

State of Rhode Island and Providence Plantations
Department of Administration
Office of Library and Information Services

PUBLIC NOTICE of PROPOSED RULE MAKING

Pursuant to the provisions of section 29-3.1-4.1(b)(3) and 29-3.1-4(b)(7)(ii) of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Office of Library and Information Services and the Library Board of Rhode Island hereby gives notice of their intent to **adopt Library of Rhode Island (LORI) Standards and Regulations** and give notice of intent to hold a public hearing to afford interested parties the opportunity for public comment.

The purpose of this **adoption** is to create new set of **Library of Rhode Island Standards and Regulations** that is consistent with current practices and national standards for resource sharing. New regulations were developed so that LORI libraries would have clear rules regarding resource sharing policies and procedures and to eliminate standards and regulations that do not reflect current library practices. In conjunction with this filing, the current Library of Rhode Island Standards, ERLID # 2772, are being repealed.

The proposed **Library of Rhode Island Standards and Regulations** and are available for public inspection online at www.olis.ri.gov or in person at Office of Library and Information Services, One Capitol Hill, Providence, RI 02908 or may be requested by email from Donna.DiMichele@olis.ri.gov or by calling 401-574-9303.

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. The Department has determined that small businesses will not be adversely impacted by the proposed regulations. However, the public notification process is being conducted to solicit comment on the proposal and to allow public input from small businesses or any cities or towns, which may believe that they may be adversely affected.

All interested parties are invited to submit written comments concerning the proposed regulations by 4:00 P.M. on Thursday, July 30, 2015 to Donna L. DiMichele by mail at Office of Library and Information Services, One Capitol Hill, Providence, RI 02908 or by fax to (401) 574-9320 or by email: donna.dimichele@olis.ri.gov.

A public hearing to consider the proposed adoption shall be held on Thursday, July 30, 2015 at 10:00 A.M. at the Department of Administration, One Capitol Hill, Providence, RI 02908 at which time and place all persons interested therein will be heard. The place of the public hearing is accessible to the handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-574-9302 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Karen Mellor, Office of Library and Information Services

Tom Viall, Library Board of Rhode Island

Date Notice was Posted: 6/26/2015

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION

OFFICE OF LIBRARY AND INFORMATION SERVICES
AND
LIBRARY BOARD OF RHODE ISLAND



LIBRARY OF RHODE ISLAND STANDARDS AND REGULATIONS

Effective Date: TBD

Karen Mellor, Chief of Library Services
Thomas Viall, Chair, Library Board of Rhode Island
Office of Library and Information Services
One Capitol Hill
Providence, RI 02908

AUTHORITY: These regulations are adopted pursuant to Title 29, Chapter 6-9, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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Library of Rhode Island Standards and Regulations

1.00 Authority and Purpose

1.01 Authority

- 1.01.1 Pursuant to section 29-6-9 of the Rhode Island General Laws, establishing the Rhode Island Library network, in order to provide each individual in Rhode Island with equal opportunity of access to resources that will satisfy their and society's information needs and interests, the Office of Library and Information Services (OLIS) is hereby authorized to establish a Rhode Island Library network, hereafter referred to as the Library of Rhode Island network (LORI), to be administered by the Office of Library and Information Services for the purpose of maintaining, promoting, and developing a program of statewide resource sharing and interlibrary cooperation.
- 1.01.2 Pursuant to section 29-3.1-4.1(b)(3) and 29-3.1-4(b)(7)(ii) of the Rhode Island General Laws, the Library Board of Rhode Island is authorized to approve, adopt and require enforcement of standards and regulations for public library development and other purposes.
- 1.01.3 The Library Board of Rhode Island will review the Library of Rhode Island Standards and Regulations five years after they are filed. At that time the Library Board of Rhode Island will determine the need for revision of the existing Standards and Regulations or the need for new ones.

1.02 Purpose

- 1.02.1 Based on the above authority the Library Board of Rhode Island last adopted LORI Standards in 2003.
- 1.02.2 The Library Board of Rhode Island and Chief of Library Services now propose to develop a new set of LORI Standards that is consistent with current practices and national standards for resource sharing.
- 1.02.3 To become and remain a member of LORI, a library must meet all of the Library of Rhode Island Standards and Regulations.
- 1.02.4 Rhode Island libraries must be members of the LORI in good standing in order to be eligible for OLIS-LORI Delivery and other resource sharing services supported by OLIS.

