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September 7, 2010

Mary Jane Phelps
PLRB
Room 647
Main Capitol Building
Harrisburg, PA 17120

RE: Proposed Rulemaking re Distribution of Pa Code and Bulletin
40 Pa B. 4392 (August 7, 2010)

Dear Ms. Phelps:

I am commenting on the proposed amendment to 1 Pa.Code 1.4. As stated, "This proposed rulemaking will amend 1 Pa.Code § 1.4 to define a "copy" to include a printed or electronic version. As a result, most entities listed in Chapter 15 will no longer receive paper copies of the Code and Bulletin paid for by the LRB. Budgetary constraints require that the LRB cease these payments. Informal surveys conducted by the staff of the JCD indicate that most of the Chapter 15 entities use the electronic versions of the Code and Bulletin."

I am writing as a law firm librarian and a citizen of the Commonwealth, however, my opinions are my own and do not reflect those of my employer.

The distribution requirements defined in Chapter 15 are quite extensive and reflective of a time when print was the only medium for the Code. As suggested by the IRRC filing, it is quite likely that some Chapter 15 entities find the electronic "copies" of the Code and Bulletin sufficient for their needs. Given the impact of electronic access and the print distribution costs, the PLRB's proposed rulemaking is understandable. However, I have some concerns and comments about the amendments, primarily, that the PLRB should continue to pay for and provide the Pa Code to some libraries accessible to the public. As much as applicable, my comments also apply to the print and electronic Pa Bulletin.

1. The Pa Code Website is Useful but Missing Print Features and Advanced Search Features. Specially, the Master Index and Finding Aids volume are missing. These are still used by us to locate relevant sections of the Code, and should not be discounted as unique search tools. Further, the Website Search and Browse/Table of Contents features are useful, but the Search feature is fairly basic and does not allow for pinpoint searching.

Accordingly, further enhancement and improvements on the Wbsite would be desirable before the PLRB opts to discontinue print distributions extensively or completely.

2. Access to the Print Copy to the Public through Libraries Should Be Continued to Some Degree. The Judicial Branch, Executive Agencies, and Political Subdivisions should be in position to

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determine their needs for print and/or electronic. But for the general public, including the elderly and students, the print Pa Code can offer greater ease of use. It can also work in tandem with the electronic version (and vice versa). The print Pa Code represents its original format, and illustrates physically the administrative regulations organization and design.

Accordingly, the PLRB should endeavor to maintain the spirit the authorizing law and regulations by purchasing and distributing a number of print Pa Codes to those county law libraries, law school libraries, and some (if not all) libraries covered under 22 P.S. 4425 which opt to continue print receipt. These libraries bear the responsibility of filing and maintaining the print sets.

3. The PLRB Should Clarify What Constitutes the "Official Version(s)" of the Code. I had been my understanding that the print version of the Code is considered the "official" version of the Code as opposed to the electronic version. If this is indeed accurate, the PLRB should take steps to ensure that the electronic version is given the same status in the regulations, etc.

These are certainly difficult budgetary times not only for the Commonwealth's PLRB but for many Chapter 15 entities. The PLRB's proposed rulemaking addresses current usage developments under its current fiscal concerns. Nonetheless, provisions to guarantee some access to the unique print "copies" to the public should be considered and adopted.

I look forward to following the proposed rulemaking on this issue. Feel free to contact me.

Very truly yours,

Ann Unger

ATU/ccv