

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/13/2018

2. COMAR Codification

Title Subtitle Chapter Regulation

13A 05 04 08 County Library Project Grants Program

3. Name of Promulgating Authority

Maryland State Library

4. Name of Regulations Coordinator

Elizabeth Fletcher

Telephone Number

667-219-4800

Mailing Address

22 S. Calhoun Street

City State Zip Code

Baltimore MD 21223

Email

elizabeth.fletcher@maryland.gov

5. Name of Person to Call About this Document

Irene M. Padilla, State Librarian

Telephone No.

627-219-4801

Email Address

irene.padilla@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

- Date when existing text was downloaded from COMAR online: 3/12/2018.
- Repeal of Existing Regulations
 - Recodification
 - Incorporation by Reference of Documents Requiring DSD Approval
 - Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Derek Simonsen, Assistant Attorney General, (telephone #410 576-6463) on 8/31/2017. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Irene Padilla

Title

State Librarian

Date

3/26/2018

Telephone No.

617-219-4801

**Title 13A
A STATE BOARD OF EDUCATION**

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS
13A.05.04 08 County Library Capital Project Grants Program.

Authority: Authority: Education Article, §23-510, Annotated Code of Maryland

Notice of Proposed Action

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The Maryland State Library Board proposes to adopt amendments to Regulation .08 under COMAR 13A.05.04.08 Programs for Library Media Services. This action was considered by the Maryland State Library Board at an open meeting held on September 17, 2017. pursuant to State Government Article, §10-506(c). Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate the wealth based match formula approved by the General Assembly in the 2013 session (23-510). This change affected the calculation of State share percentage for a county library capital project. The minimum State share of a county library capital project is 50%. The maximum State share of a county library capital project is 90%.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

Education Article, §23-510, Annotated Code of Maryland, establishes a State grant program for public library capital projects beginning in FY 2008. The Governor is required to include annually \$5,000,000 in the State Operating or Capital budget for county library projects. A county must provide a match that of the State grant, depending upon the wealth of the jurisdiction.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:			
(1) Public libraries (State grants)	(R+)		Maximum \$5,000,000
(2) Public libraries (County funds)	(E+)		Unquantifiable

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(+)	Unquantifiable
F. Direct and indirect effects on public:	(+)	Unquantifiable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C(1). Assuming that the total State budget appropriation for these grants will be issued to county governments each year, public libraries will have an increase in revenue of up to \$5,000,000.

C(2). Assuming that local government funds will comprise the entire 50 percent match of the total project costs and that the entire \$5,000,000 available in State grant funds will be expended each year, public libraries will have an increase in expenditures of up to \$5,000,000. Assuming that local funds comprise only the minimum 10 percent match, expenditures would increase by \$500,000.

E. If fully utilized, grant funds will be available for businesses to participate in library capital projects. Services range from architectural and engineering design work to the full gamut of construction activities and providing capital equipment. The grant provides a significant economic benefit to businesses. Both large and small firms stand to benefit.

F. The public will have improved library services as a result of this program.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

If fully utilized, grant funds will be available for businesses to participate in library capital projects. Services range from architectural and engineering design work to the full gamut of construction activities and providing capital equipment. The grant provides a significant economic benefit to businesses. Both large and small firms stand to benefit.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

Capital funds may be used for projects to improve Americans with Disabilities Act (ADA) accessibility in public libraries.

Opportunity for Public Comment

Comments may be sent to Irene M. Padilla, State Librarian, Maryland State Library Agency, 22 S. Calhoun Street, or call Baltimore, MD 21223, or email to

irene.padilla@maryland.gov, or fax to . Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2018

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

Not applicable.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-510, Annotated Code of Maryland

08 County Library Capital Project Grants Program.

A. In this regulation, the following terms have the meanings indicated.

B. Terms Defined.

(a) ["DLDS"] "*MSL*" means the [Division of Library Development and Services] *Maryland State Library Agency*.

(b) "LLA" means local library agency or county library system.

(c) "Project completion" means:

(i) Construction work has been completed in accordance with the contract documents;

(ii) The project architect has issued a certificate of completion;

(iii) The contractor has submitted the application for final payment; and

(iv) The building has been accepted by the LLA.

C. Responsibilities of [DLDS, DLDS] *MSL*. *MSL* shall:

- (1) Develop and administer a grant program for county library capital projects to provide a uniform and objective analysis of proposed capital projects and support projects that address the library needs in the State;
- (2) Evaluate and prioritize grant requests to provide a uniform and objective analysis of proposed capital projects, including the review of each applicant's library facilities master plan;
- (3) Review proposed county library construction grants and issue approvals that are specific to a definite project with a prescribed scope and cost; and
- (4) Use the following criteria to evaluate capital project requests:
 - (a) The public necessity and urgency of a project;
 - (b) The need for additional sources of funding for a project;
 - (c) The estimated cost and timeliness of executing a project;
 - (d) The viability of matching funds for a project;
 - (e) Geographic diversity; and
 - (f) Other factors that may give priority to a project.