2.00 Definitions

- 2.01 "Business days" are days on which the library is open for service, excluding Saturdays, Sundays or holidays.
- 2.02 "Clientele" are patrons registered with a particular library and have all privileges that are associated with such registration.
- 2.03 "Interlibrary loan" is a service whereby a patron of one LORI library can borrow materials or receive copies of documents that are owned by another LORI library.
- 2.04 "Library of Rhode Island (LORI)" is a multi-type statewide library network administered by the Office of Library and Information Services to foster and facilitate collaboration among member libraries.

- 2.05 “Loan period” is the circulation period for loaned materials, inclusive of transit time.
- 2.06 “LORI Liaison” is the library staff member appointed by the library director to serve as the primary resource sharing contact between the library and OLIS.
- 2.07 “OLIS-LORI Delivery” is the interlibrary delivery service which transports materials between LORI member libraries. This contracted service is managed by the Office of Library and Information Services (OLIS) and paid for by the State of Rhode Island.
- 2.08 “Requesting library” is the library which originates an interlibrary loan request.
- 2.09 “Supplying library” is the owner of materials supplied to the requesting library.

3.00 Library of Rhode Island (LORI) Standards and Regulations

- 3.01 The library operates according to relevant federal, state and local laws.
- 3.02 The library has qualified paid staff to manage the collection and provide access to it, with a minimum of one professional librarian who holds a master's degree in library and information science from a graduate school accredited by the American Library Association.
- 3.03 The library has written policy or policies which are approved by the library's governing body and address library to library relationships in the following areas:
 - 3.03.1 An interlibrary loan policy that complies with the LORI Interlibrary Loan Code and adheres to that code consistently and without discrimination and which provides justification for what materials will not be loaned to those outside of the library's clientele. This policy cannot be in conflict with the LORI Interlibrary Loan Code.
 - 3.03.2 A service policy which defines the library's clientele and their access to the library's collections and services.
 - 3.03.3 To satisfy policy requirements a library may refer to its consortium's policy, or policies, as long as those policies comply with the LORI Interlibrary Loan Code.
 - 3.03.4 The library will make these policies publicly available to other LORI libraries online.
- 3.04 The library has consistent hours of service.
- 3.05 The library has a public web presence on which it posts its contact information, hours of service, and its interlibrary loan and service policies. If the library is not open to the public, the policy should be stated on the website.
- 3.06 The library has its bibliographic holdings online in a standard library format.
- 3.07 The library will not charge usage fees to other LORI libraries for reference services and the loan of library materials.
- 3.08 Personnel responsible for interlibrary loan in each library will be familiar with LORI Standards, the LORI Interlibrary Loan Code, and other relevant interlibrary loan codes, policies and procedures.
- 3.09 Each LORI library director will designate paid staff member(s) to serve in the following roles: LORI Liaison, Interlibrary Loan Contact and Delivery Contact. A single qualified staff member may be assigned more than one role.
 - 3.09.1 The LORI Liaison's responsibilities are to:

- serve as the primary resource sharing contact between the library and OLIS;
- oversee all LORI operations in the library;
- inform OLIS of any library operations that may affect or interrupt interlibrary loan or delivery services;
- inform OLIS of personnel changes in the positions of LORI Liaison, Interlibrary Loan Contact and Delivery Contact;
- keep apprised of information distributed by OLIS through the LORI website and email, and communicate such information to appropriate library staff;
- report annually to OLIS the statistical information requested in LORI Certification; and ensure that an accurate and timely OLIS-LORI Delivery Items Count is carried out by the library at the request of OLIS and more often as required.

3.09.2 The Interlibrary Loan Contact's responsibilities are to:

- ensure that all resource sharing activities are completed in a timely manner;
- communicate with other LORI libraries in matters relevant to resource sharing; and
- follow all local and LORI Interlibrary Loan procedures and the LORI Interlibrary Loan Code.

3.09.3 The Delivery Contact's responsibilities are to:

- conduct OLIS-LORI Delivery Item Counts when scheduled by OLIS;
- ensure that the library follows all OLIS procedures for the preparation of materials for delivery and use of OLIS-LORI Delivery bins; and
- report instances of damage or vendor-related incidents.

