

Historic Sites Committee

May 13, 2020

Teleconference



TEXAS HISTORICAL COMMISSION

AGENDA HISTORIC SITES COMMITTEE Teleconference Meeting May 13, 2020 1:00 p.m.

Pursuant to the Governor's March 13, 2020 state of disaster declaration due to the Coronavirus (COVID-19) and March 16, suspension of certain provisions of the Texas Open Meetings Act, the May 13, 2020 meeting of the THC Historic Sites Committee will be held by telephonic conference call, as authorized under Texas Government Code section 551.125. Members of the public will have access by calling toll free 877-226-9790 using access code 5979567. Digital copies of the agenda and meeting materials will be available at www.thc.texas.gov/teleconferences . An audio recording of the meeting will be available after May 14, 2020. To obtain a copy of the recording, please contact Theresa Wenske at 512-463-7948.

The members may discuss and/or take action on any of the items listed in the agenda.

1. Call to Order
 - A. Committee member introductions
 - B. Establish quorum
 - C. Recognize and/or excuse absences
2. Consider approval of the January 28, 2020 Historic Sites Committee meeting minutes
3. Consider approval of the revisions to the THC Collections Management Policy
4. Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 16, section 16.13 related to Management of Collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register*, 45 TexReg (1095-1096)
5. Historic Sites Committee Subcommittees
6. Historic Sites Facilities Report
7. Deputy Executive Director of Historic Sites Update
8. Adjournment

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Esther Brickley at (512) 463-5768 at least four (4) business days prior to the meeting so that appropriate arrangements can be made.

MINUTES

TEXAS HISTORICAL COMMISSION

HISTORIC SITES COMMITTEE MINUTES

Embassy Suites by Hilton Austin Central

5901 North I.H. 35

Austin, TX 78723

January 28, 2020

Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, TX 78711 or call 512.463.6100.

Commissioners in attendance: John Crain (Chair), Jim Bruseth, Monica Burdette, Catherine McKnight, and Pete Peterson.

1. Call to Order

The meeting was called to order by Commissioner John Crain at 3:39 p.m. He announced that the meeting had been posted to the *Texas Register*, was being held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 and that notice had been properly posted with the Secretary of State's Office as required.

A. Committee member introductions

Commissioner Crain welcomed all present and called on commissioners to individually state their name and the city in which they reside.

B. Establish quorum

Commissioner Crain reported that a quorum was present and declared the meeting open.

C. Recognize and/or excuse absences

Absences: Commissioner Crain noted that Commissioners David Gravelle and Laurie Limbacher were absent due to committee meetings running concurrently and that both would join the Historic Sites meeting if possible. Commissioner Catherine McKnight moved to excuse the absences. The motion was seconded by Commissioner Jim Bruseth. Commissioner Crain called for a vote. Vote to approve was unanimous.

2. Consider approval of the October 3, 2019 Historic Sites Committee meeting minutes

Commissioner Crain asked if anyone had any comments regarding the minutes. Being none, he called for a motion. Motion to approve the October 3, 2019 minutes was made by Commissioner Pete Peterson and seconded by Commissioner McKnight. Commissioner Crain called for a vote. Vote to approve was unanimous.

3. Consider approval of deaccessioning objects from the decorative and fine arts collections of the Fulton Mansion State Historic Site – (Item 13.2)

Deputy Executive Director of Historic Sites Joseph Bell said that there were 42 objects identified for deaccessioning from the Fulton Mansion. He noted there are several reasons that items may be considered for deaccession and stated that the bulk of these items were being transferred to the sites education collection. Motion to approve the deaccession of items from the Fulton Mansion collection was made by Commissioner Crain and seconded by Commissioner McKnight. Commissioner Crain called for a vote. Vote to approve was unanimous.

4. **Review and possible action regarding the phase II evaluation of the acquisition of the Goodnight Historical Center property for proposed addition to the Texas Historic Sites program – (Item 13.3)**
Bell introduced Brett Cruse, Director of Historic Sites Operations, to provide an overview of the process taken to review the Goodnight Historical Center for possible inclusion into the Historic Sites program. Cruse said that the initial staff review was presented at the April 2019 commission meeting and a Phase 2 assessment was authorized. He said that Phase 2 directs staff to assemble a panel of outside experts that is to include a historian, museum professional, and an expert in heritage tourism to conduct the assessment. He gave the names and a brief biography on each of the three reviewers. Cruse invited questions from the commissioners. Motion to approve the acquisition of the Goodnight Historical Center into THC Historic Sites Program was made by Commissioner Crain and seconded by Commissioner Peterson. Mark Wolfe, Executive Director, noted that operationally, we don't have enough staff and budget to run the center. Bell noted that staff is working on an operating agreement between THC and the Armstrong County Museum, Inc. There was a question as to when the transfer would be finalized if approved to accept. Bell said that the operating agreement can feasibly be completed and presented to the commission by the July meeting. Commissioner Crain called for a vote. Vote to approve was unanimous.
5. **Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 16, section 16.3, related to Historic Sites, addition of historic sites to the THC Historic Sites Program without changes to the text as published in the November 1, 2019 issue of the *Texas Register* TexReg (6485-6487)– (Item 6.6A)**
Bell noted that this rule has been posted to the *Texas Register* and no comments have been received. Commissioner Crain called for a motion. Motion to approve the adoption was made by Commissioner Peterson and seconded by Commissioner McKnight. Commissioner Crain called for a vote. Vote to approve was unanimous.
6. **Consider approval of the revisions to the HSD Properties Collection Plan – (Item 13.4)**
Bell said that this is the final version of the document the subcommittee crafted. This is to be used as support material for site evaluation and will also be posted to the website. Motion to approve was made by Commissioner McKnight and seconded by Commissioner Monica Burdette. Commissioner Crain called for a vote. Vote to approve was unanimous.
7. **Consider retroactive approval of an access easement for the Levi Jordan Plantation – (Item 13.5)**
Bell said that during the electrical service installation at Levi Jordan local site staff approved the easement so that the work could continue without stoppage waiting for commission approval. We come before the committee now to finalize the easement. Motion to approve the access easement was made by Commissioner Laurie Limbacher and seconded by Commissioner McKnight. Commissioner Crain called for a vote. Vote to approve was unanimous.
8. **Consider approval to purchase a 50-acre parcel of land near the San Jacinto Battleground State Historic Site – (Item 13.6)**
Bell described the slide that contained maps of the parcel and its proximity to the battleground. He noted that the Executive Committee authorized staff to proceed with the grant application. He said that this site is believed to be one of the largest undisturbed Mexican surrender sites in the area. Motion to approve was made by Commissioner Crain and seconded by Commissioner McKnight. Commissioner Crain called for a vote. Vote to approve was unanimous.
9. **Consider filing authorization of proposed amendments to TAC, Title 13, Part 2, Chapter 16, Section 16.13 related to Management of Collections for first publication in the *Texas Register*– (Item 13.7)**
Bell stated that Section 16.13 incorporates the new statutory authority to sell collection items and retain funds in a dedicated account for the future care and stewardship to the specific historic site from which the

item was removed. Motion to approve for first publication was made by Commissioner Bruseth and seconded by Commissioner Peterson. Commission Crain called for a vote. Vote to approve was unanimous.

10. Collections Conservation and Preservation at the Historic Sites Division

This item was deferred to the next Commission Meeting due to time constraints.

11. French Legation Business Planning

This item was deferred to the next Commission Meeting due to time constraints.

12. Historic Sites Facilities Report

This item was deferred to the next Commission Meeting due to time constraints.

13. Deputy Executive Director of Historic Sites update

Bell said that staff is working on an operational agreement between THC and Blinn College for Star of the Republic Museum. He noted that two staff, the office manager and the lead educator, have transferred to THC. Bell stated that a merger between the San Jacinto Museum of History Association and the San Jacinto Battleground Conservation is in the negotiation phase. He said that staff will continue to work with the Battleship Texas Foundation and the Texas Parks and Wildlife on the ships relocation.

Bell said that staff is in the process of analyzing the deferred maintenance list to update with estimated costs needed to address the needs of the transferred sites. He said that staff is also working on a cancelation policy for the Landmark Inn. He noted that revenue is suffering at the site due to last minute cancellations.

Bell concluded noting that Fulton Mansion reopened December 14; Caddo Mounds opened in a temporary visitor center on January 11; and the National Museum of the Pacific War is scheduling their exhibit opening for February 21 at 5:00p.m.

14. Adjournment

At 4:17 pm Commissioner Crain asked for any other business to bring before the committee. There being none he stated without objection that the Historic Sites Committee meeting was adjourned.

Quarterly Report

Quarterly Report

Historic Sites Division
January–February 2020

OPERATIONS

Visitation numbers have been adjusted to address counting discrepancies between car counter calculations and onsite visitation counts. This is to establish continuity in quarterly counts moving forward.

Washington-on-the-Brazos' (WOB) Texas independence event was held on February 29 and March 1. THC divisions are invited to participate and have info booths.

Planning for the San Jacinto Day event is going very well. The event will include a full day to serve local schools.

Battleship Texas planning and staff coordination are ongoing. Artifacts from the ship are being moved to facilities on site and other items moved to TPWD storage facilities in Austin.

The Lipantitlan title search and survey has been completed.

The WOB business plan being drafted is under review.

Blinn College has the AG-drafted interagency agreement with responses to questions. Blinn has responded, and a meeting with Sen. Kolkhorst will be scheduled as requested by the college.

Staff visited with the Armstrong County Museum board to detail a transition of the Goodnight Ranch and operational plan.

Auditors are scheduled to visit a number of sites to review retail operations.

A suggested list of advisors for the Levi-Jordan Visitors Center/Museum has been sent to the chairman, and staff is waiting on approval to invite and coordinate the first meeting.

A meeting with the San Jacinto nonprofits scheduled with Patrick Gallagher to detail merger of the two occurred February 24–25.

FRIENDS GROUPS

The Community Partnerships Program staffer continues to work in coordination with the Friends of the THC to co-facilitate development seminars, such as the Real Places Conference's one-day development workshop. We are also in the final stages of planning for the two-day development seminar at the Magoffin Home in El Paso in early April.

