

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

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2006 FEB 27 A 11: 33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #1

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Library Commission TITLE NUMBER: 173

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code 10-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Library Commission Administrative Regulations (to replace existing Rule

DATE OF PUBLIC HEARING: March 31, 2006 TIME: 1:00 PM

LOCATION OF PUBLIC HEARING: Days Inn Conference Center, Flatwoods, WV

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

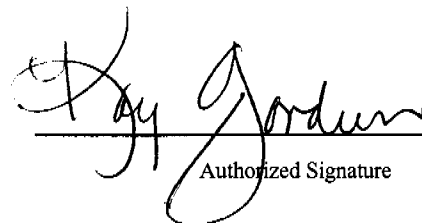
The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

West Virginia Library Commission

Cultural Center
1900 Kanawha Blvd., E.

Charleston, WV 25305
Attention: Karen Goff


Authorized Signature

#5.80

**TITLE 173
LEGISLATIVE RULE
LIBRARY COMMISSION
SERIES 1
ADMINISTRATIVE REGULATIONS**

1.1. Scope. -- This legislative rule establishes requirements and procedures for allocating and administering state appropriated funds distributed by the West Virginia Library Commission to develop and enhance library services in the state. These regulations apply to public libraries established according to WV Code Chapter 10-1-1, unless otherwise specifically provided for in a special library law.

**TITLE 173
LEGISLATIVE RULE
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Circumstances Requiring the Revision

The existing regulations contain confusing, outdated, and redundant language. Some of the requirements are based on conditions that no longer exist while new situations are not addressed. The existing regulations have been patched to the point that, in some parts, it is hard to determine the original intent.

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**TITLE 173
LEGISLATIVE RULE
LIBRARY COMMISSION
SERIES 1
ADMINISTRATIVE REGULATIONS**

2006 FEB 27 A 11: 34

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

1.1. Scope. -- This legislative rule establishes requirements and procedures for allocating and administrating state appropriated funds distributed by the West Virginia Library Commission to develop and enhance library services in the state. These regulations apply to public libraries established according to WV Code Chapter 10-1-1, unless otherwise specifically provided for in a special library law.

1.2. Authority. -- W. Va. Code §10-1.

1.3. Filing Date. --

1.4. Effective Date. -- MM/DD/YY. Section 3.4 will be implemented in the fourth fiscal year following passage of this rule. In the first three fiscal years following passage of this rule, Grants-In- Aid will be awarded at the maximum amount to every library meeting all other requirements.

1.5. Repeal and Replacement. This rule repeals and replaces "The Library Commission Administrative Regulations.

§173-1-2. Definitions.

2.1. Administrative Fees – Outlay for administrative and support services including, but not limited to, professional librarian advice, personnel assistance, fiscal management, planning, program management, and public relations.

2.2. Audit – An annual examination of the financial records of the public library completed in full accordance with generally accepted accounting procedures for governmental agencies and performed by an accountant appointed by the State Auditor.

2.3. Budget – An itemized summary of estimated income and expenditures for a specific period.

2.4. Collection Development – A planned process of selecting, acquiring, and managing library materials to meet the needs of a library's community.

2.5. Community Library- A library that offers services to the public but is not established according to Chapter 10-1-1.

47 **2.6. Consortium** – A formal cooperative established and developed to improve
48 library services and resources. It may be restricted by geographical area,
49 established for specified purposes, initiated by the West Virginia Library
50 Commission, or a library. It requires formal agreements concerning purpose,
51 membership, administration and procedures and may include other entities.
52 Libraries may enter into any number of consortia agreements that meet the
53 definition of this rule and are approved by the Library Commission.
54

55 **2.7. Continuing Education** – Activities, including attendance at workshops and
56 conference, for the purpose of maintaining and increasing job-related
57 competence.
58

59 **2.8. Fiscal Year (FY)** – A 12-month accounting period based on the budget of the
60 State of West Virginia.
61

62 **2.9. Governing Authority** – County commission, county board of education,
63 and/or municipal governing body.
64

65 **2.10. Grants to Public Libraries** – Awards determined annually by the West
66 Virginia Library Commission from funds appropriated by the Legislature for
67 distribution to public libraries meeting requirements of this rule. Grants are to
68 enhance library services, not to reduce local funding. Grants to Public Libraries
69 include:
70