3.10 LORI Libraries will complete the LORI Certification every year as administered by OLIS.

4.00 LORI Interlibrary Loan Code

4.01 Introduction

Interlibrary loan is a service whereby a patron of one library can borrow materials or receive copies of documents that are owned by another library. Interlibrary loan service is essential to the vitality of libraries of all types and sizes as a means of greatly expanding the range of materials available to patrons. Sharing between all libraries is in the public interest and should be encouraged. Library of Rhode Island (LORI) members should make their interlibrary loan policies as liberal and as easy to apply as possible.

Although aiming primarily to define interlibrary loan within LORI, the LORI Interlibrary Loan Code is designed to mesh with protocols and agreements in effect in the United States. Accordingly, this Code follows, whenever possible, the precedents of the Interlibrary Loan Code for the United States (as adopted by ALA in 1994, revised 2001). In the spirit of that document, this code acknowledges that interlibrary loan should serve as an adjunct to and not a substitute for collection development.

4.02 Scope

4.02.1 Any type of library material, including digital content, may be requested on loan or in copy form from another library in accordance with existing interlibrary loan procedures. The supplying library has the discretion of deciding in individual instances whether a specific item can be provided, and whether the original or a copy can be sent.

- 4.02.2 If a category of material (e.g., books, CDs, magazines, DVDs, journals) is generally available to library clientele, it must be made generally available by Interlibrary Loan. In other words, an entire category of generally available material cannot be excluded from Interlibrary Loan availability specifically because of its format type. However, as noted in 4.02.1, any individual item may be excluded from Interlibrary Loan availability based upon item-specific criteria.
- 4.02.3 The interlibrary lending of digital content is often constrained by vendor license agreements. The LORI Standards do not compel libraries to violate vendor agreements. However, when negotiating vendor agreements LORI libraries are urged to seek interlibrary loan privileges for digital content.

4.03 Responsibilities of Requesting Libraries

- 4.03.1 Access to interlibrary loan does not relieve any library of the responsibility of developing its own collection. Each library will make every effort to provide the resources to meet the usual needs of its patrons.
- 4.03.2 Requested material should be described completely and accurately following accepted bibliographic practices.
- 4.03.3 The requesting library is responsible for borrowed materials from the time the material leaves the supplying library until it has been returned to and received by the supplying library.
- 4.03.4 If damage or loss occurs, the requesting library will provide compensation or replacement, in accordance with the preference of the supplying library.
- 4.03.5 Each library will exercise due diligence for the return or replacement of materials supplied through a patron initiated request.
- 4.03.6 For copy requests, each library will comply with the U.S. copyright law (Title 17, U.S. Code) and its accompanying guidelines.
- 4.03.7 Requesting libraries will honor the supplying library's loan period, including any deviations from the standard loan period, and enforce any use restrictions specified by the supplying library. The material should be returned to the supplying library at the end of the loan period.
- 4.03.8 A renewal request should be submitted prior to the end of the loan period. The supplying library will grant or deny the request within three business days. If the supplying library fails to respond, the loan period will be automatically extended.
- 4.03.9 Loaned material is subject to recall at any time.

4.04 Responsibilities of Supplying Libraries

- 4.04.1 The supplying library will be as unrestrictive as possible with regard to its resource sharing policies and in a manner that is consistent with its service policy.
- 4.04.2 Supplying libraries will process requests within 3 business days.
- 4.04.3 Any conditions of the loan, including the loan period, restrictions on the use of the material, and special packaging or shipping requirements, will be provided by the supplying library.
- 4.04.4 When filling requests, the supplying library should send sufficient information with each item to identify the request to the requesting library.

4.04.5 The duration of loan is determined by the supplying library's policy with additional time allowed for transit. If not specified, the duration of loan is assumed to be six weeks inclusive of transit time.

4.04.6 If a requested item is in disrepair or damaged, the supplying library should include a condition note when sending the item.

4.05 Confidentiality

4.05.1 Interlibrary loan transactions are confidential.

4.05.2 Library staff are responsible for safeguarding confidentiality of patron information. Library staff must adhere to state laws regarding the confidentiality of information identifying individuals who borrow library materials. (See Rhode Island General Law § 11-18-32)

4.05.3 Library staff should not publicly divulge the identity of the individual borrowing the material if a patron name is provided.

4.05.4 Library staff must maintain patron confidentiality when posting requests for assistance or using the text of interlibrary loan requests as procedural examples.

4.05.5 Each library must have a policy that follows all laws regarding retention of interlibrary loan records.

4.06 Fees

4.06.1 No library will charge another library an interlibrary loan transaction fee.

4.06.2 A supplying library will not charge a requesting library overdue fines.

5.00 Failure to Comply with LORI Standards and Regulations

5.01 Failure to comply with LORI Standards at any time may result in suspension or termination of OLIS-LORI Delivery Services and suspension or termination of access to resource sharing services provided by OLIS.

5.02 Any LORI library's perceived failure to comply with these Standards may be brought to the attention of the Chief of Library Services.

5.03 No LORI library may suspend requesting privileges to another LORI library it considers to be in violation of the LORI Interlibrary Loan Code or LORI Standards without consulting OLIS.

5.04 If it is determined that a library is not in compliance with any of the LORI Standards, the Chief of Library Services will investigate and render a written decision within six weeks of that determination.

5.05 The library may appeal the decision of the Chief of Library Services to the Library Board of Rhode Island by sending a letter of appeal to the Chair of the Library Board of Rhode Island with a copy to the Chief of Library Services. The letter must be sent within four weeks of the decision.

5.06 The appeal will be heard by the Library Board of Rhode Island at its regular meeting or within six weeks of the appeal whichever comes first.

5.07 Written response to the appeal will be sent to the library within two weeks of the appeal hearing.

6.0 Effective Date

The forgoing standards and regulations Library of Rhode Island Standards and Regulations, after due notice, are hereby adopted and files with the Secretary of State this **# day of MONTH, 2015** to become effective 20 days from filing, **unless otherwise indicated below**, in accordance with the provisions of Title 29, Chapter 6-9, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended. Once the rules take effect, they supersede any other rules that prescribe LORI Standards for Rhode Island libraries.

Karen Mellor, Chief of Library Services
Office of Library and Information Services
Department of Administration

Date of Public Notice: ##/##/2015

End of Comment Period: ##/##/2015

Filing date: ##/##/2015

Effective date: ##/##/2015

ERLID#_____: TBD

Attachment 1: Economic Impact Statement Template for Existing Regulations

Guidance for Determining How Many Small Businesses will be Impacted by the Proposed Regulation

The U.S. Small Business Administration (SBA) defines small businesses according to size standards which are matched to the North American Industry Classification Systems (NAICS). The SBA table of small business size standards can be found at the following URL: <http://www.sba.gov/content/table-small-business-size-standards>. The SBA defines a small business differently depending on the industrial classification using either employee number or annual revenue. Because staff will most likely not have access to annual revenue data, small businesses should be considered to have an employee size of NO MORE THAN:

- 100 for Wholesale Trade (Sector 42);
 - 200 for Retail Trade (Sector 44-45); and
 - A small business is defined as one with fewer than 500 employees
- **Step 1: Identify Business Sectors to be Impacted:** Staff developing the regulation should generate a list of the business sectors (using the 6-digit NAICS codes) which their program thinks will be impacted by the regulation.
 - For the most current list of NAICS codes with definitions:
http://www.census.gov/eos/www/naics/2007NAICS/2007_Definition_File.pdf
 - **Step 2: Determine the Number of Small Businesses in Each Sector:** Once there is a list of 6-digit NAICS codes that are expected to be impacted by the regulation, determine the *number* of small businesses in Rhode Island with those NAICS codes by going to the SBA's online searchable database of self-certified small businesses:
http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm

Once at the SBA "Dynamic Small Business Search" page:

- i) In the first section ("Location of Firm"), scroll down to highlight Rhode Island. (Leave all other selections [congressional district, county, etc.] blank.)
- ii) Leave the "Government Certifications" selections as "Not Required" (this should be the default setting).
- iii) Leave the "Ownership and Self-Certifications" selections blank.
- iv) In "Specific Nature of Business," enter the 6-digit NAICS code(s) from step one above.
- v) Leave the next four sections blank (General Nature of Business; Profile Last Updated; Maximum Acceptable Bonding Levels; and Quality Assurance Standards).
- vi) In the "Size" section, select "No More Than" and enter 500 employees (leave "Annual Revenue" blank).
- vii) Do not make any entries under "Capabilities" or "Searching for a Specific Profile."
- viii) Under "Search Results Display Options" select the number of results you want to be shown (e.g. 500), and leave the columns to be displayed and tabular format at the default setting.
- ix) At the bottom of the screen, click on "Search Using These Criteria."
- x) The number of firms displayed in your results table is the number of small businesses to be impacted by this regulation for the NAICS codes selected.

