

ARTICLE 24. STATE MUSEUMS AND HISTORIC SITES

Rule 1. Definitions

312 IAC 24-1-1 General application of definitions

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 1. The definitions in this rule apply throughout this article and are supplement to those set forth in 312 IAC 1. (*Natural Resources Commission; 312 IAC 24-1-1; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-2 “Accession” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 2. “Accession” means the acquisition of an artifact for inclusion in the curatorial collection of the division. (*Natural Resources Commission; 312 IAC 24-1-2; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-3 “Artifact” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 3. “Artifact” means a natural or manmade object or material constituting historic property. (*Natural Resources Commission; 312 IAC 24-1-3; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-4 “Council” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 4. “Council” means the advisory council for the bureau of lands and cultural resources. (*Natural Resources Commission; 312 IAC 24-1-4; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-5 “Curatorial collection” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 5. “Curatorial collection” means artifacts acquired and preserved by the division for their potential value as examples, reference materials, or objects of aesthetic or educational importance. (*Natural Resources Commission; 312 IAC 24-1-5; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-6 “Deaccession” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 6. “Deaccession” means an acknowledgment that an artifact is no longer in the curatorial collection of the division and may include transfer of the artifact to another person if the transfer is noted on the museum register. (*Natural Resources Commission; 312 IAC 24-1-6; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-7 “Division” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-9-4-1; IC 14-20-1-2

Sec. 7. “Division” means the division of state museums and historic sites. *(Natural Resources Commission; 312 IAC 24-1-7; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-1-8 “Division director” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 8. “Division director” means the director of the division. *(Natural Resources Commission; 312 IAC 24-1-8; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-1-9 “Historic property” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 9. “Historic property” means any:

- (1) historic site;
- (2) historic structure; or
- (3) other personal or real property;

located on or in a historic site or historic structure. *(Natural Resources Commission; 312 IAC 24-1-9; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-1-10 “Historic site” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 10. “Historic site” means any site that is important to the:

- (1) general;
- (2) archeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial;
- (9) geological;
- (10) paleontological; or
- (11) cultural;

history of Indiana. A historic site includes any adjacent property that is necessary to the preservation or restoration of the site. *(Natural Resources Commission; 312 IAC 24-1-10; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-1-11 “Historic structure” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 11. “Historic structure” means any structure that is important to the:

- (1) general;
- (2) archeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial;
- (9) geological;
- (10) paleontological; or
- (11) cultural;

history of Indiana. A historic structure includes any adjacent property that is necessary to the preservation or restoration of the structure. (*Natural Resources Commission; 312 IAC 24-1-11; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-12 “Museum register” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 12. “Museum register” means a log where each acquisition by the division is assigned a number and where information is recorded with respect to the acquisition. That information may include the date and source of the acquisition and a brief description of the acquisition. (*Natural Resources Commission; 312 IAC 24-1-12; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-13 “Site” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 13. “Site” includes:

(1) any:

- (A) aboriginal mound;
- (B) fort;
- (C) earthwork;
- (D) village location;
- (E) burial ground;
- (F) ruin;
- (G) mine;
- (H) cave;
- (I) battleground;
- (J) shipwreck; or
- (K) other similar location on land or under water; or

(2) any location that contains or once contained a structure.

(*Natural Resources Commission; 312 IAC 24-1-13; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2753; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-1-14 “Structure” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 14. “Structure” means any manmade construction. (*Natural Resources Commission; 312 IAC 24-1-14; filed Jun 6, 1997,*

2:40 p.m.: 20 IR 2754; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-1-15 “Trustees” defined

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1-16

Sec. 15. “Trustees” means the board of trustees of the division established by IC 14-20-1-16. (*Natural Resources Commission; 312 IAC 24-1-15; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2754; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

Rule 2. Artifacts; Evaluation of Proposals to Sell, Exchange, or Accept Gifts or Otherwise Acquire

312 IAC 24-2-1 Purpose and objective

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1-23

Sec. 1. (a) This rule establishes procedures for evaluating the merits of proposals to sell, exchange, or accept gifts of artifacts under IC 14-20-1-23.

(b) The division seeks, by implementation of these procedures, to collect, preserve, and interpret artifacts and materials reflecting the cultural and natural history of Indiana. (*Natural Resources Commission; 312 IAC 24-2-1; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2754; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-2-2 General priorities for artifact accession

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 2. Artifacts are accessioned by the division with consideration for collecting priorities as follows:

(1) The highest priority is accorded to documented artifacts that provide information from which to reconstruct:

- (A) Indiana history;
- (B) regional history; or
- (C) natural history.

Geographic coverage must consider significance on a national or international level for interpretation of particular areas (for example, popular culture). The artifact becomes a permanent voucher for that information.

(2) A second priority is accorded to undocumented artifacts that have comparative value for identification as those described in subdivision (1), or that serve as reference specimens, where documented artifacts are not included in the permanent collection.

(3) A third priority is accorded to artifacts that do not meet the standards set forth in subdivision (1) or (2), but may be integrated by the division into educational programming.

(*Natural Resources Commission; 312 IAC 24-2-2; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2754; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

312 IAC 24-2-3 Considerations affecting priorities

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 3. Considerations that affect the collecting priorities described in section 2 of this rule include the following:

(1) Whether the artifacts are relevant to the powers and duties of the section of museums as set forth in IC 14-20-1-9 through IC 14-20-1-11.

(2) Whether the division can interpret and disseminate information provided by a study of the artifacts or can make those artifacts available for scholarly study.

(3) Whether the division is able to provide for the storage, protection, and preservation of the artifacts.

(Natural Resources Commission; 312 IAC 24-2-3; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2754; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-2-4 Action by the division director for the accession of artifacts; exception; administrative review by commission

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 4. (a) Except as provided under subsection (b), the division director shall determine whether to accept or reject an artifact for accession.

(b) No artifact may be rejected based upon the consideration set forth under section 3(3) of this rule unless the trustees determine that the division is unable to provide for the storage, protection, and preservation of the artifact.

(c) The board of trustees may accept restricted title to an artifact.

(d) A determination under this section is subject to administrative review by the commission if the review is requested within thirty (30) days of notice of the determination. *(Natural Resources Commission; 312 IAC 24-2-4; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2754; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-2-5 Accession of artifacts; authority of grantor or donor to act

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 5. The following standards shall be satisfied for the accession of artifacts, whether the resulting accession is by purchase, exchange, or gift:

(1) The person providing the artifact must establish to the satisfaction of the division that the person is the owner of that artifact.

(2) The state must receive unrestricted title to the artifact, except as otherwise provided by section 2 of this rule.

(3) To the extent practicable, an artifact should be delivered to the department with full literary rights, copyrights, patents, and trademarks.

(4) To the extent practicable, an artifact should be free from physically hazardous attributes.

(5) An artifact may be appraised only at the initiative and expense of the person seeking the appraisal. No employee of the department may provide an appraisal of any kind except for use exclusively by the department.

(Natural Resources Commission; 312 IAC 24-2-5; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2755; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-2-6 Deaccession of artifacts; general criteria

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1-10; IC 14-20-1-11

Sec. 6. Deaccession shall be performed by the department in a manner that is cautious, deliberate, and scrupulous and is in keeping with section 1 of this rule. An artifact to be considered for deaccession must meet at least one (1) of the following criteria:

(1) The artifact is not included within the duties of the division under IC 14-20-1-10 and IC 14-20-1-11 and its accession priorities under section 2 of this rule.

(2) The artifact lacks physical integrity.

(3) The artifact fails to retain its identity or authenticity.

(4) The artifact is misplaced for at least two (2) years or is stolen.

(5) The artifact is duplicated by another artifact in the permanent collection of the division.

(6) Preservation of the artifact by the division is impracticable.

(7) The artifact is deteriorated beyond usefulness.

(8) The artifact has a doubtful potential for utilization in the foreseeable future.

(9) An absence of documentation, or inadequate documentation, critically reduces the value of the artifact.

(Natural Resources Commission; 312 IAC 24-2-6; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2755; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-2-7 Procedure for deaccessioning artifacts

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1-23

Sec. 7. (a) The division director may, individually or on the initiative of the curatorial office, propose an artifact for deaccession. The proposal shall be delivered in writing to the trustees and must include the following information:

- (1) The source of the artifact, if known.
- (2) A criterion for deaccession as provided under section 6 of this rule.
- (3) The estimated market value of the artifact.
- (4) The means of transfer or disposal of the artifact, including whether the artifact should be sold to, donated to, or exchanged with another public or nonprofit museum or historical society.

(b) The trustees shall consider a proposal by the division director under subsection (a) and may recommend deaccession of an artifact under terms and conditions found appropriate by the trustees. The trustees shall not act upon the proposal except during a public meeting of the trustees. An opportunity shall be provided to any interested person to comment in writing or during the public meeting on the proposal. No employee of the department may be disciplined or otherwise sanctioned by the department because the employee exercises the opportunity to comment provided under this subsection.

(c) The commission shall consider the recommendation of the trustees under subsection (b) and may order any of the following:

- (1) The destruction of an artifact that is deteriorated beyond usefulness.
- (2) The removal from itemization with the permanent collection of the division of an artifact that is misplaced for at least two (2) years or is stolen.
- (3) The sale, donation, or exchange of an artifact with another public or nonprofit museum or historical society under IC 14-20-1-23(c). However, the commission may donate an artifact to a public or nonprofit museum or historical society under this subsection only if the museum or historical society is located in Indiana.
- (4) The sale or exchange of any other artifact under IC 14-20-1-23(d).

(Natural Resources Commission; 312 IAC 24-2-7; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2755; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-2-8 Compliance with precatory restrictions

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 8. An artifact that is subject to a precatory restriction shall not be considered by the commission under section 7(c) of this rule until the division makes a good faith effort to:

- (1) comply with the restriction; and
- (2) notify the individual, if living, from whom the artifact was accessioned.

If the individual is not living and the artifact was accessioned within the last twenty (20) years, the division shall make a good faith effort to notify the heirs or assigns of the decedent. If the heirs or assigns cannot be identified or located, the division shall give notice by publication in the newspaper having the greatest circulation in the county where the individual last resided, and in Marion County if the place of last known residence is outside Indiana. *(Natural Resources Commission; 312 IAC 24-2-8; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2756; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-2-9 Prohibition on transfer of artifacts to departmental staff, boards, and families

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 9. No artifact from the permanent collection of the division shall be given, sold, or otherwise transferred to:

- (1) an employee of the department;
- (2) a trustee;
- (3) a member of the council; or
- (4) a member of the commission or to their immediate families or representatives.

(Natural Resources Commission; 312 IAC 24-2-9; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2756; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-2-10 Curatorial offices

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 10. (a) This rule is implemented through the curatorial offices within the section of museums.

(b) Collecting strategies are established for each curatorial office, providing for areas of coverage and standards of documentation, in the publication of the trustees entitled "Collection Management Policy" (March 20, 1991). *(Natural Resources Commission; 312 IAC 24-2-10; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2756; filed Mar 25, 1999, 4:23 p.m.: 22 IR 2491; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

Rule 3. Historic Properties; Evaluation of Proposals to Sell, Exchange, Accept Gifts, or Otherwise Acquire

312 IAC 24-3-1 Purpose and objective; exception for artifacts

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1-23

Sec. 1. (a) This rule establishes a procedure for evaluating the merits of proposals to sell, exchange, or accept gifts of historic properties under IC 14-20-1-23(d).

(b) The division seeks, by implementation of this procedure, to also establish standards and criteria for the acquisition of historic properties under IC 14-20-1-23(a).

(c) Where historic property is an artifact, this rule is controlled by 312 IAC 24-2. *(Natural Resources Commission; 312 IAC 24-3-1; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2756; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-3-2 Petition for acquisition of an historic site or an historic structure

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 2. (a) A person seeking to have Indiana acquire a historic site or a historic structure that would be administered by the department shall file a petition with the division director signed by at least ten (10) residents of Indiana.

(b) The petition must be accompanied by an application completed on a division form. *(Natural Resources Commission; 312 IAC 24-3-2; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2756; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-3-3 Procedure for evaluating a petition; recommendation by trustees; final action by commission

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 3. (a) Upon the receipt of a petition and completed application as provided under section 2 of this rule, the division will perform historical or archeological research and will gather data on structural needs, costs, and other information pertinent to a complete evaluation.

(b) The division will present to the trustees the results of the research and data collection described in subsection (a). Based upon that presentation, and upon other documentation that may be submitted to the trustees by an interested person, the trustees shall determine whether to recommend that the property should be acquired.

(c) If the trustees determine to recommend that the property should be acquired, that recommendation shall be submitted to

the commission for final action.

(d) The recommendation of the trustees or the final action of the commission, under this section, may contain restrictions, terms or conditions not included in the petition and application filed under section 2 of this rule. *(Natural Resources Commission; 312 IAC 24-3-3; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2756; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-3-4 Factors for evaluating a petition

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 4. In evaluating a petition and application filed under section 2 of this rule, the department shall consider the following factors:

- (1) Whether the property illustrates, interprets, or is identified with an important aspect of Indiana history or prehistory.
- (2) Whether the property duplicates a state historic site already administered by the department.
- (3) Whether the property retains its original appearance, setting, and materials.
- (4) Whether the property has sufficient historical significance to justify the costs of acquisition, continued rehabilitation, and maintenance.
- (5) Whether the property is readily accessible to the public.
- (6) Whether the property has ready access to utilities.
- (7) Whether the property could generate future revenues.
- (8) Other factors that promote the purposes of IC 14-20-1 and this article.

(Natural Resources Commission; 312 IAC 24-3-4; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2757; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

312 IAC 24-3-5 Procedure for authorization by the department for deaccession of historic property

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 5. (a) Before historic property is deaccessioned, the trustees shall consider and evaluate the property according to the factors contained in section 6 of this rule. The trustees shall not recommend that a property be deaccessioned except during a public meeting of the trustees. An opportunity shall be provided to any interested person to comment in writing or during the public meeting concerning whether the property should be deaccessioned. No employee of the department may be disciplined or otherwise sanctioned by the department because the employee exercises the opportunity to comment provided under this subsection.

(b) If the trustees determine to recommend that the historic property be deaccessioned, the recommendation shall be submitted to the commission for final action of the department.

(c) The commission may direct that a public hearing be conducted for final action that is taken under subsection (b).

(d) If the final action of the commission is to deaccession the historic property, that determination shall be referred by the secretary of the commission to the Indiana department of administration for disposition of the property. *(Natural Resources Commission; 312 IAC 24-3-5; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2757; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-3-6 Factors for evaluating historic property

Authority: IC 14-20-1-15; IC 14-20-1-23

Affected: IC 14-20-1

Sec. 6. In evaluating whether historic property administered by the division should be deaccessioned, the department shall consider the following factors:

- (1) Whether the property illustrates, interprets, or is identified with an important aspect of Indiana history or prehistory.
- (2) Whether the property duplicates another state historic site administered by the department.
- (3) Whether the property retains its original appearance, setting, and materials.
- (4) Whether the property has sufficient historical significance to justify the costs of continued rehabilitation and maintenance.
- (5) Whether the property is readily accessible to the public.

(6) Whether the property has ready access to utilities.

(7) Whether the property currently generates or could generate future revenues.

(8) Other factors which promote the purposes of IC 14-20-1 and this article.

(Natural Resources Commission; 312 IAC 24-3-6; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2757; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

Rule 4. Ethics

312 IAC 24-4-1 Supplemental museum ethics requirements

Authority: IC 14-20-1-15

Affected: IC 14-10-2-6; IC 14-20-1

Sec. 1. The trustees shall adopt a museum code of ethics applicable to the trustees and the employees of the division. This code is supplemental to 40 IAC 2. *(Natural Resources Commission; 312 IAC 24-4-1; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2757; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

312 IAC 24-4-2 Appraisal prohibition

Authority: IC 14-20-1-15

Affected: IC 14-20-1

Sec. 2. No employee of the division may provide any financial appraisal of an artifact unless the appraisal is for use exclusively by the department. *(Natural Resources Commission; 312 IAC 24-4-2; filed Jun 6, 1997, 2:40 p.m.: 20 IR 2757; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

*