further, library patrons will likely lose access to some ebooks and audiobooks and be redirected to purchasing books they wish to read. In short, this legislation will, in the end, harm both authors and Minnesota's readers who are library patrons.

Especially now – in the face of increasing threats to the freedom to read, disruption from artificial intelligence, and the widespread theft of copyrighted digital books by AI companies – the livelihoods of bookstores, authors, and other creators are especially fragile. Any legislative effort to intervene in commercial markets and disrupt the balance between art and commerce that has been so carefully struck would result in harm to authors, creators, and bookstores that is unsustainable for library lending in Minnesota. Therefore, we must strongly oppose this legislation and respectfully urge the committee to reject HF 3698.

We appreciate the opportunity to present these views to the House Elections Finance and Government Operations Committee.



DATE OF HEARING & BILL NUMBER: March 18, 2026 - HF 3698

TO: Members of the Elections Finance and Government Operations Committee

FROM: Regan Smith, Senior Vice President & General Counsel, News/Media Alliance

AFFILIATION: Trade Organization

CITY OF RESIDENCE: Arlington, VA

POSITION: Oppose

The News/Media Alliance (“N/MA”) respectfully submits the following testimony in opposition to bill HF 3698, which we believe is unnecessary and raises constitutional concerns. We therefore call on the Committee to reject the bill.

N/MA is a nonprofit organization representing over 2,200 diverse newspaper, magazine, and digital media publishers in the United States, ranging from the largest news and magazine publishers to hyperlocal newspapers, and from digital-only outlets to papers who have printed news for centuries. Covering all subject matter and political viewpoints, the Alliance’s membership accounts for nearly 90 percent of the daily newspaper circulation in the United States, over 500 individual magazine brands, and dozens of digital-only properties.

HF 3698 is a blunt instrument to a non-existent problem. While we deeply share the legislature’s sincere interest in the wellbeing of our public library systems, there is no proof of an existing licensing market failure facilitated or initiated by publishers – books, news, magazines, or others. Libraries by and large have access to a wide range of written materials in a variety of formats, from physical books and magazines to electronic editions of newspapers and digital media publishers, and many media publishers also offer readers direct access to their valuable written material in ways that do not require a paid subscription. There are various ways for state legislatures to strengthen our public libraries and ensure communities’ access to high-quality information and entertainment, but this bill is not the answer. Instead, it would encroach on publishers’ ability to freely license their works and to invest in new, original content, thereby risking the access to news and media content our communities rely on.

Most disconcertingly, HF 3698 would undermine the federal copyright framework that is built on a careful balance between the interests of copyright owners and users. The Copyright Act protects creators’ investments into the production of creative content, including by establishing clear exclusive rights that are reserved for copyright owners. These rights include the right “to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of

ownership, or by rental, lease, or lending.”¹ By prohibiting libraries from entering into or renewing contracts containing certain provisions, publishers may be forced to either accept terms they would not otherwise accept or to decline to license to libraries in the first place – reducing the public’s access to high-quality content.

Section 301 of the Copyright Act establishes a strong federal preemption with regards to any state bills that aim to limit or regulate the exclusive rights reserved for copyright owners, stating that “all legal or equitable rights that are equivalent to any of the exclusive rights within the general scope of copyright... *are governed exclusively by this title*. Thereafter, no person is entitled to any such right or equivalent right in any such work under the common law or statutes of any State.”² By indirectly regulating licensing terms for publishers – including book, newspaper and magazine publishers – when it comes to library licenses, HF 3698 effectively impinges on the exclusive rights created by the Copyright Act and may therefore be preempted under it.

Bills regulating library license agreements in other states have failed for similar reasons. In Maryland, a federal court found in 2022 that the state’s law “likely conflicted with the Copyright Act because it forced publishers to forgo their exclusive rights to decide when, to whom, and on what terms to distribute their copyrighted works,” later declaring “the Maryland Act unconstitutional and unenforceable because it conflicts with and is preempted by the Copyright Act.”³ In New York, Governor Kathy Hochul vetoed an analogous bill on the same grounds.⁴ Further, in 2023, Virginia’s Senate Committee on General Laws and Technology decided unanimously to reject a similar proposal in a 15-0 vote.⁵ And in 2024, the Municipal and County Government Committee of the New Hampshire House of Representatives voted in favor of a motion of Inexpedient to Legislate with regards to a similar bill introduced in the state.⁶

While HF 3698 also raises other questions and concerns, the abovementioned issues are especially concerning as they threaten the delicate balance of the federal copyright system and reduce publishers’ incentives to invest in the creation of new original works, while also threatening the public’s continued access to publisher content through public libraries.

For the reasons noted above, N/MA respectfully opposes HF 3698 and strongly urges the Committee to reject it. We appreciate the opportunity to present these views to the Committee.

¹ 17 U.S.C. § 106(3).

² 17 U.S.C. § 301(b) (emphasis added).

³ *Ass’n of Am. Publishers, Inc. v. Frosh*, 586 F. Supp. 3d 379 (D. Md. 2022); *Ass’n of Am. Publishers, Inc. v. Frosh*, No. DLB-21-3133, 2022 U.S. Dist. LEXIS 105406 (D. Md. June 13, 2022).

⁴ Andrew Albanese, *Hochul Vetoes New York’s Library E-Book Bill*, Publishers Weekly (Dec. 30, 2021), available at <https://www.publishersweekly.com/pw/by-topic/digital/copyright/article/88205-hochul-vetoes-new-york-s-library-e-book-bill.html> (last accessed on Feb. 20, 2024).

⁵ Katy Hershberger, *Bill to Limit Library E-Book Lending Fails in VA Senate*, Publishers Marketplace (Feb. 3, 2023), available at <https://lunch.publishersmarketplace.com/2023/02/bill-to-limit-library-e-book-lending-fails-in-va-senate/> (last accessed on Feb. 20, 2024).

⁶ New Hampshire H.B. 1342, https://gencourt.state.nh.us/bill_Status/billinfo.aspx?id=1234&inflect=2.