Note: In some cases, staff will already have a list of businesses in RI that are projected to be impacted because the industry is currently regulated by an existing regulatory program and the information is collected in an existing database. Staff should determine whether this method will yield a more accurate list of small businesses to be impacted as opposed to searching the SBA database by NAICS code.

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation:

Department of Administration, Office of Library and Information Services

Subject matter of regulation:

Library services, specifically information resource sharing

ERLID No:

New ERLID TBD. Repeal ERLID 2772 and Adopt new Regulations

Statutory authority:

RIGL § 29-6-9 Rhode Island library network

Other agencies affected:

None

Other regulations that may duplicate or conflict with the regulation:

None

Describe the scope and objectives of the regulation:

The objective of the regulation is to provide each individual in Rhode Island with equal opportunity of access to library resources that will satisfy their and society's information needs and interests by maintaining, promoting and developing a program of statewide resource sharing and interlibrary cooperation. Every public, college/university, K-12 school library, as well as state agencies and state residential institutions with libraries, can apply for membership in the Library of Rhode Island. The proposed regulations provide a means with which to measure the libraries' capacity for participating in the LORI network and the procedures for participating in that network.

What was the rationale for establishing this regulation?

To establish a measurable set of standards, or criteria, by which to admit libraries to the LORI network and to define procedures governing participation in that network.

Does the rationale still exist?

Yes

Is the rationale still relevant?

Yes

Business industry (s) affected by the regulation:

Libraries.

Types of businesses included in the industry (s):

The regulations apply only to libraries. Libraries may be part of a municipal government, private 501(c)3 not for profit, or part of an educational, state, or hospital institution. 18% of the libraries in the Library of RI are not for profit organizations, and thus considered “small businesses” as defined by NAICS.

Total number of small businesses included in the regulated industry (s) (Please see the attached guidance documents for assistance determining the total number of small businesses)

39 libraries in the LORI network.

Number of small businesses potentially subject to the proposed regulation:

As defined by NAICS, of the 218 LORI member libraries, about 18% are non-profit libraries and therefore would fit the definition of a small business.

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

Rarely, other than for occasional technical assistance during the annual certification.

What is the cost to your agency of establishing and enforcing this regulation?

\$64,508 annually (\$31,387 federal funds, \$33,121 state funds) FY 2015. These costs are primarily expenses for OLIS personnel who evaluate and process the annual LORI Certification and monitor compliance.

What would the consequences be if the regulation did not exist?

Rhode Island libraries would lack guidelines and best practices for statewide resource sharing and Rhode Island residents would not be assured of having the access to the information resources they need.

Effective date used in cost estimate:

May 2015

For each question below, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes X	No	Do small businesses have to create, file, or issue additional reports? Libraries file annual certifications with OLIS.
2.	Yes X	No	Do small businesses have to implement additional recordkeeping procedures? Libraries already routinely keep circulation records, interlibrary loan data and technology inventories as part of doing business. The biannual delivery count may be mitigated by services provided by the new interlibrary delivery vendor.
3.	Yes X	No	Do small businesses have to provide additional administrative oversight? As defined by NAICS, of the 218 LORI member libraries, about 18% are non-profit libraries and therefore would fit the OMB definition of a small business. All libraries must complete an annual certification for OLIS, which provides the data OLIS

