

JURISDOCS

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Government Documents
Special Interest Section

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Dear Fellow GD-SIS Members,

Welcome to the Spring 2010 issue of your newsletter. In this issue of *Jurisdocs* we have reports from our Chair and Chair-elect, nomination report for the upcoming election, as well as a statement of our fiscal standing and the names of recent grant winners, whose reports from the Spring FDLIC meeting are included in this issue. We also have an article of a new coordination effort among ASERL libraries, and a review of Pennsylvania's online administrative code.

The next issue of *Jurisdocs* will be out late August 2010, and it will have a review of AALL Denver programs sponsored by our SIS as well as notes and minutes of the SIS's annual business meeting.

As always, please think about writing an article. Submissions are always welcomed from you the members of the SIS ideas for other articles. Please feel free to contact me.

Sincerely,

Edward T. Hart
Your Editor

Chair's Report



Rosemary LaSala
Reference /Government Collections Librarian
St. John's University, Rittenberg Law Library

Here we are again, the 2010 annual meeting is just a few months away and the GD-SIS has some really unique programs scheduled for our meeting in Colorado. I really cannot believe my year as Chair has gone so quickly. There are so many people that I need to thank that I do not really know where to begin. So rather than leave anyone out, I would like to take this opportunity to extend my sincere thanks to you all.

The position of vice/chair, chair/elect can be a daunting undertaking, but because of the members of the GD-SIS and the committees who work tirelessly planning and coordinating events, my job these last two years has been an experience I am not likely to forget. Any time I have had a question or have felt overwhelmed, there was always someone I could call to calm me down and help me work through the complexities involved with planning business meetings and breakfasts, submitting proposals and networking through the vast amount of e-mails and deadlines. Believe it or not, it was worth every minute of work. I enjoyed the

various learning experiences involved in investigating the ever changing field that we are all involved in.

During this time of year, asking people to volunteer their time and commit themselves to an organization is difficult, but once again I am asking for your support. All of the committees welcome volunteers with open arms. There is always something to get involved in. The committees and our membership are what make our SIS so successful. I understand with the constant flux in our homes, careers, and institutions that there is never a right time to place more demands on your time. However, because of your involvement the GD-SIS and its members will be indispensable in formulating the changes that concern our field now and in the future.

Thank you all once again. My year as Chair is coming to an end, but my involvement with the Government Documents SIS will continue. Again, it is my hope that you will find the time to join me in re committing to this worthwhile organization. I look forward to working with you all in the future. To Dee Wood, Janet Fischer, the new Vice/Chair, Chair/Elect and the GD-SIS members, I wish you all the best for a great July conference. Enjoy the summer!

Report from the Vice-Chair/Chair-Elect



Dee Wood
University of Kentucky Law Library

Thank you for choosing me to represent you as Vice-Chair/Chair-Elect of the Government Documents Special Interest Section. I take great pride in the responsibilities I have over the next few years. Never decline the opportunity to become involved with GD-SIS: run for office; volunteer to be a member of a committee; offer to chair a committee. Every moment of service spent for our SIS will enrich your lives for the duration of your AALL professional experience. You might ask what you will gain from these GD-SIS activities. In answer to this question I can tell you only what I have learned through my involvement with a very special group of people. I have discovered that every person I know in GD-SIS shares a passion for government documents. We all share the same desire to have a successful Federal Depository Library Program. We know how imperative the FDLP is to our American citizens. We actively support the Depository Library Council so that we can provide comprehensive government information to the public. We especially value Federal Depository Law Libraries.

Our members have a collective desire to promote government document collections. We especially want to share the many aspects of government information with our fellow AALL members through meaningful programming during our annual conferences. GD-SIS members will provide an interesting array of presentations for AALL attendees in Denver. Please make room in your busy conference schedules for the offerings from our membership. Some of the programs were proposed solely by the GD-SIS and others were co-sponsored by other sections. All of them promise to provide excellent professional development opportunities. This issue of JurisDocs contains a listing of programs for your convenience.

Have a great AALL Conference in July. I look forward to seeing you then.

SIS Annual Election

Larry Meyer, Chair Nominations Committee

It is that time of year again - elections for the Government Documents SIS are right around the corner. Please watch for an announcement on the GD-SIS website as to the dates of the election as well as an e-mail detailing how to cast your electronic ballot. This year we will be electing a new vice chair/chair-elect. At the convention in Denver, the elected individual will begin serving their term as Vice President as well as leading the development of programming for the 2011 convention in Philadelphia. In Philadelphia, next July, that person will assume their one year term as Chair. Eric Parker, from the Pritzker Legal Research Center at Northwestern University's Law School has agreed to throw his hat into the ring. Please, when you have a moment, read his qualifications and election statement below.

Statement of Candidate for Chair-Elect: Eric Parker

Education

M.S., Library and Information Science, 1993, University of Illinois at Urbana-Champaign
 M.A., English Literature, 1991, University of Chicago
 B.A., English Literature, 1989, Cornell University

Professional Experience

Pritzker Legal Research Center, Northwestern University: Acquisitions Librarian (2003-Present); Electronic Resources & Services Librarian (2000-2003); Catalog Librarian (1995-2000)

Thomas Jefferson Library, Robert Morris College (Chicago): Librarian (1993-1994)

Professional Activities

GD-SIS Grants Committee, Chair, 2004-
 GD-SIS Webmaster, 1999-2009
 GD-SIS State Bibliographies Coordinator, 2004-2007
 Chicago Association of Law Libraries (CALL) Committee on Relations with Information Vendors, 2004-2007

Statement

I really am honored to have been asked to run for Vice-Chair/Chair Elect of GD-SIS. The people I have met and worked with in the Section over the course of the past 10 years have definitely been one of the highlights of my professional career. Government documents is an important specialty within law librarianship, and seems to be increasingly complex to work and stay current in. The need for continuing education is critical. If elected, I would enjoy getting to work with many of the Section's members to provide the programs necessary for us all to stay current and serve our users most effectively.

Report from Secretary-Treasurer

Janet Fischer
Golden Gate University Law Library

Balance 7/31/2009	\$28,996.42
Revenues	
Dues	\$2,295.00
Expenses	
Food & Beverage	(\$533.71)
Awards	(\$1,057.54)
Misc. expense	(\$60.37)
Postage/Freight	(\$10.35)
Printing	(\$33.48)
Souvenirs/giveaways	(\$120.88)
Honoraria - Travel grant Childs & Marmon	(\$1,000.00)
Balance 1/1/2010	\$28,475.09

Report from the Grants Committee

Eric Parker
Pritzker Legal Research Center
Northwestern University

The Grants Committee of the GD-SIS has awarded member grants to Peggy Jarrett, of the University of Washington's Gallagher Law Library, and to Schuyler Cook, of Cleveland-Marshall College of Law Library. Each grant is for up to \$500 to cover the costs associated with attending the Spring Depository Library Council Meeting in Buffalo, NY.

Congratulations, Peggy and Schuyler!

**GD-SIS Sponsored Programs, Co-Sponsored Programs,
Other Programs of Interest 2010 (July 10-13) Denver, CO**

Saturday, July 10, 2010

8:30 AM - 12:00 PM

Legislative Advocacy Training: Raising the Bar in Your State

Registration deadline: June 1, 2010. To register, email Emily Feldman at efeldman@aall.org

Saturday, July 10, 2010

8:30 AM – 1:00 PM, Offsite, Auraria Library

W-1: Researching Native American Tribal Law – the Law of the Third Sovereign (GD-SIS, CoALL, Native Peoples Law Caucus)

Pre-Registration required through AALL Conference Registration Form

Sunday, July 11, 2010

3:00 PM – 4:00 PM, CCC-Room 205-207

B-4: Making Sense of the Federal Census: Finding and Using Information Collected in the Decennial Census (GD-SIS, Black Caucus)

Tuesday, July 13, 2010

7:15 AM – 8:45 AM, Hyatt-Capitol Ballroom 1 – 2

GD-SIS Breakfast and Business Meeting

Tuesday, July 13, 2010

9:00 AM – 10:30 AM, CCC-Room 108-112

H-2: The Changing Look of Government Information: Impact on Reference, Technical Services and Public Services (GD-SIS)

Rosemary LaSala – Coordinator/Moderator

Speakers – Joseph Hinger, Janet Fisher, Simon Canick, Ted Priebe, Meg Martin

Tuesday, July 13, 2010

2:15 PM – 3:15 PM, CCC – Room 109

Reaching Our Peak: Resolving Issues for Law Libraries in the Federal Depository Library (GD-SIS)

Kate Irwin Smiler – Speaker/Coordinator

Sally Holterhoff – Moderator

Speakers – Jenny Wondracek Greig, Melanie Oberlin

Tuesday, July 13, 2010

3:30 PM – 4:00 PM, CCC-Room 109

FDLP Law Libraries in the 21st Century

Rosemary LaSala – Coordinator/Moderator

Speakers – Victoria Trotta, Mary Jo Lazun

ASERL Offers Discussion Draft Proposal for Coordinated Management of Federal Documents Collections in Southeast

Judith C. Russell
Dean of University Libraries
George A. Smathers Libraries
University of Florida



ASSOCIATION OF SOUTHEASTERN RESEARCH LIBRARIES

At the 2010 Spring Membership Meeting, the Association of Southeastern Research Libraries (ASERL), approved a draft proposal for coordinating the management of Federal Depository Library Program (FDLP) collections in the Southeast Region.¹ The Discussion Draft that presents the proposal and an Executive Summary are available via the ASERL website, www.aserl.org.

Approximately 20% of all Federal Depository Libraries are in this region. This includes 12 regional depository libraries and 248 selective depository libraries, of which 180 are academic libraries, 31 are public libraries, 8 are state libraries, and 41 are academic or state law libraries.

The ASERL Deans agree the federal documents collections are valuable assets for library the holds the collection, the state and the region, and that the best means of public access is online access to digital and digitized copies. They also agree that we need to plan collectively for management of Federal documents in the Southeast region.

As chair of the ASERL Deans' FDLP Task Force, I noted, "This is a time of significant change for libraries that participate in the FDLP. In response to this environment, it's vital that libraries be proactive about how to effectively and efficiently manage these important information resources to ensure their public availability for the future."

The proposal was drafted as a means of starting a dialogue between library deans and directors, documents librarians and others about how to effectively manage the extant FDLP collections as a regional asset. The document proposes options for standardizing and simplifying the FDLP collection management processes within the region.

¹ For purposes of the proposal, the Southeast Region is defined as Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, as well as Puerto Rico and the Virgin Islands because of their affiliation with the University of Florida, which serves as their regional depository library.

Highlights of the proposal:

- A brief overview of the law governing aspects of the FDLP program, specifically focusing on requirements for managing FDLP collections;
- A recommendation to expand ASERL’s “center of excellence” model to build two comprehensive-as-possible, cataloged FDLP print collections held collaboratively across FDLP libraries in the Southeast; and
- New, standardized processes for managing the disposition of FDLP documents within the Region to reduce workload, balanced against a more robust acquisitions process that emphasizes local collection development needs.

Examples of Centers of Excellence are UF’s Panama Canal collection, the University of South Carolina’s collection from the Department of Education and the University of Kentucky collection of materials from the Works Progress Administration (and related agencies). Louisiana State University is considering becoming a Center of Excellence for the Army Corps of Engineers.

There are roles for selective depository libraries in building the two comprehensive collections. The UF Legal Information Center has already agreed to retain a complete print collection of the Code of Federal Regulations (CFR). I am certain that there are other collections of primary legal documents in law libraries in the SE and would welcome participation from law libraries in establishing the comprehensive collections.

The proposal does not imply that there will be only two Regional Depository Libraries in the Southeast Region. It is carefully written to comply with 44 U.S.C Chapter 19.

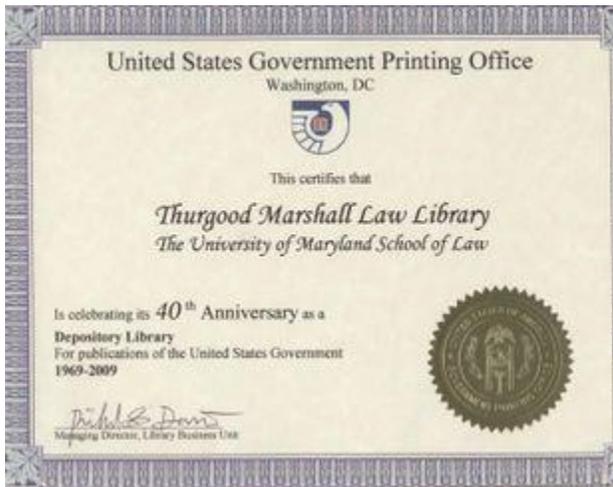
ASERL has created an online survey form as one means of receiving input on this proposal from library deans and directors, documents librarians, and other interested persons. This survey will be available at <http://tinyurl.com/aserl-fdlp-2010> until Friday, July 30, 2010. I hope you will take time to read the proposal and share your comments.