71 Grants-in-Aid – Funds distributed on a per capita basis to all qualifying
72 public libraries.
73

74 Other grants -- Funds awarded from any balance in the Grants to Public
75 Libraries appropriation or from any other funds designated by the Library
76 Commission.
77

78
79 **2.11. Interlibrary Loan** – A transaction in which library material or copies of
80 material are loaned by one library to another for the use of a patron.
81

82 **2.12. Legal Service Population** – The number of people in a geographic area
83 assigned to a public library by the Library Commission.
84

85 **2.13. Library Director** – The individual hired by the public library board to
86 administer the total library program.
87

88 **2.14. Library Support Staff** -- All paid staff that assist with the delivery of library
89 services and programs; does not include janitorial staff.
90

91 **2.15. Maintenance of Effort** – A specified level of financial effort that is required
92 by a library over a designated time period in order to receive grants.
93

94 **2.16. Minutes** – The official record of a meeting of the library board of directors.
95 Minutes show date, time, and place of the meeting, names of those attending,
96 actions on all motions and expenditures, corrections to previous minutes, and
97 other information determined to be necessary. Minutes are signed by the
98 secretary.
99

100 **2.17. Operating Expenditures** – Costs of providing on-going library services.
101 Operating expenditures do not include capital outlay or one-time projects.
102

103 **2.18. Patron** – Any person who uses the resources and services of a library, not
104 necessarily a registered borrower.
105

106 **2.19. Policy** – A statement that articulates principles of operation for the library.
107 The public library board must formally adopt all policy statements.
108

109 **2.20. Professional Librarian** – An individual who has received a Masters degree
110 from a program accredited by the American Library Association.
111

112 **2.21. Public Library** -- A library established in accordance with WV Code
113 Chapter 10-1-1 and in compliance with these Administrative Regulations, having
114 paid staff, an organized collection, an established schedule in which services of
115 the staff are available to the public, and the facilities necessary to support such a
116 collection, staff, and schedule. A public library may consist of a single facility or
117 multiple facilities.
118

119 **2.22. Public Library Board** – The administrative authority of a public library
120 consisting of five members appointed to staggered terms unless a special library
121 law makes other provision. Each member of the public library board is called a
122 library trustee.
123

124 **2.23. Quorum** –The minimum number of library trustees who must be present at
125 a meeting for business to be legally conducted. Unless otherwise defined by a
126 special law, a quorum is three.
127

128 **2.24. Service Center Library** – A library that provides professional and
129 management services to libraries assigned to it by the Library Commission.
130

131 **2.25. Services to Libraries Grants** - Funds distributed to Service Center
132 libraries to assist in providing those services specified in this rule.
133

134 **2.26. Special Library Law** – A law, approved by the West Virginia Legislature,
135 which specifies local funding appropriations to the public library. It may also
136 establish the public library and provide for appointment of library trustees.
137
138

139 **§ 173-1-3. Requirements for Receiving Grants**

- 140
141 **3.1.** The Library Commission shall determine by review of required reports or
142 evaluation visits whether a public library meets the following eligibility
143 requirements.
144
- 145 **3.2.** The public library is organized and operates in accordance with W. Va. Code
146 § 10-1-1 et seq. or a special library law that meets the minimum requirements in
147 the code.
148
- 149 **3.3.** The public library receives local funding to support its operations.
- 150 **3.4.** Local funds received in the previous fiscal year equal or exceed the
151 maximum Grants-in-Aid established for the library. Local non-tax based funds
152 used as matching funds cannot exceed the amount of local tax based funds.
153
- 154 **3.5.** Local operating expenditures for the previous fiscal year are equal to, or
155 greater than, the average of the total local operating expenditures for the three
156 fiscal years preceding that previous fiscal year. All funds included in the
157 maintenance of effort calculation shall be expended in the fiscal year for which
158 the determination is made and shall not include capital expenditures, special
159 one-time project costs, or similar windfalls.
160
- 161 **3.6.** Public library boards receiving appropriations from governing authorities
162 must serve as a disbursing agent, as described in W. Va. Code §10-1-2,
163 paragraph two.
164
- 165 **3.7.** The accounting and fiscal procedures of the public library shall be conducted
166 under the management, direction and control of the library board which may
167 delegate to the library director or to any other employee or duly designated agent
168 such duties and functions as it deems appropriate.
169
- 170 **3.8.** The accounting and fiscal procedures of the public library, unless otherwise
171 provided for in a special library law, include the following:
172
- 173 **3.8.a.** The fiscal year of the State of West Virginia is used for reporting to
174 the Library Commission.
175
- 176 **3.8.b.** The board of directors annually elects a treasurer to perform or
177 oversee all financial operations.
178
- 179 **3.8.c.** Provision is made for at least two signatures, one of which must be
180 a board member, on all checks used in payment of library financial
181 obligations. All those with signature authority must be bonded at the
182 expense of the library board.
183
- 184 **3.8.d.** The board of directors approves all adjustments to the budget.
185