			requires to efficiently administer the LORI network and provide effective services to the libraries.
4.	Yes	No X	Do small businesses have to hire additional employees in order to comply with the proposed regulation? The regulations require that the libraries assign responsibilities to employees, but there is no requirement for additional personnel.
5.	Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No additional professional staff are required.
6.	Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The regulations do not require any additional products or capital investments.
7.	Yes	No X	Are performance standards more appropriate than design standards? No.
8.	Yes X	No	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? Libraries must complete an annual certification, which provides OLIS with the data necessary to efficiently administer the LORI network and provide efficient services to the libraries.
9.	Yes	No X	Does the regulation have the effect of creating additional taxes and/or fees for small businesses? No.
10.	Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? Any training that might be needed is provided at no cost to libraries by OLIS as part of OLIS' ongoing continuing education programming.
11.	Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in RI? No.
12.	Yes	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in RI? No.
13.	Yes X	No	Can the regulation provide for less stringent compliance or reporting requirements for small businesses? In order to make the annual certification process less burdensome for libraries, OLIS requires full certification every 3 years and a briefer annual update in the two intervening years.
14.	Yes	No X	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? OLIS needs the data reported by libraries annually in order to effectively administer the LORI network.
15.	Yes X	No	Can the compliance or reporting requirements be consolidated or simplified for small businesses? In order to make the annual certification process less burdensome for libraries, OLIS requires full certification every 3 years and a briefer annual update in the two intervening years. In addition, the certification was revised in 2013 to make easier to complete.
16.	Yes	No X	Can performance standards for small businesses replace design or operational standards? Operational standards are appropriate for the Library of Rhode Island.

17.	Yes	No X	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses? There is no adverse impact on libraries defined as “small businesses.”</p>
18.	Yes X	No	<p>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</p> <p>Personnel and trustees from every library in RI were given the opportunity to provide input in the creation of the regulations. The Library Board of Rhode Island created the Library of Rhode Island Standards Committee to draft the new regulations. The 12-member Committee included representatives from all types of libraries including hospital, academic, school, state and public libraries of various sizes.</p> <p>OLIS announced the drafts of the LORI Standards and Regulations on the OLIS website. The announcement included a copy of the Standards and Regulations, the Interlibrary Loan Code, a schedule of three library stakeholder meetings, and a link to an online survey about the Standards and Regulations. This was to provide the widest number of options for the library community stakeholders to respond to the draft document. The announcement was also sent by email to the 737 individuals in the OLIS subscribers’ database and distributed through the RI listserves used by the RI library community. The three stakeholder meetings were held at different times and in three different locations across the state.</p> <p>The Standards Committee reconvened in March 2015 to review the input from the library community which was collected through the stakeholder meetings and the online survey. The LORI Standards and Regulations were revised to reflect the input from the library community.</p> <p>A new draft was presented to the Library Board of Rhode Island on March 16, 2015 and at its next meeting, April 13, the Board voted to accept the LORI Standards and Regulations.</p>

Date of Public Notice: TBD

Date of Public Hearing: TBD
or End of Comment period: _____

NOTIFICATION FORM
Name of Department or Agency here:
**SMALL BUSINESS REGULATORY IMPACT AND
REGULATORY FLEXIBILITY ANALYSIS**
(R.I.G.L. § 42-35.1-4)

Title of Administrative Rule or Regulation: Library of Rhode Island Standards and Regulations

Statutory Authority: (R.I. General Laws) § 29-6-9 Rhode Island library network.

The Regulation: *(The purpose for the amendment(s)):*

New Library of Rhode Island (LORI) Standards and Regulations were developed so that LORI libraries will have clear rules regarding resource sharing policies and procedures and to eliminate standards that do not reflect current library practices.

Expected Small Business Impact:

As defined by NAICS, of the 218 LORI member libraries, 18% are non-profit libraries and fit the classification of “small business.” The LORI Standards and Regulations apply only to public, state, school, college and university libraries and some libraries in independent institutions that elect to be members of the LORI resource sharing network. Under R.I. General Law § 29-6-2, public libraries are required to be members of the LORI network but other types of libraries join LORI voluntarily. The regulations reflect best practices. No negative financial impact is anticipated on those libraries classified as “small businesses;” conversely all libraries will benefit from expanded access to materials for their patrons.

Regulatory Flexibility Analysis: *(agency should make a determination as to whether there is an impact on small businesses)*

The agency shall consider, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses:

(1) The establishment of less stringent compliance or reporting requirements for small businesses.

To make the annual certification process less burdensome for all libraries, including those classified as “small businesses,” OLIS requires full certification every 3 years and a briefer annual update in the two intervening years. In addition, the certification was revised in 2013 to make it easier to complete.