New CALI Lesson: Indiana Primary Resources

The new CALI lesson on [Indiana Primary Resources](#) (written by [Jennifer Morgan](#) and [Cindy Dabney](#)) is now available. This interactive lesson teaches the basic sources for Indiana law and how to use them. Using a hypothetical problem about a roaming dog, the lesson walks you through case law, statutes, session laws & legislative history, and regulations.

Forty Years and Still Going Strong - TMLL Joins the FDLP



1970 was a tumultuous year to say the least. On the international front the war in Southeast Asia expanded dramatically as the United States invaded Cambodia, while at home one of the major news stories was the killing of four students at Kent State in Ohio by the Ohio National Guard. In 1970 gas cost only 36 cents a gallon and tuition at the Law School for in-state students was only [\\$205 a semester](#). One of the top musical hits of 1970 was Stevie Wonder's *Signed, Sealed and Delivered*, a song that proved its vitality more recently as the background music at many of President Obama's campaign events.

Another *big hit* from 1970 that has continued to prove its longevity and relevance after forty years is the Thurgood Marshall Law Library's membership in the Federal Depository Library Program (FDLP). Nominated for the program by

Congressman Edward Garmatz, the library joined the FDLP in December 1969 and became officially active in 1970. As a member of the FDLP the library has received, free of charge, important legal works such as the United States Code, the CFR, Supreme Court Reports, congressional hearings and a variety of official government publications such as [the 9/11 Commission Report](#). In return the library agreed to care for the publications as it would other library material and to provide reference support about government information to our primary clientele - our students and faculty - as well as to the general public; responsibilities that the library continues to embrace and support. [learn more about program here- <http://www.gpo.gov/libraries/>]

Today over 90 percent of the material distributed to the Federal Depository Library Program is in electronic form and the Government Printing Office remains one of the largest publishers in the world. Although much of what is produced today is electronic there remains a significant gap between this newer content and the valuable historical material that scholars often need. This was demonstrated most recently by a request for a copy of the confirmation hearings of Thurgood Marshall for the U.S. Court of Appeals for the Second Circuit. While there were several sources in the Federal Depository Library Program for the paper version there were no freely available electronic copies.

The Thurgood Marshall Law Library also gives back to the Federal Depository Library Program by providing cataloging for Department of Justice and Congressional Judiciary Committee publications to national databases; creating original collections of electronic materials from the [Congressional](#)

[Research Service](#) and by partnering with GPO and the United States Commission on Civil Rights to create the nationally recognized [Historical Publications of the United States Commission on Civil Rights database](#).

By participating in the FDLP the library is able to provide key support for many of the law school research needs -

The Federal Depository Library Program is essential to my work and the work of the 71 person professional staff at the University of Maryland Center for Health and Homeland Security. The depository program has provided us with access to the critical Congressional, agency, and court materials that would be extremely difficult to gather in the absence of the program. I should also add that the research documents of the Congressional Research Service (CRS) are perhaps the most valuable source for those of us who need to dive into often technical and obscure Congressional policies, as well as the history underlying those policies. Our library's efforts to capture and make available a comprehensive survey of CRS reports through their website is essential to my and our Center's work. I speak for

myself, my Center and the entire law school faculty in congratulating the Thurgood Marshall Law Library for their continued commitment to the Federal Depository Library Program. It is critically important to our scholarly community.

Michael Greenberger, Law School Professor and Director, Center for Health and Homeland Security, the University of Maryland School of Law

The core mission of the Federal Depository Library Program is to ensure that government information in all forms remains freely available to the public. After forty years the Thurgood Marshall Law Library remains committed to that proposition *signed, sealed and delivered!*

http://umlaw.typepad.com/tmll_news/2010/01/it-was-forty-years-ago-today-tmll-joins-the-fdlp.html

Upcoming Event

AALL

Denver, 10-13 July

Interagency Depository
Seminar

Washington, 26-30 July



Report from the Spring 2010 FDLP Meeting

Schuyler M. Cook
Cleveland-Marshall College of Law
Library
Cleveland State University



Allow me to begin this narrative by thanking the AALL GD-SIS Scholarship Committee for providing me the funds to attend the Spring 2010 FDLP Conference. As I write this, I am listening to the Congressional Hearing as the Chairman/CEO of Goldman Sachs attempts to explain the actions and inactions of his firm. Ironically, perhaps I have just spent the last two days listening to the Federal Depository Library Council and the representatives of the Government Printing Office explain their actions and inactions. [Shari Laster](#) of the University of Akron has been [blogging live](#) throughout many of the sessions held in these first two days. We are told that the transcripts of the Council sessions will be available soon via [FDLP Desktop](#). By way of confession/full disclosure, let me say I am licensed to practice law in the State of Ohio. While I claim no expertise from experience in any courtroom, I believe myself to be a pretty good judge of character with a relatively high work ethic. With those prefaces aside and as a pretty loyal attendee of the FDLP Conferences, I usually come away from the conferences with a balanced feeling of exhilaration and frustration. This time was different.

The conference began for me with attendance at the session where we were shown a step by step of the FDSys process of the ingesting of a test document into the system and were mostly able to see the various steps occur live in front of us. Further, the relevant GPO staff members were able to show us two years of the Statutes at Large in their FDSys format. Nicely done. Next, the first Plenary Session included the speeches of the present Public Printer, Bob Tapella and the acting Superintendent of Documents Ric Davis. I got the distinct impression that Mr. Tapella, while citing his own remarks regarding the present nominee to replace him, was extremely disappointed that he was not invited to continue in his present role. Mr. Tapella delivered the portions of the update of the FDLP program to the Librarian Community as I have heard him at the start of each Conference. Those remarks, again, included the facts that: the FDSys is not completed; the budget for the present fiscal year was inadequate to meet the promised benchmarks from the Fall 2009 Conference; and the projected budget for the present fiscal year will be inadequate and so some of the whistles and bells to be included in Release 1 have been put off, for now. Clearly, after too many years of waiting for the promises of former Public Printer Bruce James that rolled off his tongue so easily to come to fruition, the current bright shiny object in the air tactic to placate the community is to lower expectations. Perhaps it is my advanced age or the early onset of Alzheimers, but I do not recall hearing any equivocation in the twice a year pronouncements of what we could expect in just 6 months. In contrast, the

acting Superintendent of Documents presented his update with all his usual decorum and sincere concern. The speech was replete with specifics, albeit too many examples of contracting out activities which even the most modern day conservative would be forced to admit were essential governmental functions.

The balance of the Plenary Sessions were Council's questions for GPO on various topics and the Chair's expectation/hope was to have the community engage as well. Some attendees did go to the microphone but more did not. What the chair thought would be encouragement was most likely viewed as scolding. Further, it may not have been the best strategy to continually suggest that community silence sh/would be viewed as assent. In my view, most of the chair's questions had been asked and answered within the context of events that had transpired and/or milestones unreached at the time they were originally proffered.

The final session I attended was an overview of the FDLP Community site which appears to be a social networking site (somewhat like Facebook) dedicated to the flow of ideas between FDLP people. The program and the question and answer period were outstanding and clearly the most informative session I attended. The understaffed group responsible for the creation and maintenance of the FDLP Community has truly done "more with less."

As I leave this meeting with my imbalanced feelings of exhilaration and frustration leaning strongly toward the latter, I will need to analyze whether my continued attendance is worth the cost to me or my institution. In any case, I truly appreciate AALL awarding me the funds necessary for my attendance.



Not Dead Yet: Notes From the Depository Library Council Meeting



Peggy Roebuck Jarrett
Documents & Reference Librarian
Gallagher Law Library
University of Washington

In a very funny [scene](#) from [Monty Python and the Holy Grail](#), a collector of the dead rolls his cart through a village full of plague victims shouting "bring out your dead." This leads to an exchange among the collector, a young man hoping to put a body on the cart, and the "body" - an older man who keeps piping up, saying (in that distinctive Monty Python voice) "I'm not dead."

This is black comedy – a way to state an uncomfortable truth. To me, the “I’m not dead yet” scene also contains an element of defiance. Hey – we may be inconvenient, but don’t write us off. At least not yet.

The climate surrounding the Spring Depository Library Council meeting brought to mind the collector of the dead and his cart, but I came back from Buffalo feeling that the Federal Depository Library Program is still alive. The issues are as interesting as they are challenging. And there is hope – hope for the FDLP, and hope that government information will continue to be accessible to the public.

