

**TITLE 2. ADMINISTRATION****CHAPTER 3. ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS**

(Authority: A.R.S. § 41-1331 et seq.)

*Editor's Note: The former rules in Title 2, Chapter 3 used the former Administrative Code numbering scheme. These rules are repealed by exempt rulemaking at 11 A.A.R. 3863, effective October 15, 2005 (Supp.05-3). New rules using the current Administrative Code numbering scheme were made by exempt rulemaking at 11 A.A.R. 3863, effective October 15, 2005. The former rules are on file in the Office of the Secretary of State (Supp. 05-3).*

**ARTICLE 1. RULEMAKING**

*Sections R2-3-01 through R2-3-03 repealed; new Section R2-3-101 made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).*

Section

R2-3-101. Rulemaking Procedures

**ARTICLE 2. GENERAL PROVISIONS**

*Sections R2-3-13 through R2-3-18 repealed; new Section R2-3-201 made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).*

Section

R2-3-201. Patron Admission

**ARTICLE 3. ACCESS AND USE OF MATERIALS**

*Sections R2-3-28 through R2-3-32 repealed; new Sections R2-3-301 through R2-3-305 made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).*

Section

R2-3-301. Protection of the Materials

R2-3-302. Access

R2-3-303. Circulation and Loans

R2-3-304. Copying

R2-3-305. Publication and Commercial Use

**ARTICLE 4. RESTRICTING PUBLIC COMPUTER ACCESS TO VISUAL DEPICTIONS THAT ARE HARMFUL TO MINORS, OBSCENE OR PORNOGRAPHIC**

*Sections R2-3-42 through R2-3-46 repealed; new Section R2-3-401 made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).*

Section

R2-3-401. Requirements

**ARTICLE 5. STATE DOCUMENTS DEPOSITORY PROGRAM**

*Article 5, consisting of Sections R2-3-501 through R2-3-503, made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).*

Section

R2-3-501. Program and Partners

R2-3-502. Public Reports and Publications Included

R2-3-503. Submission of Publications

**ARTICLE 6. INTERLIBRARY LOAN AND STATE GRANTS-IN-AID**

*Article 6, consisting of Section R2-3-601, made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).*

Section

R2-3-601. Eligibility

**ARTICLE 1. RULEMAKING****R2-3-101. Rulemaking Procedures**

- A. The Arizona State Library, Archives and Public Records (Library and Archives) staff shall, with due diligence, research best practices relevant to the proposed rule.
- B. The Library and Archives shall seek input from legislators, stakeholders, constituents, and the public on proposed rules.
- C. The Library and Archives shall publish all rules in the Arizona Administrative Code and on its agency web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

**ARTICLE 2. GENERAL PROVISIONS****R2-3-201. Patron Admission**

- A. The reading rooms and resources of the Arizona State Library, Archives and Public Records (Library and Archives) are available during regular hours to all persons, subject to appropriate, orderly conduct. Children under 12 may use rare materials only when accompanied by an adult or with permission of the Director. Groups of 12 or more are asked to schedule tours in advance.
- B. Patrons may be required to check brief cases, containers, overcoats, or other bulky items with Library and Archives staff before entering reading rooms or public stacks. Patrons may bring items essential to their research into reading rooms and public stacks with the approval of Library and Archives staff. Any unchecked items are subject to reasonable inspection at any time.
- C. No animals are allowed, except assistance animals.
- D. Smoking, eating, drinking, sleeping, and disruptive behavior are not allowed.
- E. Individuals violating these rules will be asked to leave. Individuals repeatedly violating these rules may be denied admission.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

**ARTICLE 3. ACCESS AND USE OF MATERIALS****R2-3-301. Protection of the Materials**

Access, circulation or loan, use, or copying of materials in any of the collections of the Arizona State Library, Archives and Public Records (Library and Archives) may be prohibited or limited if such access, use, or copying could damage the materials.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

**R2-3-302. Access**

Materials in all of the Library and Archives' collections are collected, described, and preserved for the use of the Legislature, state agencies, and the public with the following exceptions.

1. Materials held by the Records Management Division are the property of the agency storing the records at the

Records Management Center. All requests for access to these records must come from the agency of origin.

2. Materials that are rare or fragile may be used only by permission of and according to procedures established by the Director.

#### Historical Note

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

#### R2-3-303. Circulation and Loans

- A. Materials in circulating collections may be lent for use outside the Library and Archives to employees of the Arizona state government, to registered borrowers, and to other libraries in the United States through an interlibrary loan program if the Library and Archives has a reciprocal agreement with that library.
- B. Individuals who fail to return borrowed items must pay the Library and Archives the cost to replace the item plus the costs of cataloging and processing the item.
- C. Materials in non-circulating collections, including reference works, single copies of items, and fragile or rare items are not lent for use outside the Library and Archives except by permission of the Director.
- D. Materials in non-circulating collections, including reference works, single copies of items, and fragile or rare items may be lent to qualified repositories for exhibition purposes with permission of the Director.

#### Historical Note

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

#### R2-3-304. Copying

- A. Copying of materials in any of the Library and Archives' collections is subject to federal copyright law. Patrons are responsible for complying with the provision of that law.
- B. Materials in good condition in circulating and reference collections may be copied onsite using agency-supplied equipment.
- C. Use of personal cameras, scanners, or other copying technology may be allowed by the Director if the process does not damage the materials and does not distract other patrons.
- D. Requests for copies of fragile or special format materials must be approved by the Director.
- E. Unique or rare materials may be copied only by Library and Archives staff.