(2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

All libraries, including those classified as “small businesses,” are given a 10 week window during which they can file their annual certifications. All reporting is completed online, except a signature page. OLIS updated the certification in 2013 and revisits the process on a regular basis, with input from the Resource Sharing Working Group, a volunteer group of librarians working in interlibrary loan, circulation and resource sharing.

(3) The consolidation or simplification of compliance or reporting requirements for small businesses.

All libraries, including those classified as “small businesses,” need to comply with LORI Standards and Regulations and meet basic reporting requirements which include participation in biannual item counts and the process of certification as described above.

(4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.

Operational standards are appropriate for the Library of Rhode Island.

(5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

If a library cannot comply with the LORI Standards and Regulations, the director may request a waiver of specific standards. Certain threshold requirements must be met to participate in order to participate in the LORI network.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
OFFICE OF REGULATORY REFORM
 OFFICE OF MANAGEMENT & BUDGET
 DEPARTMENT OF ADMINISTRATION

One Capitol Hill
 Providence, RI 02908-5890
 Office: (401) 574-8430
 www.omb.ri.gov

Executive Order 15-07: Submission Form

AGENCY AND REGULATION INFORMATION			
1. Title of Regulation			
2. Agency Name		3. Date Submitted (mm/dd/yy)	
4. Agency Contact Name		5. Telephone (include Area Code)	
6. Email			
7. Rulemaking Action	<input type="checkbox"/> Amendment <input type="checkbox"/> Adoption <input type="checkbox"/> Repeal <input type="checkbox"/> Emergency Rulemaking		
8. State Statutory Authority			
9. Federal or other Statutory Authority (please describe)			
10. Is there a legal deadline for this action?	<input type="checkbox"/> None <input type="checkbox"/> Statutory deadline: _____ <input type="checkbox"/> Court-ordered deadline: _____ Describe:		
11. Current ERLID #	_____ OR <input type="checkbox"/> No current ERLID # assigned		

AGENCY CERTIFICATIONS			
12. Regulatory Flexibility Analysis/Small Business Regulatory Fairness in Administrative Procedures By signature in item 13, the agency Rules Coordinator or authorized designee deems that this regulation: <input type="checkbox"/> DOES have impact on small business <input type="checkbox"/> DOES NOT have impact on small business, and that if such small business impact exists, the agency has completed the additional documentation for further Regulatory Flexibility Analysis, in order to consider, without limitation, all methods of reducing the impact of this regulation on small business.			
Executive Order 15-07 By signature in item 13, the agency Rules Coordinator or authorized designee certifies that the agency has complied with the requirements of E.O 15-07 and any applicable policy directives.			
13. Signature of Rules Coordinator or Authorized Designee		14. Date (mm/dd/yy)	
I understand that my typed name shall have the same force and effect as my written signature.			
15. Position			

EXECUTIVE SUMMARY OF REGULATION

16. Briefly summarize the purpose of this regulation.

17. Briefly summarize the societal costs and benefits of this regulation on Rhode Island.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
OFFICE OF REGULATORY REFORM
 OFFICE OF MANAGEMENT & BUDGET
 DEPARTMENT OF ADMINISTRATION

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 Office: (401) 574-8430
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Executive Order 15-07: Submission Guidance

Contact ORR with any further questions on EO 15-07 requirements.

AGENCY AND REGULATION INFORMATION	
Item 1: Title of Regulation	<ul style="list-style-type: none"> For amendments or repeals, provide the exact title as in the SOS database. For adoptions, choose a title not easily confused with another regulation.
Item 2: Agency Name	<ul style="list-style-type: none"> Provide the full name of the agency.
Item 3: Date	<ul style="list-style-type: none"> Provide the date submitted to ORR.
Items 4-6: Agency Contact	<ul style="list-style-type: none"> Provide name, telephone, and email.
Item 7: Rulemaking Action	<ul style="list-style-type: none"> Choose one of Amendment, Adoption, or Repeal (including repeal of a regulation that will be replaced by a new regulation), AND If applicable, choose Emergency Rulemaking in addition to Amendment/Adoption/Repeal.
Item 8: State Statutory Authority	<ul style="list-style-type: none"> Cite the agency's enabling RIGL statute that authorizes the agency to promulgate the regulation.
Item 9: Federal or other Statutory Authority	<ul style="list-style-type: none"> Cite any federal or other legal authority that influences this regulation, and describe that influence. Provide all information necessary so that ORR can easily locate and identify the authority (particularly for federal codes or other complex sources).
Item 10: Legal Deadline	<ul style="list-style-type: none"> Provide any legal deadline for this action. Select Statutory or Court-Ordered, and provide whatever description needed to convey any legal time constraints that the agency must meet.
Item 11: Current ERLID Number	<ul style="list-style-type: none"> Provide the current (at time of submission) ERLID identification number. If none, check "No current ERLID #."