Hard times were on my mind. Before I left, grateful to be a recipient of the GD-SIS travel grant, the news came that The Evergreen State College in Olympia had relinquished depository status. Two months earlier, the Washington State Library laid off 30 staff members, and although the library will continue to be a regional, the longtime coordinator had to move to another position. My institution, the University of Washington, has had one-third of its State funding cut in the last 15 months (while I was in Buffalo, the UW President announced he was leaving to become president of the better-funded NCAA).

I had read the [FDsys Program Review](#), the ARL-funded [Ithaka S+R report](#), and lunched with my campus colleague, Cass Hartnett, to get her well-informed take on things. So with all that swirling around in my head, I was curious about how the DLC meeting would unfold.

The first of four plenary sessions was the usual Council and GPO Welcome and Update. The remarks of both Robert C. Tapella, Public Printer, and Richard G. Davis, Acting Superintendent of Documents, can be found in the [DLC file repository](#) on the [FDLP Desktop](#). The next three plenary sessions focused on specific topics. Council members posed a series of questions and asked for our responses. Discussion among Council, GPO staff, and the audience was informative, and sometimes spirited. I recommend browsing the meeting transcripts when they are published, or scrolling the transcripts of the live blog on [Free Government Information \(FGI\)](#). These thought-provoking questions provided the foundation and framework for the entire meeting:

Preservation and Access:

1. What are the appropriate roles of GPO vis-à-vis FDLP libraries in terms of digital access and preservation?
2. What are libraries doing to facilitate digital preservation and access?
3. What could/should GPO be doing to capture born-digital material such as agency documents for ingestion into FDsys?
4. How might digital depositories with FDLP libraries be part of the effort to save born-digital materials which are at risk of disappearing altogether?
5. How could GPO utilize FDLP desktop and FDLP community sites to coordinate communication and digitization efforts of FDLP libraries? What information should be there?

Progress with FDsys:

1. FDsys is defined as a content management system with many planned releases. Have GPO goals for FDsys changed since the project was initiated?
2. Could GPO give the community an update on the actual functionality of the program as reflected in the [“Major Capabilities of FDsys”](#) document, particularly for Release #1?
3. When will Release #1 be out of beta? (GPO answer: “by August.”)
4. Will the sunseting of GPO Access go forward or be rescheduled for some future date? (GPO answer: “the date we are sticking with is the end of the year.”)
5. Is the full implementation of FDsys reliant upon funding? And if so, does GPO have a plan if further funding is curtailed? What functionality would remain?
6. How will GPO notify stakeholders when features are deferred? And does GPO have a plan for involving stakeholders in setting FDsys implementation and release priorities?
7. As we look forward to an even more robust FDsys, what are the problems or challenges that GPO faces? Are there ways in which the community can help address these challenges?

Regional Issues:

1. Is sufficient progress being made on the shelflist conversion and development of a tool for creation and disposal list to reassure depositories?
2. How can we help educate regionals and selectives about alternative approaches to disposal and collection?
3. Do you have any ideas for how discards could be redistributed to other states or digitization projects?
4. What are the exclusive benefits of being a regional depository?
5. What practical steps can GPO, regionals, and selectives take to ease the administrative burden on libraries and ensure their continued participation?

Along with these plenary sessions, there were a few other programs, most notably (for law librarians) one on the Administrative Office of the U.S. Courts/GPO court opinion pilot project. An attorney from the AO spoke about recently [announced enhancements](#) to expand PACER services and reduce costs. The opinions pilot will be limited to 12 courts for one year, with the option of a second pilot year with possibly a few more courts. The opinions will be free. Costs for the rest of the system have been adjusted so users will not get billed unless they accrue charges of more than \$10 per quarter, rather than the current \$10 per year. Since the maximum cost for a document, regardless of length, is \$2.40, the Judicial Conference believes a great many public users (especially those following their own case) will no longer be charged. What struck me is that, despite this being a joint GPO pilot, our patrons will still need to register for a PACER account – and many of them follow more than one case at a time. As for the opinions, 12 courts is a very modest pilot. It will be some time before US District and Bankruptcy Court opinions are widely available at no charge to the public.

In the meantime, a “library proposal” is in the works. GPO, AALL, and the AO are hoping that libraries can train and educate PACER users, with some support, including training materials and

a waiver of the first \$50 of usage fees. The Judicial Conference next meets in September 2010 – so stay tuned to find out if this proposal is approved and implemented.