- 186 3.8.e. All accounts of the library are settled within thirty (30) days after the
187 close of the fiscal year.
188
- 189 3.8.f. Library funds are disbursed based on itemized invoices verified by
190 the party duly authorized by the board of directors.
191
- 192 3.8.g. The payroll is prepared in accordance with budgeted amounts
193 approved by the board of directors.
194
- 195 3.8.h. All accounting records are readily available in a form which can be
196 audited or reviewed by the Library Commission or authorized
197 representatives of the State of West Virginia or United States Government.
198
- 199 3.8.i. The annual audit or review is filed with the Library Commission
200 within 30 days of the receipt of the audit.
201
- 202 3.8.j. A financial report of the preceding year is filed within 45 days from
203 the end of that year on forms provided by the Library Commission.
204
- 205 **3.9.** Application for Grants-in-Aid, signed by the president of the library board, is
206 submitted annually on forms provided by the Library Commission.
207
- 208 **3.10.** The public library submits by the beginning of the fiscal year a spending
209 plan for the use of the state Grants-in-Aid and an annual budget on forms
210 provided by the Library Commission.
211
- 212 **3.11.** The public library board employs a full-time professional librarian to direct
213 the operations of the library and to attend meetings, workshops and conferences
214 designated as required by the Library Commission.
215
- 216 **3.12.** The library board of directors meets at least four times annually with a
217 quorum present. All public library boards are subject to the provisions of the
218 Open Governmental Proceedings Act, WV Code, Chapter 6, Article 9A.
219
- 220 3.12.a. Approved minutes are forwarded within thirty (30) days to the
221 Library Commission, or if applicable, to the Service Center Library.
222
- 223 3.12.b. A report showing the status of all accounts, funds and expenditures
224 is presented for review and approval at meetings of the board of directors
225 or library board finance committee.
226
- 227 3.12.c. Policies covering library operations, collection development,
228 personnel, and technology are formally adopted
229
- 230 3.12.d. A development plan for at least three years and no more than five
231 years is submitted periodically to the Library Commission.

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3.12.e. No member of a public library board of directors is involved in any claim or contract with the public library. This does not mean that a board member may not be a stockholder, officer, or director of a bank designated as a depository for the public library.

3.12.f. Reimbursement of travel expenses for library board members is in accordance with policies adopted by the library board.

3.13. The library director completes no fewer than eight (8) hours of continuing education per year. All other full time library support staff complete no fewer than three (3) hours of continuing education per year. Continuing education hours must be approved in advance by the Library Commission.

3.14. Public libraries are open a minimum number of hours weekly based on the legal service population ranges below.

3.14.a. Less than 6000 – 25 hours

3.14.b. 6000-15,000 – 30 hours

3.14.c. More than 15,000 – 40 hours

3.15. The number of hours a library system is open to the public must include at least six hours per week that are either before 9 a.m., after 5 p.m., or on Saturdays or Sundays.

3.16. The public library provides free service to residents except as provided for in Chapter 10 of the West Virginia Code.

3.17. The public library makes accessible to all state residents the statewide services and programs provided by the Library Commission at no cost to libraries.

3.18. The public library agrees to share resources with other libraries in the state, according to local interlibrary loan policy and guidelines endorsed by the Library Commission.

3.19. The public library designates National Library Week and Children's Book Week or any other two weeks annually as grace periods during which no fines or penalties are assessed for overdue materials.

