

Admin.

August 15, 1996

**Memorandum 96-56****Materials Distribution Policy**

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Historically, the Commission provided copies of its materials free of charge to persons who requested them. This changed in recent years as a result of deep budget cuts suffered by the Commission. In order to enable it to continue reproducing and printing materials for the public, the Commission began a policy of charging for all materials at reproduction and shipping cost, by subscription or per item.

The Commission modified this policy two years ago when experience showed that it had become more difficult to obtain responses on proposals being circulated for comment. It was not satisfactory to request a person to help us by reviewing and commenting on a proposal, but impose a charge for that opportunity. Tentative recommendations being circulated for comment were made an exception to the policy of charging for materials.

With the advent of electronic communications, we have sought to provide materials electronically without charge. We have established a website on the Internet and have made as many of our current public materials as possible available through the website. Persons who request copies of our documents are offered the choice of obtaining a copy electronically at no charge or a hard copy at cost. So far, the overwhelming majority of persons we deal with are unwilling or unable to obtain the materials electronically. This may change, but to date the rate of change has been slow.

The budget augmentation we have received for the current fiscal year puts us in a position where we can once again consider the possibility of making copies of our materials available to the public free of charge. I would like to be able to do this. I conceive it to be a part of our mission to facilitate public involvement and awareness of law reform, to provide public education concerning changes in law resulting from the law reform process, and to make readily available the Commission's work product for purposes of statutory construction and legal history. Not to mention the fact that handling subscriptions and orders and

accounting for receipts and sales taxes is an administrative burden for the Commission's small staff.

I propose the following policy for public distribution of Commission materials during the current fiscal year, and thereafter to the extent Commission funding remains adequate. This would not affect existing non-public distribution practices, such as to provide materials free of charge on request of legislative members and staff.

(1) All materials would continue to be available electronically, and that availability would be suggested as a first option to persons wishing to obtain copies of Commission materials.

(2) Printed reports would be available on request, the first copy free and additional copies charged at cost.

(3) Tentative recommendations would be available free of charge, including multiple copies (e.g., for bar committees).

(4) Meeting materials would be available free of charge to persons who attend meetings or comment on the materials, and would be available at cost to other persons.

(5) Bound compilations of previously printed reports would continue to be available at cost.

(6) The staff would have discretion to vary these rules in appropriate circumstances (e.g., provide discount for bulk purchase or educational use).

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary