

4 AAC 58 is amended by adding new sections to read:

Article 2. Acquisition and Deaccession of Artifacts.

Section

- 100. Scope of collection
- 110. Acquisition of artifacts
- 120. Loans of objects in the collection
- 130. Agreements regarding Alaska Native artifacts
- 140. Deaccession of artifacts
- 150. Ownership of artifacts

4 AAC 58.100. Scope of collection. (a) The Alaska State Museum will

- (1) acquire objects for the museum's collection in compliance with state and federal law;
- (2) obtain evidence that archaeological material was excavated scientifically and legally before acquiring archaeological material;
- (3) not collect human remains; however, Alaska Native artifacts that incorporate voluntarily-shed human hair are within the scope of collection;
- (4) adopt and implement a plan for collection that addresses exhibition, education, research, and collection development, and that allows the museum to consider opportunities to obtain significant and unique Alaskan objects when those opportunities arise.

(b) The scope of the collection housed in the main branch of the Alaska State Museum includes

(1) representative and unique ethnographic objects from all Alaska Native groups, including art and implements of ordinary and common use that were made or used by Alaska Natives;

(2) items of historic significance in the exploration, settlement, and exploitation of Alaska, including activities by Russian, American, and European cultures;

(3) fine art by Alaskan artists or that depicts Alaskan subjects; and

(4) natural history specimens that are useful in the interpretation or study of Alaska's geology, wildlife, botany, or marine life.

(c) The scope of the collection housed in the Sheldon Jackson Museum branch of the Alaska State Museum includes

(1) Alaska Native ethnographic material that illustrates the culture, lifestyles, and achievements of Alaska Natives;

(2) reproductions of artifacts that are within the scope described in (1) of this subsection and that are not available in original form; and

(3) items that relate to the history of the Sheldon Jackson Museum and the collecting activities of Dr. Sheldon Jackson. (Eff. 8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010 AS 14.57.050

4 AAC 58.110. Acquisition of artifacts. Subject to the availability of appropriations, the Alaska State Museum will use the following process for the acquisition of artifacts for inclusion in the museum's collection:

(1) the museum will establish a staff acquisitions committee, to be chaired by the

senior curator of collections;

(2) the staff acquisition committee shall review a proposed acquisition, including an acquisition for the Alaska State Museum or a branch museum, without regard to whether the proposed acquisition is to be by purchase, donation, exchange, field collecting, or other means;

(3) in reviewing a proposed acquisition, the senior curator of collections shall

(A) determine whether the proposed acquisition is within the scope of collection of the museum, including a branch museum;

(B) evaluate the authenticity, quality, significance, integrity, workmanship, age, rarity, documentation, condition, aesthetic quality, and historical value to this state of the proposed acquisition;

(C) determine whether the proposed acquisition has potential for long-term stability in the care of the museum;

(D) consult as necessary with experts, including other staff and outside experts;

(E) consider the cost of the acquisition, including whether alternative acquisitions might be foreclosed by this acquisition; and

(F) prepare for each proposed acquisition a checklist that includes the criteria described in this paragraph;

(4) the staff acquisition committee shall

(A) deliberate on whether the museum should acquire the proposed acquisition;

(B) record the opinion of each member;

- (C) keep minutes of the meetings of the committee;
- (D) forward the record, including all supporting documentation, to the chief curator; and
- (E) evaluate the relevance of the proposed acquisition to museum programs;

(5) the chief curator

- (A) may accept or reject a recommendation of the senior curator of collections, or opinions of the staff acquisition committee to acquire an object;
- (B) may return the record to the committee for further deliberation; and
- (C) may not approve an acquisition that is not recommended for acquisition by either the senior curator of collections or the majority of the committee;

(6) if the cost of an acquisition is more than \$5,000, the chief curator shall submit an approved recommendation for an acquisition to the Museum Collections Advisory Committee created under AS 14.57.020, and may not acquire the object unless the committee approves the acquisition in accordance with AS 14.57.050. (Eff. 8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010 AS 14.57.050