278 **§173-1-4. Non-Compliance with Requirements**

- 279
- 280 4.1. The Library Commission shall determine by review of required reports or
281 evaluation visits whether a public library meets eligibility requirements.
- 282
- 283 4.2. The Library Commission will assign a library not directed by a professional
284 librarian to a Service Center Library.
- 285
- 286 4.3. If the maintenance of effort requirement (3.5) is not met, the Grants-in-Aid
287 shall be reduced by a percentage equal to the percentage of the unmet
288 maintenance of effort.
- 289

290

291 **§173-1-5. Waiver of Requirements**

- 292
- 293 5.1. The Library Commission may waive eligibility requirements if it determines
294 that a waiver is necessary due to exceptional or uncontrollable circumstances,
295 such as a natural disaster or a precipitous decline in the financial resources of a
296 governing authority.
- 297
- 298 5.2. The library requests a waiver by notifying the Library Commission in writing
299 of any extraordinary circumstances and the fiscal year affected. Waivers are
300 granted for one year. The maximum number of consecutive years for which a
301 waiver may be granted for the same situation is three (3).
- 302
- 303 5.3. The public library must work with the Library Commission to develop and
304 implement a recovery plan.
- 305
- 306 5.4. The Library Commission determines the amount of any Grants-in-Aid
307 distributed to a library on a waiver.
- 308

309 **§173-1-6. Regulations For Use Of Grants-in-Aid**

- 310
- 311 6.1. The Library Commission determines annually on a per capita basis the
312 maximum grant-in-aid for each library. Each library must annually submit a Grant-
313 in-Aid expenditure plan to the Library Commission for approval.
- 314
- 315 6.2. Grants-in-Aid may be used for the following purposes only:
- 316
- 317 6.2.a. Salaries, wages, and benefits; all staff must be paid no less than
318 state or federal minimum wage, whichever is higher;
- 319
- 320 6.2.b. Library materials;
- 321
- 322 6.2.c. Equipment;
- 323

324 6.2.d. Travel expenses for staff and library board of directors members to
325 attend meetings, workshops and conferences required by the Library
326 Commission and any other library-related activities approved by the library
327 board;

328
329 6.2.e. Bookmobiles;

330
331 6.2.f. Audits required by state or federal law or regulation;

332
333 6.2.g. All other current operating expenses approved by the library board
334 of directors;

335
336 6.2.h. Fellowships for graduate and undergraduate degrees when there
337 exists between the sponsoring public library and the recipient of the
338 fellowship a written agreement that includes, but is not limited to, the
339 following:

340
341 6.2.h.1. All fellowship recipients must be employees of the
342 sponsoring public library.

343
344 6.2.h.2. Candidates for graduate fellowships must attend a school
345 accredited by the American Library Association;

346
347 6.2.h.3. The amount the sponsoring public library will pay for
348 classes.

349
350 6.2.h.4. The expected completion date.

351
352 6.2.h.5. The trainee must agree to return to the sponsoring public
353 library for at least two (2) years following receipt of the degree.

354
355 6.2.h.6. The trainee may be permitted by the sponsoring public
356 library to substitute employment in any public library in West
357 Virginia for two (2) years if a position is not available with the
358 sponsoring public library. If no employment is available at a salary
359 commensurate with the trainee's education, repayment of the grant
360 may be waived at the discretion of the sponsoring library with
361 approval from the Library Commission.

362
363 6.2.h.7. If repayment of the grant is not waived by either the
364 sponsoring public library or by the Library Commission, the grant
365 must be repaid to the sponsoring public library.

366
367
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369

§173-1-7. Service Center Libraries

370
371
372 **7.1. Service Center Libraries** ensure that professional librarian expertise is
373 available to all libraries. The Library Commission may assign a library to a
374 Service Center Library if required reports or evaluation visits indicate need.
375

376 **7.2. Responsibilities of Service Center Libraries** are:
377

378 7.2.a. To form a consortium with libraries assigned by the Library
379 Commission with formal agreements concerning services provided with
380 state funds to consortium members. The Library Commission assigns
381 members of each Service Center Library consortium.
382

383 7.2.b. To annually file a plan for assisting each assigned library, based on
384 a contract between the libraries. The plan must be filed with the Library
385 Commission by the beginning of the fiscal year on forms provided by the
386 Library Commission.
387

388 7.2.c. To employ a full-time professional librarian in addition to the director.
389

390 7.2.d. To make at least four visits per year to each library assigned to it,
391 including one visit to a library board meeting each year, and to present at
392 least one staff development workshop annually;
393

394 7.2.e. To annually evaluate the collections, fiscal management, and
395 operations of each assigned library and report the results to the library and
396 the Library Commission.
397

398 7.2.f. To account for any funds received from the Library Commission or
399 administrative fees used to assist assigned libraries. Administrative fees
400 may not exceed twenty percent (20%) of the Grants-in-Aid for each
401 assigned library.
402

403 **7.3.** The Library Commission will periodically evaluate the performance of
404 Service Center libraries. Failure of a Service Center Library to meet the
405 responsibilities of 7.2 may result in the Service Center forfeiting a portion of
406 funds received from the Library Commission or administrative fees, or, in the
407 reassignment of libraries.
408

§173-1-8. Other Grants

409
410
411 **8.1.** Other grants that further library service in the state may be distributed by the
412 Library Commission. Libraries submit applications for other grants on forms
413 provided by the Library Commission. Only libraries meeting requirements
414 enumerated in sections 3.2 through 3.19 of this rule may apply for these grants.
415

416 **8.2.** To be considered for a construction grant, projects must meet minimum
417 standards identified by the Library Commission for:

418
419 8.2.1.a. New construction

420
421 8.2.1.b. Expansion

422
423 8.2.1.c. Renovation, including

424
425 8.2.1.c.1. Handicapped access

426
427 8.2.1.c.2. Safe working conditions

428
429 8.2.1.c.3. Public safety

430
431 **8.2.2.** Applications for Construction Grants will be on forms provided by the
432 Library Commission and will include, but not be limited to, the following:

433
434 8.2.2.a. Project budget, including a history of local funding for the
435 most recent five (5) years

436
437 8.2.2.b. Certification by the library board of all local funds available
438 for this project. Certification includes the source of the funds, the
439 anticipated date of receipt of funds and the method to be used to
440 provide any additional funding needed

441
442 8.2.2.c. Timeline for the project

443
444 8.2.2.d. Current status, including where the project is in the
445 process of planning, building program development, architectural
446 development, site acquisition, and fund raising

447
448 8.2.2.e. Long range plan for use of the proposed, expanded or
449 renovated facility

450
451 8.2.2.f. Statement of ownership of the new building

452
453 8.2.2.g. A feasibility study if proposed construction is the expansion,
454 remodeling or alteration of an existing building. Such study is to be
455 done by an AIA registered architect.

456
457 8.2.2.h. A survey and description of the site is to be filed with and
458 approved by Library Commission

459
460 8.2.2.i. Project summary including descriptions of the current facility
461 and the new facility with square footage, size of collection, and
462 seating for reading, studying and meetings

463
464 8.2.2.j. Description of how the project will benefit the legal service
465 area and provide better library service as well as information about
466 current services.

467
468 8.2.3. Construction contracts must be entered into within three hundred
469 sixty-five (365) days following the Library Commission approval of the
470 grant.

471
472 8.2.4. Assurance must given to the Library Commission that all laborers
473 and mechanics employed by contractors or subcontractors on all
474 construction projects assisted through this grant will be paid wages at
475 rates not less than those prevailing on similar construction in the locality,
476 as determined by the U.S. Secretary of Labor in accordance with the
477 Davis-Bacon Act, as amended, and that covered workers will receive
478 overtime compensation in accordance with, and subject to, the provisions
479 of the Contract Work Hours and Safety Standards Act and any other
480 applicable state or federal law.

481
482 8.2.5. Additional reports must be submitted as requested by the Library
483 Commission during the project.

484
485 8.2.6. Financial accounting

486
487 8.2.6.a. Local funds for construction will be deposited in an account
488 separate from all other funds. A certification by the bank as to the
489 amount of these funds and certification that these funds are free
490 from encumbrances must be furnished to the Library Commission.

491
492 8.2.6.b. Payment of federal and state funds on a construction
493 project will be made to local library boards after approval of
494 invoices by the Library Commission and the State Auditor. All
495 contracts should specify that bills will be paid thirty (30) days after
496 invoice. However, the local library board must be prepared to meet
497 payments.

498
499 8.2.6.c. Request for a federal or state share will be made on forms
500 provided by the Library Commission.

501
502 8.2.6.d. A retainage of ten percent (10%) will be withheld from the
503 federal and state share of each construction project. The creditor's
504 invoice should reflect the total amount due in order to prevent
505 duplication of the retainage.