AGENCY CERTIFICATIONS	
<p><u>Item 12: Regulatory Flexibility/Small Business Regulatory Fairness in Administration Procedures</u></p> <p>RIGL § 42-35.1 requires Regulatory Flexibility Analysis for all rulemaking actions. Agencies must confirm that they have considered, without limitation, all methods of reducing the impact of this regulation on small businesses.</p> <p>To complete this regulation's Regulatory Flexibility Analysis, first consult the "ORR Small Business Impact Model: Three Types of Impact" on page 4, then check the appropriate box based on this impact model.</p> <ul style="list-style-type: none"> If you believe the regulation DOES have any type of small business impact, check that box. Complete the "Regulatory Flexibility Analysis" form (use previous form; contact ORR if needed) to confirm that you have considered all methods of minimizing impact on small businesses. If you believe the regulation has NO IMPACT on any small business, check that box. This completes your Regulatory Flexibility Analysis at this time. However, please note that ORR may contact you for further detail if it identifies potential small business impact. 	
Items 13-15: Certification Signature, Date, and Position	<ul style="list-style-type: none"> Confirm (with your agency head or legal counsel, if needed) that the agency has complied with all requirements of EO 15-07 and any applicable policy directives, as well as the Regulatory Flexibility Analysis described above. Contact ORR if you have any questions on requirements. Enter your name, title, and the date. Your typed signature will have the same force and effect as a written signature.

ORR Small Business Impact Model: Three Types Of Impact

If the Proposed Regulation has any of these types of impact, further Regulatory Flexibility Analysis is required (it is not necessary to identify the type of impact). Use the previous forms provided by Small Business Ombudsman, or contact ORR.

DIRECT IMPACT: Regulations that a small business must adhere to in order to operate. Examples:

- Those requiring that small business do or not do something
- Those requiring small business to be held accountable for understanding something

DECISION-BASED IMPACT: Regulations that are triggered by a business decision. Examples:

- Those addressing incentive programs (e.g. grants; tax credits)
- Those governing legal proceedings (e.g. hearings; petitions; appeals; penalties)
- Those where small business chooses to interact with the state (e.g. bidding for state contracts; participating in state-funded programs; requesting public records)

INDIRECT IMPACT: Regulations whose impacts reach small businesses indirectly. Examples:

- Those that impact small business via municipalities or other government agencies
- Those that impact small business via individuals
- Those that impact small business via industries statutorily not considered small business

EXECUTIVE SUMMARY OF THE REGULATION

**Item 16:
Regulatory
Purpose**

Briefly summarize the purpose of this regulation.

This section should, at a minimum, include:

- The regulatory action
- The normative goal (intended societal outcome) of the regulatory change
- The impacts of the regulation on each category of affected entities
- The timeframe over which the regulatory impacts will occur

**Item 17:
Regulatory
Impact**

Briefly summarize the societal costs and benefits of this regulation on Rhode Island.

“Societal Impact” refers to the net costs and benefits of the regulation to the State. ORR will issue full guidance and training on how to conduct appropriate cost-benefit analyses for Rhode Island.

In the interim, agencies should (to the extent possible) quantify all costs and benefits of the regulatory action to entities within the state’s borders, and generate a net present value of the regulation.

In doing so, agencies should keep in mind the following principles:

- All costs and benefits must be measured against a specific baseline – the agency’s best assessment of the state of the world in the absence of the regulation’s effects.
- The costs must include both direct costs and opportunity costs of the proposed action.
- The intergenerational discount rate for future social costs and benefits is 3.0%.
- The intergenerational discount rate for future capital costs is 7.0% (unless the agency can justify an alternative rate).
- The value of a statistical life should, unless otherwise approved by ORR, be \$9.1 million per life saved.

These principles are to help guide agencies in their economic analysis. For the purposes of this document, please include the summary of the analysis based on these principles.