4 AAC 58.120. Loans of objects in the collection. (a) A nonprofit museum or cultural center may apply on a form prepared by the museum for a loan of an artifact from the Alaska State Museum collection for nonprofit educational use of the artifact. In determining whether to grant or deny the loan request, the chief curator shall consider the

- (1) standards for safety and security adopted and implemented by the institution

applying for the loan;

(2) ability of the institution to care for the object, including whether the institution

(A) will insure the object under an all-risk, wall-to-wall policy during the time of the loan; and

(B) will provide special care if special care is required;

(3) risk of damage or loss to the artifact from the requested use;

(4) effect the loan will have on the Alaska State Museum's programming;

(5) term of the loan; a long-term or permanent loan may not be approved; and

(6) public interest.

(b) The museum will reserve the right to terminate a loan at the museum's discretion.

The chief curator shall determine in writing whether to approve a request for an extension of a loan. The chief curator may not approve a loan extension unless all conditions of the loan, including insurance, will be met for the term of the extension.

(c) An educational institution in the state may apply on a form prepared by the museum for a loan of objects that have been placed by the museum in a hands-on educational collection. The chief curator may approve a loan request under this subsection if the request is consistent with the

(1) education purpose for which the collection was designed; that purpose may, if appropriate, include uses that affect, modify, or destroy the object; and

(2) public interest.

(d) An Alaska Native clan or tribe may apply under 4 AAC 58.130 for a loan for cultural

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use of an Alaska Native artifact in the permanent collection of the museum. (Eff. 8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010 AS 14.57.050

4 AAC 58.130. Agreements regarding Alaska Native artifacts. (a) The Alaska State Museum may enter into an agreement with an Alaska Native tribe or clan regarding an Alaska Native artifact that has a historical connection to the tribe or clan, if the museum finds that the agreement is

- (1) in the interest of the collection;
- (2) consistent with the mission of the museum.

(b) An agreement under (a) of this section may be for the following purposes:

(1) a loan of an artifact in the museum collection to a tribe or clan, including a standing agreement for a loan for cultural or educational use of the artifact;

(2) acceptance of shared ownership between the tribe or clan and the museum of an artifact being donated by the tribe or clan; the agreement may provide for display of the artifact by the museum and cultural use of the artifact by the tribe or clan;

(3) a loan of an artifact to the museum from a tribe or clan; the agreement may provide for display of the artifact by the museum and cultural use of the artifact by the tribe or clan;

(4) other purposes that promote the mission of the museum.

(c) An agreement under (a) of this section must include

(1) requirements of care for objects in the museum collection that provide for

protection of the artifact from damage or loss;

(2) clear arrangements for the release and the return of the artifact; and

(3) a dispute resolution process that is approved by the Department of Law. (Eff.

8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010 AS 14.57.050

4 AAC 58.140. Deaccession of artifacts. (a) The Alaska State Museum may deaccession an artifact in the museum collection if

(1) possession of the artifact poses a hazard to human life or health or jeopardizes the preservation of other objects in the collection, as determined by a conservator or other experts;

(2) the artifact is outside the museum's scope of collections;

(3) return of the artifact to a Native American individual or group is required under 25 U.S.C. 3001 - 3013 (Native American Graves Protection and Repatriation Act);

(4) possession of the artifact violates federal or state law;

(5) the artifact is in poor or unstable condition, as determined by a conservator, and the museum determines in writing that stabilization of the artifact is not appropriate;

(6) the artifact is an exact duplicate of other objects in the collection; or

(7) another person or entity has title to the artifact, as determined by

(A) a court; or

(B) the museum under the process described in 4 AAC 58.150.