Staff also coordinated the Friends Alliance Awards ceremony, which was held at the Real Places opening reception, hosted by the Friends of the THC. Awardees were the Friends of Casa Navarro for Civic Engagement, the Friends of Fulton Mansion for Stewardship, and the Friends of Caddo Mounds for Fundraising.

In addition to formalizing the newest Friends group for Starr Family Home, staff met with the board of the Armstrong County Museum, which currently owns the Goodnight Ranch, which is in the process of transferring to the THC. Staff discussed possible scenarios for Friends group structures, and the role of a future Friends group for that site.

Staff continues to serve as a resource for all the historic sites Friends groups, creating the monthly e-newsletter, "First Friday News for Friends," and meeting with board members when specific training and consultation is requested.

CONSTRUCTION PROJECTS

Caddo Mounds: The architect for the project is under contract and the initial stakeholder meetings are being scheduled. An RFP for a Construction Manager At-Risk is being prepared.

French Legation: The preservation of the Legation building will reach substantial completion in March. Design work for the expanded visitors center project, funded in part by a City of Austin grant, has been completed and bidding is underway.

Levi Jordan Plantation: The project to install new site electrical service and reconstruct the plantation house porch will be completed in March, weather permitting. A

design/build contractor is now under contract for the Visitors Center Complex project and the kickoff meeting will take place on March 4. Architectural and exhibit design work for the museum project remains on hold pending formation of an advisory group.

Mission Dolores: The renovation project reached substantial completion on February 13.

National Museum of the Pacific War: The renovated Admiral Nimitz Museum and new exhibit opened to the public on February 22.

San Felipe de Austin: The interpretive evocations project, now known as Villa de Austin, is scheduled for completion by the end of 2020. The TxDOT crosswalk project is 85 percent complete.

INTERPRETATION

Work continues at San Felipe de Austin on the plans, designs, and furnishings needs of the evocation structures that will represent a core block of the town.

The first site visit was held with Taylor Studios, Austin HSD staff, and site staff to begin the design work for Mission Dolores' permanent exhibit and museum/visitors center admissions and shop areas.

The RFP solicitation for new interpretive master plans for Fulton Mansion and Landmark Inn was successfully completed and scored, with the contract awarded to MuseWork, Inc of Austin. The initial onsite meeting will be scheduled for late March or early April.

The RFP solicitation for a new interpretive master plan for Kreische Brewery and Monument Hill has been prepared and should post by March 1, with proposals due in early April.

The exhibit in the temporary Visitors Center at Caddo Mounds has been successfully installed and opened to the public. Part of the installation was one full-sized set of copies of the mural, which had been displayed on the walls of the gallery that was destroyed. This temporary exhibit was designed with the ability to become a traveling exhibit after the new Caddo Mounds Museum Complex is completed.

HSD Austin interpretive team members assisted with the facilitation of several sessions at the Real Places Conference.

A proposal has been received and accepted for the creation of a coordinated set of grade-appropriate school curriculum packets for Landmark Inn, and the project should begin soon.

Landmark Inn served as the host site for the eighth Annual Conference of the Texas Living History Association, with about 100 people in attendance from facilities across the state. Landmark Inn Site Educator Amanda Maloney was the 2019 Conference Chair. She serves on the organization's board, along with several other Historic Sites Division staff. The 2020 Texas Living History Association Conference will be hosted by Starr Family Home in Marshall.

The background research is underway to compose the text and locate appropriate graphics for outdoor panels to be installed on the French Legation property in preparation for its opening later this year.

HSD Interpretive staff will present a conference session at the Texas Association of Museums conference in April. They also have had a session proposal for the National Association of Living History, Farm and Agricultural Museums Annual Conference, which was accepted for inclusion in the program in June.

COLLECTIONS

The site transfer has increased archival holdings at the Curatorial Facility for Artifact Research (CFAR) by 50 percent and 3D collection's space needs by 30 percent. Curatorial staff continue to manage the flow of records by sorting and inventorying these collections at CFAR.

Collections staff worked with Re:Discovery, HSD collections database contractor to successfully migrate the Historic French Legation's Pastperfect database into the Re:Discovery museum module.

Collections staff have continued to support Fulton Mansion staff as the museum needs increase due to a successful December opening and increased visitation.

In February, all three regional curators visited CFAR to confirm newly arrived collections inventories, to identify potential deaccessions, and to deliver textiles for freezing and permanent storage.

THC curatorial staff led meetings with Texas Parks and Wildlife Department's Assistant General Counsel and archival and administrative records managers in February. The group has drafted a final records transfer plan per requirements outlined in HB 1422.

Logan Baird, an undergraduate archeology student from Texas State University, is interning at CFAR during the spring semester and is working on inventorying the San Jacinto Battleground collections.

TAB 3

TEXAS HISTORICAL COMMISSION

Item 3
Texas Historical Commission
Quarterly Meeting
May 13, 2020

Consider approval of the revised Texas Historical Commission Collections Management Policy

Background:

In response to recent legislative action and changes to the Texas Historical Commission's administrative rules, Historic Sites Division (HSD) curatorial staff, in consultation with Archeology Division staff, have reviewed and revised the existing THC Collections Management Policy (CMP). The CMP was last updated in July 2017 and since then, the following changes have been made to the governing rules and policies. These changes have necessitated revisions to the existing CMP.

- In June 2019, additional sites were legislatively transferred to the THC by HB 1422 (2019) which took effect on September 1, 2019.
- In 2019, THC acquired fine arts and building insurance for all the historic sites.
- Rule 16.13 clarified a path for the final disposition of objects through the sale of deaccessioned historic object collections.

The updated CMP reflects these enhancements to the HSD program.

Suggested motion:

Move that the Historic Sites Committee send forward to the Commission and recommend approval of the revised Texas Historical Commission Collections Management Policy.

Texas Historical Commission
Collections Management Policy



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Texas Historical Commission Collections Management Policy

Document control			
Prepared By	Chief Curator, Archeology Collections Manager, Historic Sites Division, Texas Historical Commission		
Authorized By	Texas Historical Commission		
Version control			
Version Number	Date issued	Author	Update information
V1.0	1/2003	Eileen Johnson/Jim Bruseth	First published version
V2.0	7/2009	Laura DeNormandie/ Donna Williams	Second published version
V2.1	10/2009		Amendment to include additional sites
V3.0	1/2010	Laura DeNormandie/ Donna Williams	Third published version
V3.1	7/2010	Laura DeNormandie/ Donna Williams	Amendment to include additional sites
V4.0	7.2017	Laura DeNormandie, Brad Jones	Fourth published version
V5.0	3/2020	Laura DeNormandie, Jamie Ross	Fifth published version

1. Policy Development

This Collections Management Policy (CMP) is the foundation for responsible care and collecting of state-associated collections maintained in Texas Historical Commission facilities.¹ The Texas Historical Commission (THC) has a fiduciary responsibility for these collections, including public accountability and oversight. The CMP establishes control over the collections and facilities for which the agency is responsible, provides expressed delegations of responsibility, represents a means for the THC to meet its legal obligations, establishes a mechanism with which to interface with curatorial facilities in their partnership role, and functions as an instrument that everyone can understand and use to operate within the same rules. This policy is essential to the THC in demonstrating its commitment to and accepting its responsibility for collections care and management.

¹ State-owned collections that are under the authority of the THC (i.e., state-associated collections) are addressed in the Texas Natural Resources Code §§191.091-092 and Texas Government Code §§442.007(e)(6), and in Chapter 26 and 29 of the Texas Administrative Code.

As a dynamic document guiding daily operations of the THC in the agency's management of the state-associated collections under its authority, the Collections Management Policy is reviewed and updated as warranted. Approval of the Collections Management Policy and any future updates is the responsibility of the Commissioners.

2. Governance

Pursuant to Texas Natural Resources Code §§191.091-092, all antiquities found on land or under waters belonging to the State of Texas or any political subdivision of the State belong to the State of Texas. The Texas Historical Commission (THC) is charged with the administration of the Antiquities Code and exercises the authority of the State in matters related to these state-associated collections. Under Texas Government Code §§442.007(e)(7), the THC may preserve the historic and archeological heritage of the State. The Commission exercises the authority of the State in matters related to these cultural resources, collections, and museum processing and storage areas. Lastly, pursuant to Texas Government Code §§442.0145, the THC has the authority to acquire historical documents, records, or historical artifacts for the State of Texas to ensure their protection and use by the people of Texas. The THC may retain certain state-associated collections, historical documents, records, or historical artifacts and maintain them at agency facilities for care and management purposes. The THC may also place state-associated collections at designated facilities certified to curate these collections throughout the state.

3. Mission Statement and Scope of Collections

3.1 Mission

The THC is a preservation, education, and cultural agency of the State of Texas. The mission of the THC is to protect and preserve the state's historic and prehistoric resources for the use, education, economic benefit, and enjoyment of present and future generations. The THC is dedicated to acting as a responsible partner with the state and nation's preservation communities.

3.2 THC Collections Chronology

The Commission is composed of 15 citizen members appointed by the governor to staggered six-year terms. The agency employs over 280 people who work in various fields including museum management, collections care, public interpretation, archeology, architecture, history, economic development, heritage tourism, public administration and urban planning. The Texas State Legislature established the agency in 1953 as the Texas State Historical Survey Committee, with the task to identify important historic sites across the state. The Texas Legislature changed the agency's

name to the Texas Historical Commission in 1973. Along with the name change came more protective powers, an expanded leadership role and broader educational responsibilities.

Under Texas Government Code §§442.005(v), the operation of a museum and museum programs are within the authority of the THC when it receives a donation of suitable real property. The Sam Rayburn House and grounds were deeded to the THC by the Sam Rayburn Foundation in 1971 and in 2005 by legislative action the THC became responsible for the oversight of the National Museum of the Pacific War. In 1989 legislation granted THC oversight of the buildings and interiors and contents belonging to the Texas Governor's Mansion. THC's responsibility to state historic and archeological collections was addressed by the development of a Collections Management Policy in 2003, and later in 2005, by the development of the THC Curatorial Facility Certification Program (CFCP). Prior to the creation of the CFCP, collections were placed in repositories across the state; however, after 2005 collections are required to be placed in THC certified curatorial facilities.

In 2007, 18 more sites were transferred from the Texas Parks and Wildlife Department (TPWD) to the THC making the agency responsible for a total of 20 historic sites². In response to this expansion of oversight, the THC formed the Historic Sites Division (HSD). In 2016 Mission Dolores was deeded to the THC by the City of San Augustine and in September 2017 the French Legation Museum would become the THC's twenty-second state historic site. In 2019, an additional 8 sites were transferred legislatively from TPWD to THC³. Lastly, the Charles and Mary Ann Goodnight Ranch near Amarillo was added to the THC network in May 2020. These transferred sites came with substantial and significant archeological, educational and permanent historic collections. The Commission thus now currently manages 31 historic sites and museums across the state, the HSD Curatorial Facility for Artifact Research (CFAR) in Austin and the Curatorial Resource Center (CRC) at Varner Hogg Plantation State Historic Site. Consistent with this agency policy and the criteria and standards of the CFCP, HSD and AD curatorial staff will develop guidelines, procedures, and planning documents for all of these HSD Historic Sites and repositories.

The Texas Governor's Mansion (TGM) collection, while not part of the Historic Sites Division program, is overseen by THC and its management is handled as provided in the MOA between THC and the Friends of the Governor's Mansion. Subsequent to the legislation, in 1990 a subsection of TGM collections was transferred to the THC—the majority of which remains on display and in use at the Texas Governor's Mansion. Other TGM objects have been placed at THC offices, the Governor's Appointments Office and the First Lady's office in the Capitol. TGM collections are

² Acton State Historic Site, Caddo Mounds State Historic Site, Casa Navarro State Historic Site, Confederate Reunion Grounds State Historic Site, Eisenhower Birthplace State Historic Site, Fannin Battleground State Historic Site, Fort Griffin State Historic Site, Fort Lancaster State Historic Site, Fort McKavett State Historic Site, Fulton Mansion State Historic Site, Landmark Inn State Historic Site, Levi Jordan State Historic Site, Magoffin Home State Historic Site, National Museum of the Pacific War, Sabine Pass Battleground State Historic Site, Sam Bell Maxey House State Historic Site, Sam Rayburn House State Historic Site, San Felipe State Historic Site, Starr Family Home State Historic Site, Varner-Hogg Plantation State Historic Site.

³ These 8 sites included San Jacinto Battleground State Historic Site and Monument, Washington-on-the-Brazos State Historic Site, Fanthorp Inn State Historic Site, Barrington Plantation State Historic Site, Monument Hill and Kreishe Brewery State Historic Site, Lipantitlan State Historic Site and Port Isabel Lighthouse State Historic Site. Star of the Republic Museum was included amongst this group, transferring officially to THC's stewardship from Blinn College in January 2020.

stored at CFAR as needed. All TGM collections are managed according to agency collections management policy.

3.3 Scope of Collections

The THC state-associated collections focus on the history of Texas in its broadest sense. These collections are generated in several ways for scholarly and public use through research, exhibitions, interpretive and educational programming, and heritage tourism. In accordance with its mission and the diverse nature of its constituency, the THC maintains six main categories of state-associated collections based on the way they were generated. As defined in 13 Tex. Admin, Code §29.7 these categories of collections are as follows:

- A. Permitted collections that are the result of work governed by the Antiquities Code on land or under waters belonging to the State of Texas or a political subdivision of the State necessitating the issuance of a permit by the THC. This work can be conducted by an outside researcher, other state agency, cultural resources management firm or by THC personnel. Permitted-collections form the bulk of the THC state-associated collections.
- B. THC non-permitted collections are the result of work governed by the Antiquities Code on land or under waters belonging to the State of Texas or a political subdivision of the State conducted by THC personnel without the issuance of a permit.
- C. Purchased collections are the result of acquisition of significant historical items by the THC through the Texas Historical Artifacts Acquisition Program or use of other state funds.
- D. Donated collections are the result of a material gift transaction by a private landowner, individual, corporation, organization, or through a bequest to the THC. A major component of this category of collections is the consequence of work conducted by THC personnel on private lands in Texas whereby the landowner transfers ownership of the generated collection through a deed-of-gift or donation to the State of Texas and its agent, the Texas Historical Commission.
- E. Court action-collections are the result of rulings by a court concerning confiscated, illegally held archeological or historical materials from public lands to be given to the THC for care and protection.
- F. Legislative actions such as House Bill 12, 80th Leg., Reg. Session., 2007 and House Bill 1422, 85th Leg., Reg. Session, 2019 which transferred a total of 24 historic sites and all of their collections from the TPWD to the THC.
- G. Legacy collections are the result of archeological work undertaken prior to the passage of the Antiquities Code or conducted on property not owned or managed by the State of Texas or a political subdivision of the State at the time of collection. Additionally, legacy collections are generated through work not overseen by THC personnel.

Since adoption of the CFCP program in 2005, any or all of these state-associated collections must be entrusted to and housed in a CFCP-certified curatorial facility or THC facilities. They are accessioned, documented, and cataloged objects, documents, and samples of cultural, scientific, or historical significance that are representative of the diversity within the state. These collections are given a high level of care and protection. While the vast majority of permitted archeological collections are housed as Held-In-Trust collections at certified curatorial facilities throughout the state, THC facilities currently house state-associated collections under the control of THC Archeology Division and HSD.

3.4 THC Archeology Division Collections

The THC Archeology Division (AD) is responsible for the care of state-associated collections from permitted and non-permitted archeological investigations on land or under waters belonging to the State of Texas or a political subdivision, collections purchased under the Texas Historical Artifacts Acquisition Program, and privately donated- or court action-collections. Through administration of the CFCP program, AD exercises oversight of the Held-In-Trust state-associated collections curated in facilities across the state. Archeological collections AD is responsible for that are not housed in designated curatorial facilities across the state are housed at CFAR. In addition, AD in coordination with Musee National de la Marine in Paris, France, manages the collections from the THC excavations of *La Belle*, a 1686 French shipwreck. This agreement is included as Appendix 1.

3.5 THC Historic Sites Division Collections

The THC Historic Sites Division is responsible for the management, preservation, and interpretation of agency-owned historic sites and all of the associated HSD collections. These collections are housed either at CFAR, Varner Hogg Plantation's CRC, or at the sites themselves. These collections are administered by HSD and have been generated by means consistent with the six categories of state-associated collections described above.

The site-associated historic objects, artifacts and collections curated at CFAR and at the HSD sites are related to the historic sites managed by the Historic Sites Division, mostly through direct provenance. The objects are allocated to one of two collections, the Permanent Collection or the Non-Permanent Collection.

A. Permanent Collection

The Historic Sites Division maintains a permanent collection for use by staff, other institutions, and the public as a primary resource for research, interpretation, publication, and exhibits. The development and management of this collection is vital to the Texas Historical Commission's mission of preservation and education.

1. Archeological Collection

Consisting almost entirely of collections generated prior to the transfer of site oversight and management to the HSD and 2019 this collection is largely composed of artifact

assemblages that resulted from investigations at colonial Texas and Texas Republic-era sites, nineteenth and twentieth century military fort sites, industrial sites, historic plantation sites, and house sites. These collections resulted from permitted and non-permitted field investigations including survey and excavation-level research., as well as surface collected artifacts

The Archeological Collection also contains archeological records, including original field notes, artifact inventories and descriptions, photographs and negatives, as well as original research carried out by the Principal Investigators / archeologist(s), which are retained in an archive on-site at CFAR for access by researchers and scholars. These records are catalogued in HSD's collection database as archeological collections.

2. Decorative and Fine Arts Collection

This collection is comprised of individual site collections that include fine arts, historic furnishings, decorative and folk arts, textiles and clothing. Objects in this collection have a high degree of historic integrity and are major contributors to site significance and the current and future interpretation at the sites.

Some of these collections are housed on-site as interpretive elements within the buildings, houses, or the sites they are associated with. Some are stored at CFAR or Varner Hogg Plantation's curatorial facility as needed for specific Integrated Pest Management (IPM) or preventive conservation treatments or storage protocols or as otherwise deemed appropriate by staff. All objects within this collection are catalogued in HSD's collections database as museum collections.

3. Archives Collection

This collection is comprised of site-associated historic documents, correspondence, newspapers, photographs and negatives, maps, scrapbooks and ephemera. Objects in this collection have a high degree of historic integrity and are major contributors to site significance and the current and future interpretation at the sites. This collection also includes small amounts of film, magnetic tape and digital recordings. All archival collections are accessioned and catalogued as archives collections within the HSD collections database.

4. Architectural Collection

This collection represents various structural, mechanical, and decorative elements from the interior and exterior of historic site buildings. It includes historic building materials such as mantles, shingles, flashing, window frames and gutters. It also includes historic window and door hardware. Hardware from interior building systems such as decorative vent covers and speaking tubes as well as interior finishes (paint and wallpaper samples) are part of this collection. Objects in this collection have a high degree of historic integrity and are major contributors to site significance and the current and future interpretation and potential architectural restoration. This collection provides evidence of significant architectural iterations, modifications and renovations discovered or made at site properties. This collection remains to be accessioned and catalogued and will be documented in HSD's collections database as the Architectural Collection.

B. Non-Permanent Collection

These collections have no site provenance and are maintained by HSD as secondary and supporting resources for exhibits, interpretation, educational programming. The development and management of this collection (called the Education Collection) is vital to the Texas Historical Commission's mission of education.

1. Education Collection

This collection includes non-site associated objects donated, gifted, purchased, or otherwise collected by the THC specifically for interpretive and educational purposes such as exhibit enhancement, living history programs and traveling trunks. This collection may include historic furnishings and utilitarian objects, costumes and textiles or reproductions or replicas of archeological artifacts. It may include objects formally deaccessioned from HSD's permanent collections. Most of these collections are housed on-site, as interpretive elements within the museum context, or in appropriately designated storage areas and housing.