D. Library Facilities Master Plan.

(1) By July 1 of each year, as a condition of receiving State project approval, each LLA shall submit to [DLDS] *MSL* or its designee:

- (a) Countywide library plan, which includes:
 - (i) A mission statement;
 - (ii) A needs statement; and
 - (iii) Multiyear goals and objectives; and
 - (b) Library facilities master plan, which includes:
 - (i) A description of the capital project approved by the applicant's governing body;
 - (ii) An updated and detailed capital improvement program for the following fiscal year; and
 - (iii) A library capital improvement program for the following 5 years.
- (2) The annual and subsequent 5-year capital improvement program shall be consistent with the current library facilities master plan of record.

E. Capital Improvement Projects Grants Program.

(1) By July 15 of each year, an LLA may submit up to 3 applications to [DLDS] *MSL* to receive grants for capital projects for the next fiscal year.

- (2) An application shall include:
 - (a) A description of the scope and purpose of the project;
 - (b) A building plan that includes the estimated total cost of the project, including matching funds; and
 - (c) Any other information required by [DLDS] *MSL*.
- (3) On or before October 1 of each year, [DLDS] *MSL* shall make a recommendation to the [State Board of Education] *State Library Board* regarding LLA capital project grants for the following fiscal year that:
 - (a) Identifies capital projects for funding approval; and
 - (b) Recommends a maximum State construction allocation for each project.
- (4) On or before November 1 of each year, on approval of the [State Board] *State Library Board*, [DLDS] *MSL* shall forward the list of approved LLA capital projects to the Department of Budget and Management.
- (5) By December 1 of each year, each local library board shall submit documentation that:
 - (a) The local government has approved the LLA request for State funds and agreed to provide the required matching funds; and
 - (b) The requested State funding will be expended within the fiscal year following the fiscal year in which the funds are requested.
- (6) Amendments to the State capital improvement program that a local library board considers necessary to submit during the course of the year shall be reviewed and approved by [DLDS] *MSL* and the [State Board of Education] *State Library Board* before an amendment may be implemented.

(7) State and Local Cost Share Formula.

[(a) The maximum State share shall be no more than 50 percent of the project expenses approved by DLDS pursuant to this regulation and Education Article, §23-502, Annotated Code of Maryland.]

(a) The State share percentage for a county library capital project approved under this section shall be calculated by dividing the State share of the minimum program for a county calculated under §23-505(b) of this subtitle by the library program amount for a county calculated under §23-503(b) of this subtitle, and multiplying this quotient by 1.25.

(b) The minimum State share of a county library capital project is 50% and the maximum State share of a county library capital project is 90% of the project expenses that are approved by MSL pursuant to these regulations and §23-502 of the Education Article, Annotated Code of Maryland.

[(b)] (c) Grants under this program may not be for an amount less than \$20,000.

F. Planning and Design of Capital Projects.

(1) Land or buildings for a capital project shall be acquired by the board of library trustees or, in Montgomery County, the Department of Public Library Services.

(2) Architects and Engineers.

(a) The plans, specifications, and related documents for each construction project shall be developed under the supervision and responsibility of a licensed architect or engineer.

(b) The LLA shall select the architect or engineer.

(c) The LLA shall notify [DLDS] *MSL* of the architect or engineer selected.

G. Grant Close-Out.

(1) Within 180 days after project completion, the LLA shall submit a close-out summary to [DLDS] *MSL* using a form provided by [DLDS] *MSL*.

(2) The [State Department of Education] *Maryland State Library Agency* may conduct financial and procedural compliance audits.

H. Rescinding Funding Approval.

(1) If, within 2 years after funding is made available for a project, no part of the project is under contract, [DLDS] *MSL* may determine the project to be abandoned and rescind the funding approval.

(2) When [DLDS] *MSL* rescinds funding approval, [DLDS] *MSL* shall transfer the allocation to the Statewide Contingency Account for the fiscal year in which the project was approved for funding.

(3) Funds transferred to the Statewide Contingency Account may be used for any project approved in a future LLA capital improvement program.

(4) After a project approval is rescinded, to be considered for reinstatement, the project shall be submitted as a new project request in a succeeding fiscal year's annual LLA capital improvement program.

(5) [DLDS] *MSL* may approve a request to extend the allowable time for placing a project under contract if the extension is justified by unusual circumstances.