506
507 8.2.6.e. The general contractor or equivalent must keep a copy of
508 weekly payrolls with the required certification in regard to anti-

509 kickback provisions of the Copeland Act on file. These payrolls will
510 be checked by the general contractor or equivalent against the
511 minimum wage determination for the project and will be reviewed
512 periodically by the Library Commission. Periodic on-the-job
513 interviews will be made by the Library Commission to assure
514 compliance with federal regulations. A copy of this interview will be
515 at the Library Commission. The general contractor or equivalent
516 will file copies of weekly payrolls. A copy of the labor interview will
517 be forwarded to the general contractor or equivalent for filing with
518 the payroll for the week.

519
520 8.2.6.f. The portion of the architect's fee, which is paid for
521 supervision, must be based on that portion of the "Contract
522 Completed" at the date of the request.

523
524 8.2.6.g. Any change from the original construction contract must be
525 made by a formal "Change Order" accompanied by a letter of
526 authorization by the president of the library board. If the change or
527 addition required additional funds over and above the approved
528 budget, the local library board must certify that the additional funds
529 are available.

530
531 8.2.6.h. The ten percent (10%) retainage from the federal and state
532 share will be paid only after local architect's certification of
533 completion of the construction contract and after an audit by an
534 auditor approved by the Library Commission is filed with the Library
535 Commission. This audit will be made at the expense of the library
536 board and may be a part of the total project cost.

537
538 8.2.6.i. All records pertaining to a construction project must be kept
539 by the owner for at least three (3) years after completion of the
540 project, or as directed by any applicable federal legislation. These
541 records must be made available to the Library Commission or
542 authorized representative of the State of West Virginia or United
543 States Government on request.

544 §173-1- 9. Establishing New Libraries

545
546
547 9.1. Communities interested in establishing a public library should contact the
548 Library Commission and provide the following information:

549
550 9.1.a. What area the library will serve

551
552 9.1.b. How the operations of the library will be funded

553

554 9.1.c. The expected effect of the new library on existing libraries in the
555 area

556
557 9.1.d. Comparison of services of the new library to services of existing
558 libraries in the area

559
560 **9.2.** To qualify for state funds, a newly established public library must:

561
562 9.2.a. Be established according to West Virginia Code Chapter 10-1-1

563
564 9.2.b. Comply with Library Commission Administrative Regulations

565
566 9.2.c. Develop a plan for library service using advice and continuing
567 education from the Library Commission.

568
569 **9.3.** After meeting requirements for state funds, the newly established public
570 library will be assigned to a Service Center Library.

571

572

573 **§173-1- 10. Appeal Process**

574

575

576 **10.1.** All appeals of a decision by the Secretary of the Library Commission shall
577 be submitted in writing to the chairman of the Library Commission and the
578 Secretary of the Library Commission no later than two weeks prior to any
579 meeting of the Library Commission. Any appeal concerning Grants-in-Aid or
580 library assignments must be submitted in writing to the chairman of the Library
581 Commission and the Secretary of the Library Commission no later than two
582 weeks prior to the April meeting of the West Virginia Library Commission.

583

584 **10.2.** The appeal shall contain the following information:

585

586 10.2.a. Name and address of the public library;

587 10.2.b. Signature of a library trustee, preferably the president;

588 10.2.c. Statement of the grounds of protest;

589 10.2.d. Supporting documentation, if applicable; and

590 10.2.e. The resolution sought.

591

592 **10.3.** Failure to submit all information shall be grounds for rejection of the protest
593 by the Library Commission.

594

595 **10.4.** The Secretary will place the appeal on the agenda for the next regular
596 meeting and the grievant may make an oral presentation.

597

598 **10.5.** The Library Commission shall review the matter of grievance and issue a
599 decision no later than the next regular meeting.

600

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602
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10.6. The Library Commission may refuse to review any grievance that has been decided in a previous protest.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 173

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Library Commission

Address: 1900 Kanawha Blvd. E.
Culture Center
Charleston, WV 25301

Phone Number: 304-558-2041 Email: waggoner@wvlc.lib.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The major impact of these rules will be on the delivery of grants to libraries. There will be no impact on state revenues. The dollars granted are currently in the budget.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Library Commission Administrative Regulations

Rule Title: Title 173

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

The funding for this line item is determined each year by the Legislature. The proposed rules will not change any dollar amounts or obligations for the State.

Date: 02/27/06

Signature of Agency Head or Authorized Representative
