

Title 13. Libraries, Archives, and Cultural Resources
Chapter I. Arkansas State Library, Department of Education
Subchapter A. Generally
Part 1. State and Federal Documents Depository Programs
Subpart 1. Introduction

13 CAR § 1-101. Purpose and scope.

(a) Purpose.

(1) Acts 1979, No. 489, of the Arkansas General Assembly created the Arkansas State Library and provided broader responsibilities than those of the Arkansas Library Commission.

(2) Among the new obligations are those relating to federal, state, and local publications as described in:

(A) Acts 1979, No. 489, § 8; and

(B) Arkansas Code §§ 13-2-201 and 13-2-210 – 13-2-214.

(3) The purpose of this part is to implement procedures needed to administer the documents programs.

(b) Federal regional depository library. The Arkansas State Library shall serve as the regional depository library for federal documents received from the Government Publishing Office through its Federal Depository Library Program.

(c) Official depository for state and local documents. The Arkansas State Library shall maintain the official depository collection of state and local documents printed or issued by government entities and state-supported institutions of higher learning within Arkansas.

(d) State and Local Government Publications Clearinghouse. The Arkansas State Library shall maintain the State and Local Government Publications Clearinghouse to gather and distribute documents to the state Depository Library System.

(e) Agencies and document submissions.

(1) All Arkansas state government entities, state-supported institutions of higher learning, and local governments must furnish one (1) copy of each of their publications for the Arkansas State Library's permanent depository collection.

(2) Additional copies of each publication shall be furnished to the Arkansas State Library as required by the clearinghouse.

(f) **Depository libraries.**

(1) The Arkansas State Library will enter into depository agreements with libraries throughout the state to supply these libraries with copies of Arkansas state and local publications.

(2) The libraries shall make these publications available for use by the general public.

13 CAR § 1-102. Definitions.

As used in this part, the following terms below have the following meaning:

(1) "Clearinghouse" means the State and Local Government Publications Clearinghouse, the Digital Services section of the Arkansas State Library charged with the distribution of publications to depository libraries;

(2)(A) "Depository libraries" means those libraries that enter into a contract with the Arkansas State Library to receive publications from the clearinghouse.

(B) A depository library may elect to become a:

(i) Select depository library that receives only Standard Depository Requirement publication types;

(ii) Full depository library that receives the complete collection of documents obtained by the clearinghouse for distribution; or

(iii) Digital depository library that provides onsite access to documents that are only received and disseminated by the clearinghouse in digital formats;

(3) "Issued" means all forms of dissemination, including digital formats;

(4) "Local governments" includes Arkansas cities of the first and second class, incorporated towns, counties, and all boards, commissions, and agencies thereof;

(5) "Printed" means all forms of printing and duplication;

(6) "Regional depository library" is the designation given by the Government Publishing Office to libraries that agree to receive and retain in perpetuity at least one (1) copy of all tangible publications made available to the Federal Depository Library Program;

(7) "State agencies" includes the General Assembly and its committees, constitutional officers, and any department, division, bureau, board, commission, or agency of the State of Arkansas, including state-supported institutions of higher learning; and

(8) "State and local publications" includes any document issued or printed by any state agency or local government that may be released for distribution, whether in tangible or digital format.

Subpart 2. Federal Regional Depository Library

13 CAR § 1-201. Designation.

The Arkansas State Library was designated as a regional depository library by United States Senator Dale Bumpers, and Arkansas Code § 13-2-210 enables the Arkansas State Library to assume the role.

13 CAR § 1-202. Responsibilities.

The Arkansas State Library shall adhere to the responsibilities of regional libraries listed in 44 U.S.C. §§ 1909 – 1916 and the Legal Requirements and Program Regulations of the Federal Depository Library Program issued by the Government Publishing Office's Office of the Superintendent of Documents.

Subpart 3. Official Depository for State and Local Documents

13 CAR § 1-301. Established at the Arkansas State Library.

(a) Arkansas Code § 13-2-210 establishes the Arkansas State Library as the official depository of state and local documents.

(b) The official collection was established July 1, 1980.

13 CAR § 1-302. Contracts.

(a) The Arkansas State Library may enter into contracts or agreements with Mullins Library of the University of Arkansas or with the library of any other Arkansas state-supported institution of higher learning.

(b) Through contract or agreement, the Arkansas State Library may provide:

(1) Any of the duties or functions of any of said libraries pertaining to state or local publications; or

(2) Depository library services on behalf of the libraries.