The three Council sessions and the PACER session were an excellent combination of big picture and practical issues and certainly got us all thinking. What can and will GPO do – and how does it affect (or not) our patrons, our libraries, and our jobs? What can we do, individually and collectively? What incentives are there, for libraries and GPO? What is the role of library associations, not just [AALL](#), but also [ARL](#), which represents a few but influential academic libraries? To me, the most interesting issues are the ones on the edges of both the future and the past. How do we provide equal access to authenticated electronic government information, particularly with fewer financial resources? How do we preserve the rich historical collections of material we house, material that may not be on the top of the list to digitize but is nonetheless part of our culture and our legal history? How do we serve patrons on the margins of society, the ones who “don’t trust computers” but need legal information? And how do we make these unique tangible collections accessible to digital natives, the patrons who “don’t do print”?

I don’t have any profound answers. I do have some hope, though, which pretty much resides in the collective effort and intellect of the FDLP community. One beacon of hope can be found in a story a Council member told of plans to drive to another library to pick up withdrawn books. She and her colleagues are doing everything humanly possible to make sure a legacy is not lost in the maelstrom of economic and technological change. Another glimmer was a young librarian, with whom I had a lively conversation over coffee. She believes some of what we currently do is unsustainable. Her world is all digital. Yet here she was, hundreds of miles from home in a less than snazzy hotel listening, participating, and thinking about the Federal Depository Library Program.

So no, we – documents librarians, libraries, the FDLP - aren’t dead. Neither is the concept of authentic, permanent, publicly accessible government information. Maybe we can even reference a lyric, with a dash of irony, from my personal favorite Monty Python movie, [Life of Brian](#): Always look on the bright side of life.

**Pennsylvania Administrative Law: An Introduction to the
Independent Regulatory Review Commission and Its Web Site**
(www.irrc.state.pa.us)

Joel Fishman, Ph.D.
Amy L. Lovell, M.L.S.

Readers know that we normally cannot provide a legislative history for rules/regulations published in the *Pennsylvania Code*. However, it is important to not over look the information gathered by the Pennsylvania Independent Regulatory Review Commission and published on its web site which



provide researchers with additional information concerning passage of regulations.

The Independent Regulatory Review Commission (IRRC) was created by the [Regulatory Review Act](#) (1982 P.L. 683, act 1982-181), shortly thereafter revised in act [1982-238](#). Sunset legislation to end the Commission in January 1989 was replaced by new law that gave the agency an indefinite life in 1989 (1989 P. L. 73, [act 1989-19](#)). The law was changed in 1997 to allow for tolling (1997 P.L. 252, [act 1997-24](#)) and additional amendments were passed in 2002 which revised some of the methods it uses in conducting business (2002 P.L. 1227, [act 2002-148](#)).

The agency reviews Commonwealth Agency regulations, excluding the Game Commission, and the Fish and Boat Commission. (The [House](#) and [Senate](#) designate the standing committees for the purpose of regulatory review.) The IRRC web site states that “The Commission's mission is to review regulations to make certain that the agency has the statutory authority to enact the regulation and determine whether the regulation is consistent with legislative intent. IRRC then considers economic impact, public health and safety, reasonableness, and clarity. The Commission also acts as a clearinghouse for complaints, comments, and other input from the

General Assembly and the public regarding not only proposed and final regulation, but also existing regulations.”

Readers know that Pennsylvania requires that proposed and final regulations have to be published in the *Pennsylvania Bulletin* before they can go into effect. Following the publication of the final regulations in the *Bulletin*, they will then be published in the *Pennsylvania Code*. The IRRC reviews the regulations at both the proposed and final regulation stages. All documents and correspondence with the IRRC are part of the public record, including communication with agencies, the legislators, public meetings, and general public comments are made publically accessible via the IRRC web site for at least 4 years from the date of promulgation.

On the IRRC web site, under the “About Us” tab on the top of the page are links to a brochure on [Introduction to IRRC Procedures](#) and a much longer pamphlet on the [Regulatory Review Process in Pennsylvania](#) as of 2008. This latter 32-page document provides an indepth description of the regulatory process, a quite useful explanation. In addition to clearly detailing how regulations are created, the document also provides easy to follow flowcharts of the two stage process of regulation creation in the Appendix. Practice tips are also included.

The [Regulatory Review Process in Pennsylvania](#) document mentioned above discusses what is included in the IRRC review. First, comments, recommendations and objections are based on statutory law, 71 P.S. §745.5(g). It must determine whether the proposing agency has statutory authority to promulgate regulations and whether the regulations conform to the intent of the General Assembly. The IRRC examines the “[l]anguage used in the authorizing statute; [c]omments of the Committees and Members of the General Assembly; [c]omments in the Legislative Journal; [p]ertinent legal precedents; and Attorneys-General Opinions. (p.8)

Following that step, the IRRC then has to determine if the “regulation is in the public interest,” includes “[e]conomic or fiscal impact; [p]rotection of the public health, safety and welfare, and effect on the Commonwealth’s natural resources; [f]easibility, clarity and reasonableness; [s]ubstantive need for legislative review; comments, objects or recommendations of a Committee; and [c]ompliance with the RRA and IRRC’s regulations.” (p.9)

***Pennsylvania Code -
Research Refresher***

For those using the Pennsylvania Code for research purposes, it is important to know that as a loose-leaf service, the Code is updated monthly with replacement pages.

On the bottom of each page is the date of the release, the release number, and a serial page found in parenthesis. The serial page numbers have appeared on every page since its initial publication in 1970.

Today, there are more than 350,000 pages published in the Code. For research purposes, in the source area, previously cited Code pages are listed to see how the regulations appeared in the previous pages. Looking at each previous citation, one can research the Code regulations back to 1970.

The Allegheny County Law Library is the only library in western Pennsylvania that contains bound volumes of these superseded pages (only six libraries in the state possess

How many proposed and final regulations are reviewed by the Commission?

In its annual report for [2008](#), there were 86 proposed regulations of which 15 were from state boards; final regulations and final-omitted regulations numbered 82 of which 21 were from state boards.

Each agency has to submit a [Regulatory Analysis Form](#) for the IRRC to review. The completed form is part of the public record available on the IRRC web site and may offer insights to those doing regulatory research.

What is in the web site that is not available in the *Pennsylvania Code* or *Bulletin*?

The site provides the legislative history materials relating to the proposed and final regulations. On the home page are links to Recent IRRC Comments and Recent Orders. Each regulation or order has the agency’s comments in pdf format. Clicking on the IRC number brings up the information concerning a regulation: agency, dates, *Pa. Code* citations, proposed and final regulation, and the comments from public, legislature, and IRRC.

How can you find comments for a specific regulation? First, there is a regulation search box at the top of the home page to perform a basic search. Second, you can “search for a regulation” under the Proposed and Final Regulations on the home page or access it from the Regulations Tab at the top of the page. An Advanced Search feature provides a template for searching by regulation number, by IRRC number, regulation title, agency, and date range, *PA Code* Title and chapter, and a document key word searching. Once the regulation is retrieved, the comment information is provided. Third, there is a category of Recent IRRC Comments on the home page. Fourth, You can also select the Regulations tab at the top of the home page and find a link to Comments that provides for keyword searching.

Once a regulation is retrieved, the different categories of information are available for

observation. Under Legislative Comments, comments offered by House and Senate members can be searched. There are also Proposed IRRC Comments offered as well. There is also a topic called Related Documents which may be submissions or transcripts of hearings.

Under Final Regulation, there may or may not be Final Public Comments and IRRC's Orders relating to that regulation.

A [Frequently Asked Questions](#) section is broken down into proposed and final regulations.

The web site also has a calendar for meetings and agenda. It is also possible to [signup for an email alert](#) when the Commission receives a regulation or takes action on a regulation.

For those interested in writing regulations, under Agency Toolbox, there is also a [Pennsylvania Code and Bulletin Style Manual](#) pamphlet.

As a new web site beginning in 2008, the IRRC has done an excellent job in making the information from their agency available to the people of Pennsylvania. We hope that through articles like this, members of the legal profession will gain an appreciation of the work that goes into creating regulations for the state departments and agencies.

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OFFICERS

Chair: Rosemary LaSala	lasalar@stjohns.edu
Vice-Chair/Chair-Elect: Dee Wood	owood@email.uky.edu
Secretary/Treasurer: Janet Fischer	jfischer@ggu.edu
Advocacy Committee: Larry Meyer	larrym@sblawlibrary.org
Grants Committee: Eric Parker	ecp278@law.northwestern.edu
Listserv Owner: Michael Samson	ad4092@wayne.edu
Nominations Committee: Larry Meyer	larrym@sblawlibrary.org
Program Committee: Dee Wood	owood@email.uky.edu
Public Relations Committee: Jennifer Morgan	jlbryan@indiana.edu
Publications Committee: Edward Hart	hart@law.ufl.edu