(b) The museum may deaccession an object in the museum's collection only after

completion of each of the following:

(1) the senior curator of collections, in consultation with the staff acquisition committee described in 4 AAC 58.110(1), identifies in writing

(A) the object to be considered for deaccession;

(B) information relating to the history, significance, and ownership of the object;

(C) an analysis of applicable laws; and

(D) the proposed method of disposal;

(2) if the object may be valued at more than \$5,000, the senior curator of collections obtains an appraisal or opinion of value of the object, including support for the appraisal or opinion from authorities from other institutions;

(3) the senior curator of collections prepares a recommendation for deaccession; the recommendation must include

(A) an analysis of whether the object meets a criterion for deaccession described in (a) of this section; and

(B) comments from members of the staff acquisition committee;

(4) the recommendation for deaccession is approved by

(A) the chief curator of the Alaska State Museum;

(B) the Museum Collections Advisory Committee created under AS 14.57.020;

(C) the director of the division within the department that oversees libraries, archives, and museums; and

(D) the commissioner of education and early development;

(5) the museum requests advice from the Department of Law on whether the proposed deaccession is consistent with law.

(c) The museum will coordinate with the Department of Administration for compliance regarding the disposal of state property. With the exception of an item not owned by the museum, human remains, or an object returned to a Native American individual or group under 25 U.S.C. 3001 - 3013 (Native American Graves Protection and Repatriation Act), in determining the method of disposal the museum will consider, in order of priority,

(1) placement of the object in the permanent collection of another museum in this state or agency in this state for educational or research purposes by exchange or transfer;

(2) placement of the object in educational collections or programs, if appropriate for the object;

(3) placement of the object with another educational institution within this state through exchange, sale, or donation;

(4) transfer to another agency of this state;

(5) placement of the object with another educational institution outside this state through exchange, sale, or donation;

(6) sale at public auction; or

(7) witnessed destruction of the object.

(d) If a deaccession of an object is requested under 25 U.S.C. 3001 - 3013 (Native American Graves Protection and Repatriation Act), the museum will follow the process required under 25 U.S.C. 3001 - 3013 and this section. (Eff. 8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010 AS 14.57.050

4 AAC 58.150. Ownership of artifacts. (a) All artifacts accessioned into the collection of the Alaska State Museum are presumed to be owned solely and completely by the state unless the accessioning documents provide for a different ownership.

(b) Except for a claim filed under 25 U.S.C. 3001 - 3013 (Native American Graves Protection and Repatriation Act), a person who claims ownership of an artifact in the collection of the Alaska State Museum may petition the senior curator of collections of the museum for a determination of ownership. A petition must identify all evidence in support of the claimant's claim, and must state whether the claimant seeks to have the artifact deaccessioned and returned to the claimant. The senior curator of collections for the Alaska State Museum shall investigate the claim, and may interview witnesses and request that the claimant provide additional evidence. Not later than 60 days after receipt of the claim, the senior curator of collections shall issue a written decision on the ownership of the object. If requested by the senior curator of collections, the chief curator of the Alaska State Museum may grant a 30-day extension of time to complete the investigation. If the senior curator of collections determines that clear and convincing evidence supports the claimant's claim, the senior curator of collections shall issue a determination of ownership in favor of claimant. The claimant may use the determination to support a petition for deaccession to the Museum Collections Advisory Committee established under AS 14.57.020. (Eff. 8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010 AS 14.57.050

4 AAC 58.900(5) is amended to read:

(5) "Alaska State Museum" means the state museum in Juneau, Alaska **and,**
unless the context requires otherwise, a branch museum established and maintained under
AS 14.57.010(a);

4 AAC 58.900 is amended by adding new paragraphs to read:

(7) "accession" means the process by which an object is made part of the permanent collection of the museum;

(8) "deaccession" means the process used to

(A) remove permanently an object from the museum's collection; or

(B) document the reasons for a removal required by law due to circumstances not controlled by the museum;

(9) "senior curator of collections" means the museum employee assigned to oversee the operations of the museum's permanent collections. (Eff. 10/21/89, Register 112; am 4/19/95, Register 134; am 8/18/2013, Register 207)

Authority: AS 14.07.060 AS 14.57.010