13 CAR § 1-303. Collection.

(a) **Maintenance.**

(1) Materials submitted in accordance with 13 CAR § 1-504 shall constitute and be maintained as a separate Arkansas Documents collection at the Arkansas State Library.

(2) Rules promulgated by state government and submitted to the Arkansas State Library in accordance to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., per Arkansas Code § 25-15-204(e)(1)(B) shall be maintained as a separate collection at the Arkansas State Library.

(b) **Classification.**

(1) Arkansas State Library staff shall assign Arkansas document classification numbers to all Arkansas state and local publications received.

(2) Classification numbers shall be available to depository libraries through communications from the State and Local Government Publications Clearinghouse.

(c) **Cataloging.**

(1) Arkansas State Library staff shall catalog state and local publications according to the current professional standards developed by the Library of Congress.

(2) Bibliographic records shall be created according to the Resource Description and Access (RDA) cataloging standard, using the machine-readable cataloging (MARC) record format.

(3)(A) Bibliographic records for digital items hosted in the Arkansas State Library's online repository shall be created according to the RDA cataloging standard, using a qualified Dublin Core metadata schema.

(B) Each Dublin Core element in a digital record shall be mapped to a single MARC field so that digital items may be cross-cataloged, with linked records viewable in both the repository and online public catalog.

13 CAR § 1-304. Access.

(a)(1) Any Arkansas state or local document held by the Arkansas State Library, or a duplication thereof, shall be available to any person.

(2) In the case of a copyrighted work, the library will be governed by the fair use provisions of Title 17 of the United States Code, as pertains to photocopying such a work.

(b) Depository materials received pursuant to 13 CAR § 1-502(b) must be used onsite at the library and are not available for lending.

(c) Clearinghouse copies received pursuant to 13 CAR § 1-502(c) are available for lending by the library.

(d) A duplication will be provided of any state or local document the library deems unsuitable for lending or handling due to its physical condition.

Subpart 4. State and Local Government Publications Clearinghouse

13 CAR § 1-401. Relationship with state and local agencies.

(a)(1) The State and Local Government Publications Clearinghouse shall maintain a network of liaisons representing each state agency or local government to facilitate communication between the Arkansas State Library and each state or local agency concerning the deposit of documents or rules.

(2) The clearinghouse shall make every effort to form new and maintain existing contacts among state and local agencies.

(b) The library shall provide training to agency liaisons concerning depository submission procedures, including the types of documents and proper number of copies to submit.

13 CAR § 1-402. Services to depository libraries.

(a) Document shipments.

(1) The State and Local Government Publications Clearinghouse shall send state and local publications received for distribution to depository libraries on a regular basis.

(2) A shipping list shall be included that notes tangible items sent with each shipment, as well as new digital documents made available between shipping intervals.

(b) **Document copies.** The clearinghouse shall furnish each depository library with a tangible copy of each state and local publication according to its elected designation.

13 CAR § 1-403. Inspections.

(a) The State and Local Government Publications Clearinghouse staff shall make periodic inspections of all depository libraries to determine that this part and related guidelines are followed.

(b) If an inspection shows that a library is not fulfilling the obligations set forth in 13 CAR § 1-601 et seq., the clearinghouse staff will work with the depository librarian to eliminate the deficiency.

(c) Should the library be found unwilling or unable to comply with the standards of 13 CAR § 1-603, such failure to comply will be deemed grounds for termination of the depository contract by the Arkansas State Library.

13 CAR § 1-404. Training.

(a) Depository libraries.

(1) The Digital Services staff shall provide basic training to all designated personnel responsible for state documents in depository libraries.

(2) Additional training or consultation shall be provided as needed.

(b) Agency liaisons.

(1) The Digital Services staff shall provide orientation sessions and training to all designated agency liaisons.

(2) Additional training or consultation shall be provided as needed.

Subpart 5. Agencies and Document Submissions

13 CAR § 1-501. Agency liaison.

(a) Designation.

(1)(A) Each agency director shall designate one (1) or more agency employees to serve as a liaison with the Arkansas State Library.

(B) Changes in the designation of a liaison shall be communicated by the appropriate agency official to the State and Local Government Publications Clearinghouse.

(2)(A) State and local agency liaisons should be designated based on convenience to said agency.

(B) An agency may choose to designate more than one (1) liaison to represent an individual:

(i) Division;

(ii) Unit; or

(iii) Section.

