

Memorandum 94-36**Revised Distribution Policy For Commission Materials**

Due to budgetary limitations, the Commission has abandoned its traditional policy of distributing Commission materials free of charge on request. Instead, the Commission now imposes a charge for all Commission materials, including meeting materials, tentative recommendations, and printed reports. The charge is an averaged amount based on the size of the item and covers reproduction cost, sales tax, and shipping.

Although the accounting required by this policy imposes some burdens on the staff, the scheme is generally workable and yields a sufficient amount to keep the Commission's reproduction and publication program going. In general, publications during the current fiscal year are paid with funds from sales of documents in the last fiscal year.

Experience with this scheme has revealed a defect that adversely impacts the effectiveness of the Commission's program. The Commission depends on interested persons to review its tentative recommendations and identify problems. The problems can be addressed before the Commission finalizes its recommendation and submits it to the Governor and Legislature. A failure to obtain comments on tentative recommendations can adversely affect the quality of the final recommendation, and also result in difficulties during the legislative process.

We have received complaints on several projects from persons whose comments we have requested, but whom we have told must first purchase a copy of the tentative recommendation. This became a political issue in the opposition to our recommendation on the effect of joint tenancy title on marital property.

The staff recommends that the Commission revise its distribution policy to provide for distribution of tentative recommendations on which the Commission is soliciting comment, free of charge. The staff believes this revision will help improve the quality of the Commission's product as well as its acceptability in the Legislature. This policy would affect only tentative recommendations, not meeting materials or printed reports.

It is not possible to estimate the cost of making this change in the Commission's distribution policy. Right now, the number of persons receiving tentative recommendations is limited; this is attributable in part to the fact that a charge is imposed. The staff would monitor experience under the revised policy, if adopted by the Commission, and report back if it appears that the costs are becoming too substantial.

Respectfully submitted,

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Executive Secretary