As education collections have no specific site provenance they are tracked separately from the rest of the permanent collections. While there is no commitment to their permanent conservation, they may be conserved and repaired in order to maintain their usefulness in the educational purposes in which they are employed. These objects may be used and discarded when their condition or relevance no longer serves the educational and/or interpretive purposes of the site or the Historic Sites Division.

4. Acquisition of Collections

Acquisition is the process of acquiring a collection or historical item for the State of Texas through the THC. Collections or historical items usually are acquired through field work or research, donation, bequest, purchase, transfer, exchange, or legislative action. Although exchange with another state agency is normally not practiced, it is not excluded. Acquisition does not imply accessioning but is a necessary prerequisite for accessions. Acquired collections or historical items retained by the agency are recommended for accessioning by the appropriate division director to the Executive Director.

An acquisition is defined as artifacts or items which are physically transferred to the Texas Historical Commission by a means other than formal loan. AD collections are typically acquired through field research and are usually placed in a regionally appropriate certified curatorial facility, unless their retention by THC is in the agency's interest. HSD, in support of THC's mission, builds and manages collections through acquisitions and accessions associated with the historic sites. AD & HSD follow all of the legal and administrative requirements of the agency regarding acquisitions.

AD, CFAR, and site-based HSD curatorial staff are responsible for reviewing and researching potential acquisitions and, based on their subject matter expertise and knowledge of the THC's collections, presenting a recommendation for their acquisition to their division director and the Executive Director of the THC. HSD and AD subscribe to a policy of selective acquisition as it is neither feasible nor desirable for the organization to allow indiscriminate growth of its collections.

Decisions concerning acquisitions will be made in a timely manner and all phases of the review and accessioning process will be documented in writing and kept on file.

4.1 Acquisitions by the Texas Historical Commission

For collections or historical items under consideration for acquisition by the agency, the following statements provide guidance for authorized THC personnel and foster cooperation with designated curatorial facilities and prospective donors.

- A. The THC acts in accordance with state, federal, and international laws that may affect the acquisition of collections or historical items. In addition, the THC bases its acquisition and accession policy statements on the ethical standards as set forth by professional national and international archeological organizations, such as the guidelines set forth by the American Alliance of Museums, the Society for American Archaeology, and the Society for Historical Archaeology, and professional standards of practice established by state professional groups, such as the Council of Texas Archeologists. These statements support an attitude of responsible collecting and collections management and promote attendant storage, preservation, and conservation accountability inherent in the acceptance of collections or historical items.
- B. All potential acquisitions are evaluated in terms of the objectives, purpose, mission, and scope of the THC and whether they fall within financial and physical limitations of the agency or designated curatorial facility.
- C. All potential acquisitions are evaluated by the following criteria as appropriate:
 - 1. Recovery from land or under waters belonging to the State of Texas or any political subdivision of the State through permitted or non-permitted work.
 - 2. Relevance of acquisition to the mission statement and scope-of-collections and ability to enhance the state-associated collections.
 - 3. Legal and ethical standards governing possession and use of collections or historical items.
 - 4. Willingness of the donor (legal owner) to transfer complete ownership and provide clear title to the THC without restrictions, limitations, or conditions.
 - 5. Documentation as to origin, previous ownership, and use.

- D. The THC will acquire no collection or historical item, by any means, for which a valid title cannot be obtained. Clear title must be established prior to acquisition to the best knowledge and ability of all parties involved.
- E. Restrictive or conditional donations should not be accepted.
- F. The THC Commissioners or staff cannot appraise collections or historical items for private citizens, corporations, or organizations or retain an appraiser for or refer an appraiser to the private citizen, corporation, or organization. THC personnel may evaluate state-associated collections for in-house purposes. Donors requiring appraisals for income tax purposes must obtain an appraisal at their own expense from an appraiser of their choice prior to donation in accordance with federal policy outlined in Internal Revenue Service *Publication 561*. In-house evaluation of state-associated collections or historical items retained at the Commission's headquarters, THC repositories, or all other sites within the THC's Historic Sites Division for collection objectives such as insurance purposes, traveling exhibits, or activities within the professional community are professional assessments and not appraisals. In-house evaluations are the responsibility of the agency.
- G. Collections or historical items acquired through purchase are the property of the State of Texas under the authority of the THC. They are accessioned at the time of purchase.
- H. The THC may acquire donations or court-ordered transfers of collections or historical items of questionable origin for their care and protection.
- I. To the extent possible, collections or historical items bequeathed to the THC should be approved for acquisition prior to the THC being named as beneficiary. All collections or historical items bequeathed to the THC are subject to the acquisition statements outlined in this document. The THC is not bound legally to acquire collections or historical items that are bequeathed to the agency unless by prior agreement. Collections or historical items bequeathed to the State of Texas are subject to the requirements of state law.
- J. In the process of acquiring field-generated collections or historical items, THC personnel will not knowingly or intentionally violate local, state, national, or international laws. Permission to collect, preserve, conserve, utilize, and assume title without restriction must be gained in writing from the private landowner or legal representative of the landowner on whose land the work is being conducted and collection created. These documents are a component of the generated collection and as such become a part of the THC's permanent records.
- K. The THC Executive Director has final authority regarding acquisitions by the THC.
- L. The THC maintains a detailed record-keeping system of all collections or historical items acquired by any approved means. That system documents the care and control of collections and historical items, their status, and distribution.

- M. Donor information and the signed deed-of-gift are maintained as part of the acquisition file in the appropriate division. Donor information is not used as part of labeling while the collection or historical item is on exhibit without the prior signed consent of the donor, regardless of whether the donated collection or historical item is retained by the Commission or placed at a designated curatorial facility.
- N. A potential donor must be informed of the management policy under which collections or historical items may be donated. Acquisitions of the THC, once accessioned, are subject to the deaccessioning statements as set forth in this document, and except as specifically stated, no collection or historical item is sold, traded or exchanged, or otherwise removed from the care and control of the THC.
- O. Certain federal laws may require that collections or historical items be deaccessioned from state-associated collections and repatriated in accordance with the specific law. Prospective donors of materials likely to be affected by such legislation will be informed of this possibility during initial donation discussions.
- P. Collections or historical items donated to the THC normally are not to be returned to the donor or heirs. In such cases where the return of the collection or historical item is deemed appropriate by the Executive Director of the THC in consultation with the Chair of the Commission, a report of that action is made to the Commissioners and notice is sent to the Internal Revenue Service as appropriate.

5. Accessioning

Accessioning is the procedure that is initiated by the transfer of clear title and officially incorporates collections or historical items into the permanent holdings of the State of Texas under the authority of the THC or registers state-associated collections as held-in-trust for the People and State of Texas at a designated curatorial facility

Collections and historical items retained by the THC at the Commission's headquarters, CFAR, or at HSD historic sites are not incorporated into the THC's holdings until they are accessioned. Accessioning provides an inventory of collections and historical items owned by the State of Texas under the authority of the THC. Accession numbers document State of Texas ownership or curatorial facility stewardship and are an inventory control device. Upon accessioning of collections and historical items retained at THC facilities for care and management purposes, the THC assumes the obligation of proper daily management and protection of those collections and historical items. State-associated collections placed at designated curatorial facilities outside of THC management are not incorporated into the holdings of a designated curatorial facility until they are accessioned by that institution. When state-associated collections are placed in a certified curatorial facility, the particular curatorial facility assumes the obligation of proper daily management and protection of those collections. THC retains oversight of the placed state-associated collections through the CFCP process.

5.1 Accessioning by the Texas Historical Commission

For collections or historical items retained by the agency for care and management purposes, the following requirements apply:

- A. All collections or historical items retained will be accessioned and accessioned in a timely manner.

HSD curatorial staff

Accession records include:

1. A signed governmental agency transfer form or deed-of-gift form for those collections or historical items transferred or donated to the THC or State of Texas under the authority of the THC; proof of ownership for those collections or historical items purchased by the THC; all bills of sale and other purchase documents; and a copy of the will for those collections or historical items bequeathed to the THC or State of Texas under the authority of the THC.
 2. Correspondence and transactions involving the accession, including:
 - Name, address, and other contact information of the owner, donor, seller, or executor and heirs
 - Artifact Curation Form for permitted collections
 - Acquisition Recommendation/Approval Form for HSD permanent collections
 - Deed of Gift
 - Import and export papers on collections or historical items from countries other than the United States;
 - Bill of sale and bill of lading; Copyright information;
 - Provenance information;
 - History of collection or historical items
 - Dates or ages of collection or historical items
 - Any photo documentation of collection or historical items
 - Condition or collection assessment forms
 - Loan records and reports
 - and Held-in-Trust-Agreement Documentation sufficient to satisfy the requirements of the CFCP Annual Report archeological Deaccession and final disposition records, if applicable
- B. Disposal of non-accessioned items.
- C. Disposal of samples or objects prior to placement in a THC facility is covered by the research design approved for the Antiquities Permit. Additional disposal not included in the approved research design must be approved by the commission prior to any disposal action. State-associated collections disposed of after recovery must be documented in the notes and final

report, with copies provided to the curatorial facility. The state-associated collections must be disposed of in a suitable manner and the location of final disposition documented.

- D. Disposal of non-accessioned items from THC facilities requires approval of the Chief Curator or the HSD Division Director, or the AD collections manager or the AD Division Director. Non-accessioned items removed from the Texas Historical Commission's holdings may be disposed of in any of the methods approved for disposing of deaccessioned material. Such recommendations for disposal will be made by curatorial staff and approved of by the THC Chief Curator.

6. Deaccessioning

The THC recognizes the special responsibility associated with the receipt and maintenance of objects of cultural, historical, and scientific significance for the public trust. Although curatorial facilities become stewards of state-associated held-in-trust collections, title is retained by the THC for the State. Thus, the decision to deaccession state-associated held-in-trust objects or collections is the responsibility of the THC. The THC recognizes the need for periodic reevaluations and thoughtful selection necessary for the growth and proper care of collections. The practice of deaccessioning under well-defined guidelines provides this opportunity.

Deaccessioning may be through voluntary or involuntary means. The transfer, exchange, or deterioration beyond repair or stabilization or other voluntary removal of an accession from a curatorial facility is subject to the limitations of this policy.

Involuntary removal from collections occurs when objects, samples, or records are lost through theft, disappearance, or natural disaster. If the whereabouts of the object, sample, or record is unknown, it may be removed from the responsibility of the curatorial facility, but the THC will not relinquish title in case the object, sample, or record subsequently is returned.

6.1 Deaccessioning by the Texas Historical Commission

For collections or historical items retained by the agency for care and management purposes, the following requirements apply:

- A. Deaccessioning is a useful tool for defining and refining the scope and quality of collections that have grown over the years. No item or collection is deaccessioned without careful review, evaluation by the appropriate division staff, and documentation of clear title. The only item or collection considered for deaccession is that to which the THC has clear title. All deaccessions will be approved by the Commission.
- B. Acceptable circumstances for deaccessioning are provided in accordance with currently acceptable museum ethics and practices. Exceptions may be considered by the Commissioners. The reasons for deaccessioning all or part of state-associated collections include, but are not limited to, the following:

1. Objects lacking provenance that are not significant or useful for research, exhibit, or educational purposes in and of themselves.
2. Objects that are highly redundant and lack additional merit.
3. Objects lacking historical, cultural, or scientific value.
4. Objects or collections that do not relate to the stated mission of the THC, Archeology Division or Historic Sites Division. Objects or collections that are relevant to the stated mission of the THC, Archeology Division, or Historic Sites Division as appropriate may not be deaccessioned on the grounds that they are not relevant to the research interests of current staff.
5. Objects or collections that were retained and accessioned by the agency but now are being transferred to a designated curatorial facility. A held-in-trust agreement must be executed between the receiving curatorial facility and the THC.
6. Objects that have decayed or decomposed beyond reasonable use or repair or that by their condition constitute a hazard in the collections.
7. Objects that have been noted as missing from a collection beyond the time of the next collections-wide inventory are determined irretrievable and eligible to be deaccessioned as lost.
8. Objects suspected as stolen and not recovered after a period of three years or until the time of the next collections-wide inventory are determined irretrievable and eligible to being deaccessioned as stolen. Objects suspected as stolen must be reported to law enforcement agencies with notification to curatorial facilities and appropriate organizations.
9. Objects have been stolen and for which an insurance claim has been paid to the THC.
10. Objects that are subject to deaccessioning as required by federal laws.

C. Deaccession records include:

1. written evaluation and justification for deaccession
2. copy of the Quarterly Meeting minutes indicating Commissioner approval for deaccession
3. method of divestment and recipient name, address, and other contact information as appropriate

- D. Under no circumstances will AD or HSD state-associated archeological collections be deaccessioned through sale.
- E. State-associated THC permanent collections (these exclude any permitted or non-permitted archeological collections) that meet THC's deaccessioning criteria and still have use may be sold at a public auction. All proceeds resulting from the deaccession of THC permanent collections will be held separate and apart from other funds and can only be used to obtain new items for the permanent collection or to care for existing items in the permanent collection as per professional standards set forth by the American Alliance of Museums (AAM). Rule 16.13 outlines the requirements for final disposition of objects that have been removed following a formal deaccession process, including the sale of deaccessioned historic object collections through the Texas Facilities Commission's State Surplus Property program.

7. Cataloging

Cataloging is the process by which objects are assigned to an established classification system and the unique physical attributes and provenience of objects are recorded to make them accessible. Both AD and HSD have appropriate cataloging systems. During cataloging identifying catalog numbers are assigned and applied to objects. No object will be loaned unless it is cataloged.

8. Collection Loans

The THC recognizes the special responsibility associated with the loaning of state-associated collections and that loans are an inherent practice in a curatorial facility. Loans involve a legal agreement between the owner and the borrower. Although curatorial facilities become stewards of state-associated held-in-trust collections, title is retained by the THC for the State. Decisions regarding the loaning of state-associated collections are the legal responsibility of the THC.

Loans of state-associated collections do not involve the transfer of title but are the temporary reassignment of all or part of a collection from THC facilities, THC Historic Sites, or the designated curatorial facility (outgoing loan) to another institution or from another institution to THC facilities, THC Historic Sites or a curatorial facility (incoming loan). All loans are for a defined period of time, for the stated purposes of research, education, exhibition, conservation, or inspection, and are made only to institutions. Commercial use of loaned material is not allowed.

A written loan agreement must accompany every loan with the specifications on rights and responsibilities of each party. The loan agreement must stipulate the condition of the loan to ensure safety precautions during transit, handling, and use, environmental protection, and adequate housing in the borrowing institution. A relocation inventory detailing the material on loan is a part of the loan agreement. All loans of state-associated collections must be insured for the duration of the

loan. Loans are insured commensurate with the evaluation of the objects as determined by the THC or the curatorial facility. Third-party loans are not allowed.

State-associated collections are loaned to reach a wider audience and facilitate research. While on loan, objects, samples, documentation, or historical items must be afforded the same level of care and protection as provided by the THC facilities or designated curatorial facility. Outgoing loans are only made to similar institutions, educational organizations, and non-profit agencies but incoming loans may be from institutions or individuals. For research purposes, loans are made to the institution with which the individual is affiliated, and that institution assumes full responsibility for the care and security of the loaned material and the proper administration of the loan and loan conditions.

Neither un-accessioned nor un-cataloged state-associated collections will be loaned. All THC facilities may restrict further the kinds of objects, samples, documentation, or historical items eligible for loans.

8.1 Loans by the Texas Historical Commission

For collections or historical items retained by the agency for care and management purposes, the following requirements apply:

Loans are by the authority of the THC Executive Director, AD division director, or, for HSD collections, by the authority of the HSD Chief Curator. Any loans relating to AD or HSD collections are initiated and managed by the Archeology Division or Historic Sites Division collections staff. HSD loan agreements are kept on file in the offices of the HSD Chief Curator. AD loan agreements are kept on file in the offices of the THC Executive Director and the AD collections manager.

For out-going loans:

- A. A standard facilities report is required from the borrowing institution as part of the consideration of the loan request.
- B. The loan period may be negotiated with the receiving institution, but usually should not exceed one year with the option to renew for another 6 months. Written requests for longer periods may be considered by the THC Executive Director or Division staff as appropriate. Indefinite loans are discouraged. Long-term loans or loan continuances must be evaluated on a regular basis.
- C. In order to document the condition of the loaned material, a condition report on each object, sample, documentation, or historical item is required before packing for transport and after return of the loan.
- D. Insurance coverage for all loaned material is required, normally provided by the borrowing institution. Current and reasonable insurance evaluations are the responsibility of the appropriate division directors and HSD site managers.

- E. Photography, reproduction, or replication of loaned material must be with prior written approval by the division director or respective HSD site manager as appropriate and may only be used for exhibition, educational, and research purposes.
- F. The THC as appropriate must be credited in all publications and exhibitions associated with the loaned material, including photographs, reproductions, and replicas.
- G. Loans may not be transferred, and the purpose of the loan may not be changed without prior written approval.
- H. The THC reserves the right to cancel a loan or remove loan material from exhibit at any time. The THC does not assume any financial responsibility for cancelled loans or removed loaned materials.

For in-coming loans:

- A. If a loan agreement does not accompany the borrowed material, the THC facilities loan agreement will be adapted to provide documentation associated with the incoming loan, including a relocation inventory.
- B. The signature of the owner or authorized agent is required on the loan agreement.
- C. In order to document the condition of the borrowed material, a condition report on each object, sample, documentation, or historical item is required while unpacking before use and when repacking for return of the loan.
- D. The same care and protection is given to borrowed material as is provided state-associated collections retained by the THC at THC facilities.
- E. Borrowed material cannot be received from anyone other than the legal owner or authorized agent.
- F. When returning a loan, the borrowed material must be packed and transported in the same or a more suitable manner as received.
- G. The THC reserves the right to cancel a loan or remove loan material from exhibit at any time.

8.2 Destructive Loans

- A. The THC recognizes that on occasion to gain new knowledge, a state-associated object or sample may be radically altered or destroyed. That new knowledge supplements the radically altered object or sample or substitutes for the destroyed object or sample. The THC

does not relinquish title for the State to an object or sample that has undergone destructive analysis and the object or sample is not deaccessioned.

- B. Decisions regarding the destructive analysis of state-associated held-in-trust collections are the legal responsibility of the THC.
- C. This policy applies only to accessioned samples and objects from state-associated held-in-trust collections. Destructive analysis of samples or objects prior to placement in a curatorial facility is covered by the research design approved for the Antiquities Permit.
 - D. A Human Remains Testing Permit is required for the destructive analysis of human remains that are currently accessioned as held-in-trust state associated collections. This destructive analysis may include but is not limited to DNA, radiocarbon dating, or isotope analysis.
 - E. A report of the results of all destructive analysis conducted on loaned material must be provided to the Archeology Division or Historic Sites Division collections staff. This information is filed with the accession or archeological records of the collection.

8.3 Destructive Analysis by the Texas Historical Commission

For collections or historical items retained by the agency for care and management purposes, the following requirements apply:

- A. A written research proposal must be submitted to the Executive Director from the appropriate division director stating research goals, specific samples or objects from state-associated collections to be destroyed, and research credentials in order for the THC to determine whether the destructive analysis is warranted.
- B. Conditions for approval of destructive analysis may include qualifications of the researcher, uniqueness of the project, scientific value of the knowledge sought to be gained, and the importance, size, and condition of the object or sample.
- C. Objects and samples approved for destructive analysis purposes are loaned to the institution where the researcher is affiliated. Objects and samples will not be loaned to individuals for destructive analysis.
- D. If the Executive Director denies a request for destructive analysis of a sample or object, the decision may be appealed to the THC Commissioners.
- E. Information gained from the analysis must be provided to the THC as a condition of all loans for destructive analysis purposes.
- F. It is the responsibility of the THC to monitor materials on loan for destructive analysis, to assure their correct use, and to note the returned data in the records.

- G. For destructive analysis requests by THC staff, a written research proposal must be submitted to the appropriate division director stating research goals and specific samples or objects from a state-associated collection retained by the agency to be destroyed in order to determine whether the destructive analysis is warranted. The division director's recommendation is forwarded to the Executive Director for final decision.

9. Inventory

Accurate inventory control of collections is vital to identifying and reducing risks to collections from human causes. The Texas Historical Commission will maintain current inventories and continue any ongoing inventories at all of its holdings, both in storage and on exhibit. Collections staff will ensure that all collection items, once inventoried or surveyed, continue to have accessible, accurate, and current location information.

9.1 Inventories by the Texas Historical Commission

For collections or historical items retained by the agency for care and management purposes, the following requirements apply:

- A. The THC Archeology Division and Historic Sites Division are responsible for maintaining the inventory of the state-associated collections retained by the agency and for assuring that appropriate and timely inventories are conducted.
- B. THC practices six types of inventories: exhibit, accession, site, comprehensive, spot-check, and relocation of collections.
 1. An exhibit inventory is composed at the time an exhibit is in the final planning stages. It is a detailed object listing of each object on exhibit at all site museums and visitor center exhibits. This listing is updated annually by curatorial and site staffs.
 2. An accession inventory is conducted at the time of accessioning when a collection or historical item is retained by the agency. This baseline inventory is comprised of the categories represented in the collection, quantities, and linear feet of documentation as appropriate.
 2. A site inventory is a listing of all site collections and historical items retained by the agency. This listing provides an immediate overview and number of state-associated collections that are retained by the agency and is updated annually.
 3. A comprehensive inventory covers the entire collection of state-associated collections retained by the agency. The THC facilities conduct comprehensive inventories of their state-associated holdings once every 10 years.

4. A spot-check inventory is conducted to monitor collection activity, check the accuracy of records, and assess the condition of material in a collection. This type of inventory is conducted a minimum of every three years for a specific storage area, box, shelf, cabinet, or drawer.
 5. A relocation inventory is conducted at any time an object, collection, or historical item experiences movement. This movement may occur in the form of incoming or outgoing loans, in-house research, exhibit installation, conservation, or deaccessions.
- C. Missing objects, specimens, documentation, or historical items must be reported by the Archeology Division and Historic Sites Division in writing to the Executive Director with a determination of whether misplaced or stolen. Suspected stolen material must be reported to appropriate local and state law enforcement agencies with notification to curatorial facilities and appropriate organizations.

10. Insurance

The THC insures all of its-stewarded collections. All loaned and borrowed collections are insured whether they are loaned within or outside of the THC site network.

11. Collections Access and Security

The security and safety of state-associated collections is of utmost importance. Controlled access to state-associated collections by employees, researchers, and the public limits the opportunities for theft and destruction to objects, samples, documentation, and historical items. Storage areas must be in locked, secured locations with restricted access, controlled entry and alarms systems when possible. As HSD is the only division of the THC maintaining certified repositories, the Chief Curator, in consultation with HSD curatorial staff, is responsible for creating, maintaining, and enforcing collection access procedures for each of the collection storage and exhibit areas in all of the THC's collections facilities. While state-associated collections are not open to the general public on a walk-in basis, they are available by appointment. Each THC facility and HSD historic site has developed access procedures appropriate to their specific collections' resources. The information on the location and nature of archeological sites on land or under waters belonging to the State of Texas or any political subdivision of the State is not available to the general public.

The state-associated collections are held in the public trust and for the benefit of the public who are provided access. Curatorial staff at CFAR and at all historic sites are aware of their responsibility to make the collections in Austin and at all sites available to the public. The general public is provided access via the following avenues:

- On-site exhibits at the HSD historic sites, usually interpreted in the context of the site-specific history. Exhibitions are a major interpretive function of the Texas Historical Commission, and collections are a primary resource for illustrating and disseminating its

mission. Collections may be included in both temporary (3–12 months) and permanent (1–5 years) exhibits at all Texas Historical Commission locations.

- The loan program managed at CFAR makes available objects and collections to recognized institutions of history (e.g. the Bob Bullock Texas State History Museum).
- Online materials regarding the collections or specific objects or artifacts as provided on the HSD website
- CFAR is engaged with the academic community by granting collections access for academic purposes to researchers and students in the disciplines of anthropology, archeology, museum studies, cultural resource management, history and related fields. This occurs through the THC internship program and controlled research access, with research conducted under an approved research design.
- CFAR will consider opportunities to provide or contribute to professional and informal publications that would serve to inform the public about specific collections or objects, their histories and their significance to Texas material culture.

11.1 Digital/Physical Collections Access

The Chief Curator is also responsible for maintaining appropriate security and access to original digital and physical collections records. Only curatorial staff, or those staff or volunteers supervised by them, will have access to original collections records. Public versions of digital and paper records may be made available by request or as the Texas Historical Commission is able to make larger parts of its collections documentation available online. Some collections documentation, such as specific location information for archaeological sites, is considered confidential information and will not be shared with the public.

11.2 Publications/Web/Digital Media Access

Images of collection objects are commonly used for research, exhibit, publication, programming, and publicity purposes. All image use of the collections must be accompanied by the appropriate credit information including accession/catalog number, donor or collection information, and the Texas Historical Commission credit line. All Restricted Cultural Resource Information must be protected in accordance with 13 Tex. Admin. Code §24.17. This included the removal of geolocating data from digital images.

12. Record Keeping

An integrated record-keeping system is critical to documentary control of state-associated collections. Records must be maintained on all transactions and collections-related activities involving state-associated collections. Records document the legal status of state-associated collections within CFAR, at THC historic sites, or while they are on loan. All state-associated collections should be cataloged. Sound record-keeping management is the responsibility of the Executive Director for state-associated collections retained at THC headquarters, the AD collections manager for AD collections and the HSD curatorial team for collections at all HSD sites and at CFAR, and designated personnel for state-associated collections at designated curatorial facilities.

The following documents must be retained permanently for state-associated collections:

- Held-in-Trust Agreement (for collections at designated facilities)
- Curation agreement
- Artifact Curation Form (for permitted collections)
- Accession record
- Accession inventory
- Deaccession record (as necessary)
- Condition report (as necessary)
- Catalog record
- Loan agreement (as necessary)
- Relocation inventory (as necessary)
- Spot-check inventory
- Conservation report (as necessary)
- Infestation report (as necessary)
- An up to date list of the state-associated collections at the curatorial facility.
- Annual report to the CFCP coordinator of acquisitions, accessioning, deaccessioning and disposals, site inventory, inventory activities, inventory and security issues, incoming and outgoing non-destructive loans, destructive analysis loans, and conservation actions for CFAR and all HSD satellite facilities.

Collections records are in many formats, both physical and digital and must be stored in a way that is conducive to their secure preservation:

A. Permanent Files

THC curatorial staff will maintain permanent physical files for all collections. These files consist of original documentation and forms related to acquisition and accession, location, condition and conservation of collections. The permanent files also house any original documents relating to a collection's history, provenance or other important contextual information. Duplicate copies of these permanent files must be kept in a secure location off site that is updated on a scheduled basis. Digital copies of permanent files are sufficient for off-site backups, only if these digital records are verified for integrity and are backed up regularly.

B. Digital Collection Documentation

Digital files are an important component of collections documentation. THC uses databases specific to museum, archives and archeological collections management to manage overall

collections data, donor data, and object data from THC collections. Timely creation of digital files is necessary in order to properly manage collections and to make them available to staff and patrons for use and research. These digital database files will be managed and maintained by THC curatorial staff.

13. Collections Care

The well-being and safety of THC-owned and state-associated collections is a management responsibility involving a continuum of obligations and actions. The central purpose is to preserve well-documented and well-maintained state-associated collections for the benefit of the people of Texas and future generations. Basic collections care involves proper storage equipment and conditions, routine preventive maintenance, preventive conservation, and appropriate safe handling and moving of the objects, samples, documentation, and historical items. The goal is to prevent or limit further deterioration of the state-associated collections due to environmental, human, and inherent factors. The THC recognizes the responsibility of providing oversight for the state-associated collections as a whole while addressing the needs of the variety of materials and sizes in the collections within the available resources of the agency and the curatorial facilities. Special considerations may be necessary for storing or handling objects considered sensitive to Native American tribes or other cultural groups, especially those objects or human remains subject to NAGPRA.

13.1 Storage and Environmental Conditions

Archival-quality packaging, padding, and housing within a sound, environmentally controlled storage area form the foundation for collections stability and long-term care. While facility and budget limitations must be considered, THC repositories use all means available to maintain and monitor appropriate environmental conditions. Temperature, relative humidity and atmospheric pollutants must be regulated and monitored. Light levels are monitored and kept low. Ambient environmental conditions will be monitored and managed with the goal of obtaining appropriate preservation conditions for the collection items while in storage and on exhibit.

13.2 Handling

All state-associated collections and their constituent parts must be treated with equal care, regardless of monetary value. Careful and appropriate handling and moving of objects, samples, documentation, and historical items minimizes the risk to the collections and ensures their longevity in the designated curatorial facilities or THC facilities and continued benefit for the people and State of Texas.

13.3. Housekeeping

The practice of good housekeeping is a simple and inexpensive method of preventive conservation that benefits all state-associated collections. By keeping objects clean, housekeeping reduces the risk of collections damage from dirt and dust, pest infestation, and mold activity. Housekeeping plans outline a cleaning schedule, steps and methods for careful cleaning of collections objects and provide a list of the equipment and supplies needed to do so. THC collections managers and HSD staff will develop and follow housekeeping plans for collections repositories and historic sites that correspondingly serve their unique storage spaces, visitor centers and historic exhibits.

Housekeeping solutions include:

- Vacuuming with a vacuum cleaner that has a high efficiency particulate air filter and variable suction capabilities
- Dusting with soft lint free cloths or natural bristle brushes
- Cleaning with PH neutral solvents

13.4 Integrated Pest Management (IPM)

Integrated Pest Management (IPM) plans work in tandem with housekeeping methods as a preventive conservation measure. The overarching purpose of an IPM plan is to prevent insect and animal infestations from ruining valuable collections objects. IPM methods are based on pest identification, pest habitat modification, treatment and suppression. Pest threats vary depending upon climate, building materials and the integrity of building envelopes. Each THC facility, historic site and designated curatorial facility must have an IPM plan that employs non-toxic and least-toxic mechanisms for preventing and controlling pest infestations. THC collections managers and HSD staff will develop and follow housekeeping plans for collections repositories and historic sites that correspondingly serve their unique storage spaces, visitor centers and historic exhibits. IPM plans, like housekeeping plans, must be implemented on a regular schedule to be effective.

Integrated Pest Management solutions:

- Exclusion of pests from the curatorial facility.
- Monitoring and detection.
- Habitat modification
- Identification and isolation
- Treatment and suppression
- Evaluation of success of integrated pest management program
- Continued education of staff regarding integrated pest management

15. Conservation

The THC exercises the authority of the State in matters related to conservation of state-associated collections. Decisions regarding these state-associated collections are the legal responsibility of the THC.

The THC recognizes that even under the best-managed conditions, deterioration or damage may occur to state-associated collection objects, documentation, and historical items. Conservation is a

continuing responsibility and is focused on the object, documentation, or historical item. Conservation is an intervention measure designed to stabilize a deteriorated or damaged object, documentation, or historical item through reversible and minimally intrusive methods.

The THC endorses the conservation philosophy of minimal chemical and physical intervention to the object, documentation, or historical item, use of sympathetic materials, the principle of reversibility, and the keeping of complete and accurate records of the conservation process. Conservation assessments and monitoring of object, documentation, or historical item condition are encouraged as part of the agency or curatorial facility's management plan for state-associated collections.

Conservation work is to be undertaken within national ethics, principles, and practices by reputable, trained conservators. Conservation treatments must be documented prior to, during and after completion. No work shall commence without THC approval of the written treatment plan. Objects, documentation, or historical items are not to be treated as experimental or teaching pieces in conservation work without written THC approval. Conservation work with an outside conservator must be conducted under a well-defined, comprehensive agreement with THC as a party to the agreement.

15.1 Conservation by the Texas Historical Commission

Preventive conservation is the preferred method of caring for the Texas Historical Commission's collections. For state-associated collections retained at Commission facilities, or within HSD it is the responsibility of the THC Executive Director, AD collections manager, the Chief Curator, or HSD curatorial staff as appropriate to monitor the conservation process whether conducted in-house or on loan to an outside conservator, to assure the correct use and safety of the object, documentation, or historical item, and to note the returned stabilized materials in the records.

In cases where individual artifacts require treatment, decisions to stabilize, repair, conserve, or restore an object are typically made by Curatorial staff. Curatorial staff may perform simple and straightforward treatments as their skills and training allow. Most treatments will require the use of professionally trained and skilled conservation professionals. In all cases, treatments will be fully documented, with before and after treatment reports and photographs detailing the treatment completed.

16. Emergency Preparedness

Each THC facility, historic site and designated curatorial facility must have an Emergency Preparedness Plan that outlines preventive and protective actions taken prior to, during, and while recovering from a disaster.

Emergency Preparedness policy requires that:

- Disasters are prevented as far as possible through the practice of emergency preparedness measures such as routine building and systems inspections and preventive maintenance.
- Emergency preparedness is based on knowledge of local hazard and risk analysis.
- Emergency preparedness is based on a written plan that is tested and evaluated annually.
- Plans address measures to be taken before, during and after an emergency.

Appendix 1

La Belle Collection

Long-Term Curation of La Belle Collection

La Belle Collection is the property of the Republic of France, held-in-trust by the State of Texas through an agreement approved on March 31, 2003. For the purposes of this policy, it is treated similarly to a state-permitted collection of the THC. This collection is to be placed for long-term care at appropriate curatorial facilities. With over one million artifacts recovered, La Belle material is a priceless historical collection of international significance. La Belle collection needs to be housed, preserved, and interpreted in a manner appropriate to its historical significance. The THC shall retain the authority to monitor long term care and remove the collection from a designated repository if deemed necessary. Certain decisions regarding La Belle, however, are subject to the approval of the Musee de la Marine, Paris, France.

The long-term placement of La Belle collection by the THC for curation shall be governed by guidelines that characterize an acceptable curatorial facility. The following guidelines apply:

- A. Certification. The curatorial facility must be certified by the THC by December 31, 2005. If the curatorial facility is a museum, accreditation by the American Association of Museums also is preferred but does not substitute for THC certification.
- B. Trained Collections Manager. The curatorial facility must have a trained collections manager or curator with knowledge of, and experience in, the field of historic or marine archeology.
- C. Management Conditions. The curatorial facility should have space, equipment, and funds sufficient to provide an adequate management base for the collections, specifically in terms of:
 - 1. Office space and equipment (specifically computers and soft-ware) available;
 - 2. Adequate space for records (archeological, conservation, archival) available;
 - 3. Funding in place to acquire storage equipment (housing units) that is sufficient and appropriate and archival (preventive conservation) materials;
 - 4. Funding plan in place to support on-going collections management activities.
- D. Trained Conservator. The curatorial facility should have access to a trained conservator with knowledge of, and experience in, the field of historic or marine archeological conservation. A funding plan to support on-going conservation should be in place.

- E. **Housing Plan.** The curatorial facility must have a written Collections Management Policy and housing plan in place specifically for the appropriate packaging, housing, and preventive maintenance of La Belle collection, including, if appropriate, the ship's hull. The following terms also apply:
1. Housing units must be appropriate, state-of-the-art museum quality units with sufficient numbers of cabinets and drawers and/or shelf space to house properly the vast quantity and variety of materials. In addition, housing units must be able to:
 - a. Provide protection, security, and a stable environment;
 - b. Create micro-environments within the housing units as necessary;
 - c. Monitoring procedures must include ways to assess object stability.
 2. Inventory procedures must be based on a physical inventory rather than a listing based solely on documentation.
 3. The ballast will be stored in a manner approved by the Commission.
- F. **Space Requirements:** The curatorial facility must have standard, modern environmental controls within the collections housing area and sufficient space, specifically:
1. To house the requisite cabinets and shelving units with unhindered walkways and safe ceiling space with rolling safety ladders;
 2. To contain the hull (if appropriate) with unhindered walkways around the hull, a space of approximately 100 ft. x 40 ft., and at least a 20 ft. ceiling.
- G. **Security.** The curatorial facility must have controlled ingress and egress, a burglar alarm system and security patrol, and a fire marshal-approved fire suppression system.
- H. **Access for Researchers.** The curatorial facility must have study space and make the collections accessible for valid researchers and provide an adequate and appropriate reference library. The THC will approve all access to the La Belle Collection for research purposes. This policy will be reviewed by the THC every seven years.
- I. **Insurance.** The curatorial facility must carry all-risk insurance on La Belle Collection of an amount agreeable with the THC and with the THC named as an insured party in the policy and provide the THC with a Certificate of Insurance.
- J. **Loan of Collection.** The THC retains the authority over loan of La Belle Collection items. The curatorial facility must coordinate all loan requests with the Executive Director of the THC and follow THC loan policy and procedures. Certain international loans are subject to the approval of the Musee de la Marine, Paris, France

La Belle Collection Outgoing Loan Policy

The Texas Historical Commission La Belle Collection is maintained for the benefit of the people of Texas and France and loans are made only to institutions for purposes consistent with this policy. Loans from the La Belle Collection are for the purpose of reaching a wider audience and facilitating research. While on loan, objects must be afforded a level of care and protection as provided by and subject to the written approval of the THC. Loans for exhibit purposes are made to the institution and that institution assumes responsibility for the proper administration of the loan and the care and security of the object(s). Loans for research purposes are made to the institution with which the individual is affiliated and that institution assumes responsibility for the proper administration of the loan and the care and security of the object(s).

To assure objects requested for loan receive proper care and security, the requesting institution must present for approval of the curatorial facility a standard facilities report for verification of proper environmental, storage, exhibition, and security conditions and procedures for the handling and transit of objects. On-site inspection by THC staff may be required prior to agreeing to a loan of objects. The requesting institution should have a trained curator or director to check the inventory and prepare condition reports on materials borrowed. Following THC requirements, the requesting institution should have environmental controls and a fire marshal-approved fire suppression system. The facility should have standard museum security, including:

- A. Monitored ingress and egress;
- B. Personnel circulating in the exhibit space who have access to a security alarm monitored by local law enforcement;
- C. A motion detector security alarm monitored by local law enforcement when the museum is closed; or
- D. A 24-hour security guard on duty beginning with the unloading and installation of exhibit materials.

Exhibition or research conditions are a part of the loan contract and evidence of adherence may be required. The use of the object(s) for the stated purpose, condition of the object(s); and assurances that insurance valuations are current are stated on the loan contract and must be adhered to by the borrowing institution. Packing and transportation methods are stated on the loan contract. The object(s) must be packed and transported in the safest possible way in accordance with the nature and condition of the object(s).

The THC staff is responsible for ensuring that a condition report is completed on objects prior to out-going loans and after the loan is returned to the curatorial facility. A copy of the condition report must be provided to the THC. A condition report is required of the borrowing institution upon receipt of the loaned objects and prior to packing for return to the curatorial facility. Damage or loss of objects while in transit or during the loan period must be reported verbally to the THC Executive Director within 24 hours of the discovery of the loss followed by a written report detailing the extent and circumstances of the loss within two business days. Objects on loan cannot be altered, cleaned,

or repaired unless permission to do so in writing is provided by the THC Executive Director prior to any action being taken.

Insurance for all objects sent out on loan is required. Insurance coverage is provided by the borrowing institution, unless the institution provides an acceptable bond. Current and reasonable insurance valuations are the responsibility of the curatorial facility with the approval of the THC. Under most circumstance, insurance is all risk, wall-to-wall coverage and shall remain in effect throughout the duration of the loan. Minimum fine arts insurance depends on the artifacts loaned. A certificate of insurance is required from the borrowing institution prior to transportation of the loaned objects and is kept on file at the curatorial facility with a copy provided to the THC.

- A. THC shall be named as an insured party in the policy and the policy shall provide that notice shall be given to THC prior to cancellation or reduction in the amount of the policy. In the event of cancellation or reduction of the insurance, the loan then will be subject to cancellation. Failure to maintain adequate insurance coverage in no way releases the borrowing institution from liability for loss or damage regardless of whether or not the THC monitored the borrowing institution's insurance.
- B. If a self-insured state or federal governmental agency requests the loan or if the borrowing institution is unable to provide insurance, a request for an exception must be made in writing by the institution to the Executive Director of the THC. The request must include evidence of an acceptable plan of self-insurance or other arrangement to satisfy any liability that might result in a loss under the terms of the loan agreement.

An object(s) on loan must be returned promptly when the loan period expires. As appropriate, a reminder letter may be sent by the curatorial facility to the borrowing institution. THC reserves the right to cancel or deny the renewal of any loan. THC will supply generic text and labels relating to the exhibit of the loan. Any changes must be approved in writing by the Executive Director of the THC. The objects(s) on loan must be available for THC research purposes at all times.

Except for condition reports, all photography, reproduction, or replication of a borrowed object(s) requires prior written approval by the THC Executive Director. Lighting conditions, environmental and /or applied chemical alterations, and other conditions of reproduction and replication must be approved in writing by the THC. Photographs, reproductions, and replicas may only be used for research, exhibition, and educational purposes. Commercial use of loan objects is prohibited.

The Republic of France, the THC, and State of Texas must be credited in a suitable manner in all publications and exhibitions associated with the loan objects(s), including photographs and reproductions, and the THC must be provided with two (2) copies of any news and other publications associated with the loaned objects.

TAB 4

TEXAS HISTORICAL COMMISSION

Item 4
Texas Historical Commission
Quarterly Meeting
May 13, 2020

Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 16, related to Historic Sites, section 16.13, Management of Collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register*, 45 TexReg (1095-1096)

Background:

Tex. Government Code § 2175.909 [created through the passage of HB 1422 (2019) and became effect September 1, 2019] includes language that authorizes agencies with curatorial collections and an officially adopted deaccession policy to sell deaccessioned items under the State Surplus Property program administered by the Texas Facilities Commission (TFC). The statute requires that all proceeds from the sale of deaccessioned collection items be deposited to a dedicated agency account “for the care and preservation of the agency’s qualifying collection.”

The Historic Sites division (HSD) currently follows the deaccession policy outlined in the HSD Collections Management Policy and 13 Tex. Admin. Code § 29.5 *Disposition of State Associated Collections*. HSD staff are seeking to formalize the provisions of Tex. Government Code § 2175.909 as they relate specifically to the final disposition of deaccessioned historic furnishing and fine arts collections managed by HSD.

The amendments to the rule have been posted the required 30 days and no comments were received.

Suggested motion:

Move that the Historic Sites Committee send forward to the Commission and recommend approval to adopt amendments to TAC, Title 13, Part 2, Chapter 16, related to Historic Sites, section 16.13, Management of Collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register*

TEXAS HISTORICAL COMMISSION

ADOPTION PREAMBLE

The Texas Historical Commission (Commission) adopts amendments to Section 16.13 of Chapter 16 (Title 13, Part 2 of the Texas Administrative Code) relating to Historic Sites. The amendments are adopted without changes to the proposed text published in the February 21, 2020 issue of the *Texas Register* (TexReg 1095-1096) as part of the Commission's overall effort to clarify language in order to implement necessary updates, additions and changes to more precisely reflect the procedures of the historic sites division.

The rule adds language listing the statutes and internal policies that establish THC control over these collections. Additionally, the rule outlines the requirements for final disposition of objects that have been removed from these collections following a formal deaccession process, including the sale of historic object collections. The need for this rule follows the passage of HB 1422 (2019), which amends Chapter 2175 of the Texas Government Code to include provisions related to the sale of deaccessioned historic object collections through the Texas Facilities Commission's (TFC) State Surplus Property program.

Sections 16.13 of Chapter 16 (Title 13, Part II of the Texas Administrative Code) relating to Historic Sites is adopted under the authority of Texas Government Code § 442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of the Commission; Texas Government Code §442.072(c), which allows the commission to enter into agreements; and Texas Government Code §§442.101(a), 442.101(b), and 442.101(c), which allow the Commission to adopt policies and procedures by rule to contract for services necessary to carry out its responsibilities regarding historic sites.

This rule is adopted under Texas Government Code, §§442.201-202 which allows the THC to establish rules for the conservation, preservation, and use of state property related to Historic Sites entrusted to the THC's care. This rule is further proposed under the Texas Natural Resources Code §191.051-.052 which establishes the THC's as legal custodian over historic and archeological objects recovered and retained by the State of Texas and permits the THC to establish rules to reasonably effect the appropriate management of the archeological and historical resources of Texas. The rule is further authorized under Texas Government Code § 2175.909 (included in HB 1422 of the 86th Legislative Session to be effective September 1, 2019) which allows for the deaccessioning and transfer of items within an agency's qualifying collection. Section 16.13 is adopted as appears below:

TEXAS HISTORICAL COMMISSION

TITLE 13	CULTURAL RESOURCES
PART 2	TEXAS HISTORICAL COMMISSION
CHAPTER 16	HISTORIC SITES
RULE §16.13	Management of Collections

(a) Ownership. The Commission is responsible for the management of archeological, archival, architectural, historic furnishing, and fine arts collections associated with historic sites overseen by the Commission. The Commission is granted authority over these collections by this section and §29.7 of this title (relating to State Associated Collections)

(b) Governance. Statutory and administrative authority over state-owned collections that are managed by the Commission is established in Texas Natural Resources Code §§191.051, 191.058, 191.091, 191.092; Texas Government Code §§442.007, 442.015; 442.075, 2175.909; and in Chapter 26 and 29 of the Texas Administrative Code. Operational and procedural requirements related to the care and management of state-owned collections overseen by the Commission are outlined in the Commission's Collections Management Policy (CMP).

(c) Deaccessioning. The Commission recognized the special responsibility associated with the receipt and maintenance of objects of cultural, historical, and scientific significance in the public trust. The decision to deaccession state-associated held-in-trust object and collections is the responsibility of the Commission and is governed by this section and §26.5 of this title (relating to Antiquities Advisory Board).

(d) Final disposition of deaccessioned collections. Following confirmation that a collection object is not subject to any conditions established at the time of acquisition that may affect its disposition and that there is sufficient documentation to a sure clear title to the object, a deaccessioned collection object will be disposed of in accordance with this section. All efforts will be made to contact the original donor to provide notification of pending collections disposition. In accordance with U.S. income tax policy, the Commission is not able to return deaccessioned object to their original donors or donors' estates.

(1) Transfer or exchange. A deaccessioned collection object may be offered for transfer or exchange to another public institution within the State of Texas. Any such transfer or exchange will occur only on the written understanding that the object must remain within the public domain for a period of ten years, Recipient institutions will incur all transportation costs, unless otherwise agreed, and are expected to provide appropriate preservation and/or exhibit facilities.

(A) Qualified institution. Recipient institutions must have an established collections policy. The collection object(s) being transferred should fall within the recipient institution's scope of collections and the objects should be candidates for exhibition or study within the institution.

(B) Object title. Title to deaccessioned objects will be transferred along with the deaccessioned collection(s) to the recipient institution. In the event that the recipient institution is unwilling or unable to appropriately maintain the transferred collection(s) for the requisite ten years, title will revert back to the Commission and the Commission will assume responsibility for managing the objects' final disposition.

(2) Sale. If a deaccessioned collection object cannot be transferred or exchanged, it may be sold as a means of disposition, preferable by public auction, in consultation with the Texas Facilities Commission and following the provisions outlined by Texas Government Code §2175. 909 (relating to

TEXAS HISTORICAL COMMISSION

Sale of Certain Historic Property, Proceeds of Sale). All proceeds from any sale at auction of such deaccessioned objects would benefit the source collections from which the objects were removed.

(A) Coordination with the Texas Facilities Commission (TFC). The Commission will work with the TFC to ensure that all sales of deaccessioned collection items will be most advantageous to the state under the circumstances. The Commission will also provide the TFC all documentation necessary for verification that the deaccession of the item is appropriate under the Commission's written policy governing the care and preservation of the collection. The Commission will report any sale to the TFC, including a description of the property disposed of, the reasons for disposal, the price paid for the property disposed of, and the recipient of the property disposed of.

(B) Vendor qualifications. When selecting a vendor to sell the deaccessioned collection(s) by competitive bid, auction, or direct sale to the public, the Commission must publish a Request for Qualifications (RFQ) to ensure that the sale is conducted by a qualified vendor. Selection of the vendor should be the most advantageous to the state under the circumstances.

(C) Appraisal. Object whose estimated fair market value could potentially exceed \$500.00 must be appraised by: a qualified, independent appraiser. Objects whose estimated fair market value could potentially exceed \$25,000.00 must be appraised by two separate qualified, independent appraisers.

(D) Dedicated account. The Commission shall create a dedicated fund in the general revenue fund for the deposit of any money resulting from the sale of deaccessioned items. All proceeds from any sale at auction of such deaccessioned objects would benefit the source collections from which the objects were removed. The Commission must ensure that money in the fund is appropriated only for the purposes prescribed by Texas Government Code §2175.909(f) including the care and preservation of the Commission's qualifying collection.

(3) Assignment to other historic site operations. If a deaccessioned collection object cannot be transferred or exchanged, it may also be made available for other operational purposes within the Commission. The deaccessioned collection object may be used for interpretive programming, exhibition props, restoration of another collection item, or similar purposes.

(4.) Destruction. Disposal of a collection object by destruction is the final recourse and is permitted under the following circumstances:

(A) all reasonable efforts were made to dispose of the object through other means;

(B) the object is environmentally hazardous and poses a danger to other collections or staff; and

(C) the object has no residual heritage, preservation, or market value to the Commission.

The Commission hereby certifies that the amendments as adopted have been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

Division Update and Report