(3) The liaison shall have knowledge of the organizational structure of their department and the documents it produces to aid library staff as needed in the classification of agency documents.

(4) The liaison may establish a network of other staff within an agency to assist with identifying and sending publications to the library.

(b) Responsibilities. Liaisons shall be responsible for:

- (1) Submitting documents to the library;
- (2) Ensuring required certification and submissions forms are complete; and
- (3) Communicating with library staff concerning related issues.

13 CAR § 1-502. Submission of agency publications.

(a) The agency liaison shall ensure that the number of copies required by the Arkansas State Library are submitted, upon release by the agency, to this address:

Digital Services
Arkansas State Library
900 W. Capitol Ave., Suite 100
Little Rock, AR 72201

(b) **Depository copy.**

(1) All state agencies and local governments shall furnish the Arkansas State Library with one (1) official permanent depository copy of each publication issued, including each document noted in Arkansas Code § 13-2-201(a)(1), (2), (3), and (6).

(2) Exemptions to the depository requirement are listed in Arkansas Code § 13-2-201(a)(4) and (5).

(c) **Clearinghouse copies.**

(1)(A) The number of copies varies according to the types of documents being submitted but depends primarily on the format in which the document is published and disseminated by the agency.

(B) The number of copies and document types required by the State and Local Government Publications Clearinghouse are set forth in the State Documents Depository Program Guidelines.

(2) **Print format.** The clearinghouse has the authority to request up to fifty (50) copies of most state and local publications issued in print format, but will only request enough to:

(A) Distribute one (1) copy to each depository library; and

(B) Satisfy the four (4) copies required for the Arkansas State Library's collections in 13 CAR § 1-304 and Part C.5(a).

(3) **Digital format.** For documents published and distributed exclusively in digital format, the clearinghouse must receive a copy of the digital file and the URL at which it is published, if applicable.

(4) **Print and digital format.**

(A) For documents published and distributed in both print and digital formats, the clearinghouse must receive a minimum of four (4) copies of the print version to satisfy the depository and interlibrary loan copy requirements.

(B) In addition to the print copies, the clearinghouse must receive a copy of the digital file and the URL at which it is published, if applicable.

13 CAR § 1-503. Standard depository requirement (SDR).

(a) By submitting the SDR to the State and Local Government Publications Clearinghouse, an agency ensures that a copy of the publication is sent to each depository library and included in the official State Documents Depository at the Arkansas State Library.

(b) The SDR is set at four (4) copies for the Arkansas State Library plus one (1) copy for each select and full depository.

(c) The SDR may be reduced when only a small printing run is made.

13 CAR § 1-504. Limited depository requirement (LDR).

(a) When distribution of a publication is made only to full depositories, agencies should submit enough copies to fill the LDR.

(b) The LDR is set at four (4) copies for the Arkansas State Library plus one (1) for each full depository.

13 CAR § 1-505. Reduction of standard depository requirement.

(a) **Waivers.**

(1) When a documents liaison sees that a printing run is too small to fill the SDR without a financial hardship on the agency, the liaison may request a waiver from the State and Local Government Publications Clearinghouse to reduce the number of copies required for submission.

(2) Each waiver shall specify the number of copies to be supplied by the agency accordingly:

Printing Run	Depository Requirement
300 or more copies	SDR
100-299 copies	LDR
1-99 copies	4 copies

(b) Type waivers.

(1) Certain publication types are determined by the clearinghouse to be appropriate for inclusion only in the Arkansas State Library's collections.

(2) The SDR is waived for these publication types, and four (4) copies are required by the clearinghouse.

(3) These document types are listed in the State Documents Depository Program Guidelines.

(c) Exemptions.

(1)(A) Some publication types are determined by the clearinghouse to be unnecessary for retention by any depository.

(B) Agencies need not supply any copies of these to the library.

(C) Exempted document types are noted in the Documents Depository Program Guidelines.

(2)(A) Exemptions to the requirement of submitting three (3) copies of a publication to the clearinghouse for interlibrary loan purposes are noted in Arkansas Code § 13-2-201(a).

(B) These specific exemptions do not apply to the official permanent depository copy, which must be submitted to the library.

(3) Exemptions to the requirement of submitting a single depository copy to the State Documents Depository collection are listed in Arkansas Code § 13-2-201(a)(4) and (5).