#### Historical Note

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

#### R2-3-305. Publication and Commercial Use

- A. Patrons who intend to use copies or reproductions for any commercial purpose must notify the Library and Archives and pay charges required in A.R.S. § 39-121.03.
- B. Publication of materials in any of the Library and Archives' collections is subject to federal copyright law. Patrons are responsible for obtaining any necessary permission to publish from the owner of copyright.
- C. Publication or commercial use of materials in any of the Library and Archives' collections must include a credit to the Arizona State Library, Archives and Public Records. Some materials may require specific credits or citations.

#### Historical Note

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

### ARTICLE 4. RESTRICTING PUBLIC COMPUTER ACCESS TO VISUAL DEPICTIONS THAT ARE HARMFUL TO MINORS, OBSCENE OR PORNOGRAPHIC

#### R2-3-401. Requirements

- A. A governing body that operates a public library shall develop, review and provide a written policy with input from the local library board, or its equivalent, for the use of its public access computers for each library in its jurisdiction under A.R.S. § 34-502(E). The policy shall:
  1. Provide for blocking access on public access computers to such materials as referenced under A.R.S. § 34-502(B)(1) and (2) and as defined under A.R.S. § 34-501,
  2. Provide procedures for library patrons of legal age to disable or request the disabling of technology protection under A.R.S. § 34-502(C) for research or other lawful purposes,
  3. List citations to A.R.S. §§ 34-501 and 34-502, and
  4. Acknowledge the awareness of, and concern for, a safe educational Internet experience for children despite the unregulated nature of the Internet.
- B. Each library shall:
  1. Comply with its governing body policy,
  2. Post the policy in a conspicuous location as provided in A.R.S. § 34-502(D), and include an outline of the library's complaint process,
  3. Establish guidelines and procedures to restrict users from gaining computer access to such materials as referenced under A.R.S. § 34-502(B)(1) and (2) and as defined under A.R.S. § 34-501, and
  4. Deploy a technology protection measure to block access to such materials as referenced under A.R.S. § 34-502(B)(1) and (2) and as defined under A.R.S. § 34-501, by either centralized filtering or individual filters on public access computers or by use of a similar technology solution.

#### Historical Note

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3). Amended by exempt rulemaking at 19 A.A.R. 540, effective March 21, 2013 (Supp. 13-1).

### ARTICLE 5. STATE DOCUMENTS DEPOSITORY PROGRAM

#### R2-3-501. Program and Partners

- A. The Director of the Arizona State Library and Archives (Library and Archives) may establish agreements with other libraries to establish a state documents depository program to collect, provide access to, and preserve copies of public reports and publications (see Article 2) of state, county and municipal officers, departments, boards, commissions, agencies and institutions, and public archives.
- B. Any library that enters into an agreement pursuant to this subdivision shall continue to contribute at least the same level of support to the state documents program and shall not use any monies received pursuant to the agreement to supplant other monies available to the library.

#### Historical Note

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

#### R2-3-502. Public Reports and Publications Included

- A. The state documents depository program shall include public reports and publications, whether in print or electronic formats, that are published, disclosed, or distributed to the gen-

eral public (or a targeted audience within the general public); and also at least one of the following:

1. That are required by law as a public report; or
2. That are required by law to be sent to the Governor, President of the Senate, or Speaker of the House; or
3. That describe an agency's activities, programs, or policies, including annual reports; or
4. That are the results of a formal study or investigation.

- B.** This program does not include non-public reports, including materials of a confidential nature or materials intended for use primarily within the agency, such as correspondence, forms, memos, or other materials produced for internal administrative or operational purposes. Non-public documents and agency copies of public reports and publications should be managed according to records retention schedules, which may specify some materials to be transferred to the Library and Archives at some future date.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

**R2-3-503. Submission of Publications**

- A.** Within 30 days of publication agencies shall send to the Library and Archives at no cost:
1. Six copies of public reports and publications issued in print and, if the document was created in electronic format, one copy in electronic format; or
  2. One print copy and one in electronic format of public reports and publications issued electronically.
- B.** Electronic copies of public reports and publications shall be submitted in Adobe Portable Document Format (PDF or PDF-A).
- C.** All public reports and publications:
1. Shall include the name of the officer, agency, department, board, commission, or other institution responsible for issuing the report or publication; the title; the date and place of printing or publication; and
  2. As appropriate, a public report or publication shall include the names of authors, individuals, or organiza-

tions that assisted in the production of the report or publication; and a citation of the statute or regulation requiring the report or publication.

- D.** Reports and publications should be sent to: State Documents, Arizona State Library, Archives and Public Records, 1700 W. Washington, Suite 300, Phoenix, AZ 85007. Electronic copies may be sent by e-mail to reports@lib.az.us.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).

**ARTICLE 6. INTERLIBRARY LOAN AND STATE GRANTS-IN-AID**

**R2-3-601. Eligibility**

To be eligible for Library Services and Technology Act competitive grants, State Grants-in-Aid (including construction), and access to First Search, a library:

1. Must participate, upon patron or library request, as a lender and/or borrower in the statewide interlibrary loan of circulating print materials, regardless of subject or genre, without charge to their patrons or to other Arizona libraries.
2. Is encouraged, but not required, to share circulating, non-print materials.
3. May limit interlibrary loan requests to six per patron at any one time.
4. May limit requests to materials that have been published for at least a year; not currently on a nationally recognized best-seller list; or not needed by the library's own patrons.
5. With prior notice to the patrons, may pass on to their patrons real and actual charges incurred from out-of-state libraries in the filling of those patrons' interlibrary loan requests, including postage.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 3863; effective October 15, 2005 (Supp. 05-3).