13 CAR § 1-506. Queries.

Agency liaisons are encouraged to consult with the State and Local Government Publications Clearinghouse over any time they are uncertain about the types and number of documents they are required to submit, or whether specific documents are exempt or otherwise unsuitable for inclusion in the State Documents Depository.

Subpart 6. Depository Libraries

13 CAR § 1-601. Designation.

(a) Arkansas libraries.

(1) The State Librarian shall invite any library within the state to apply for selection as either a full, select, or digital depository library of state and local documents.

(2) Libraries must show evidence of being able to meet the standards for eligibility.

(3) From those applications, the State Librarian shall name the institutions meeting the standards for eligibility that are to be depository libraries.

(4) The Arkansas State Library shall enter into a formal library contract with each of the designated depository libraries.

(b) Interstate exchange. The Arkansas State Library may enter into:

(1) Interstate library exchange agreements with the document clearinghouse authorities in other states; and

(2) Deposit agreements with major national research libraries.

13 CAR § 1-602. Ownership of publications.

(a) The Arkansas state and local documents sent to depository libraries from the State and Local Government Publications Clearinghouse are the property of the people of Arkansas.

(b) The Arkansas State Library and the depository libraries act as custodial agents for this material.

(c)(1) Should a library give up its depository status, all depository documents held by that library will revert to the custody of the clearinghouse.

(2) At that time, the clearinghouse shall issue instructions to the former depository concerning the withdrawal of the depository documents held by that library.

13 CAR § 1-603. Standards for eligibility.

(a) Location.

(1) The Arkansas State Library shall encourage the establishment of at least one (1) full depository in each of the five (5) library development districts of the state.

(2) There shall be no more than eight (8) depository libraries within a library development district.

(b) Space.

(1) Depositories shall provide adequate space to house the documents.

(2) Space allotted to Arkansas state and local documents shall be of a quality equal to that in use for shelving other library materials.

(c) Collection maintenance.

(1)(A) The Arkansas state and local documents collection shall be maintained in an orderly, systematic manner.

(B) Bibliographic records providing access to the material shall be available for patron use.

(2) **Receipt records.** A minimum record of receipt of documents from the State and Local Government Publications Clearinghouse shall be retention of shipping lists.

(3) **Processing interval.** All state and local documents shall be processed and shelved within thirty (30) days after their receipt.

(4) **Document classification.**

(A) The depository need not use the Arkansas documents classification numbers used by the clearinghouse, but it must alternatively apply some well-established classification system to tangible depository material to facilitate shelving and retrieval.

(B) Tangible documents need not be maintained as a separate collection.

(5) **Cataloging documents.**

(A) Tangible documents integrated into other collections shall be cataloged as other titles in that collection.

(B) Libraries may, but are not required to, ingest catalog records provided by the Arkansas State Library for digital documents.

(6) **Claims.** Tangible documents listed on a shipping list that are not included in the shipment, or the receipt of defective or damaged copies, should be claimed within thirty (30) days of receipt of the shipping list.

(7) **Retention.** The depository shall dispose of documents only in accordance with policies established by the clearinghouse.

(d) **Reference service.** All depository libraries shall employ a librarian trained to provide satisfactory reference services to its patrons in the use of state documents.

(e) **Public access.**

(1) All depository libraries must ensure tangible documents are available for public use and interlibrary loan to all nondepository libraries.

(2) Libraries must provide access via public computers to digital documents contained in the Arkansas State Library's online repository.

(f) **Inspection.**

(1) The depository library shall permit representatives of the clearinghouse to inspect the facilities provided by the library for the storage and use of all state publications distributed to it under this agreement.

(2) The depository will supply any information that may be requested by the Arkansas State Library in connection with the depository program.

(g) **Training.** Designated personnel for state documents in depository libraries shall be required to take any mandatory training provided by the clearinghouse.

13 CAR § 1-604. Dissolving the depository contract.

(a) **Termination.**

(1) Each depository library shall agree to this part and related guidelines when entering a contract with the Arkansas State Library.

(2) Failure to comply may result in a termination of the contract by the Arkansas State Library as provided in 13 CAR § 1-403.

(b) **Rescission.**

(1)(A) The depository library may relinquish the depository status on written notice to the State Librarian.

(B) The notice shall state the reason why the library desires to terminate the contract.

(2) Upon termination of the contract by either party as a consequence of this section or 13 CAR § 1-403, the State and Local Government Publications Clearinghouse shall issue instructions to the depository library regarding the disposition of the depository documents held by that library.