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8-204 Disposition of Collections and Records

A. Definitions.

The following definitions shall apply in this Article:

1. "Human remains" means all portions of a human body that remain preserved after funerary treatment and decomposition.
2. "Interment" means a collection of human remains from one or more individuals intentionally entombed or buried in the earth.
3. "Records" means all written, photographic, or otherwise encoded information obtained as part of the permitted activity. Records include, without limitation, field notes, field recording forms, photographic negatives and prints, maps, analysis records and reports.

B. Permits and repositories.

1. An applicant for a permit requiring a repository must indicate in the application the public repository in which all archaeological or paleontological specimens and all records from the permitted project will be preserved in perpetuity. An applicant institution may use its own facilities for curation or may submit with its application a signed repository agreement with a public repository.
2. No permit shall be issued where an application lists a repository that the Director determines is not a public repository or does not meet the standards for repositories established here. In evaluating the listed repository, the Director may require an inspection of the repository's curatorial facilities prior to issuing a permit.

C. Public repository.

A public repository must provide reasonable public access for exhibit or for study of the collections and records in its care, custody or control. A public repository must have a permanently employed professional curatorial staff appropriate to the size and scope of its collections.

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D. Permanence of the repository.

Because the repository must agree to the curation of the specimens and records in perpetuity, there must be a reasonable expectation, as determined by the Director, that the repository will be able to continue to exist and adhere to these standards for the foreseeable future.

E. Repository agreements.

A repository agreement is a written statement from a public repository agreeing to serve as a repository for a permit applicant and to preserve in perpetuity all specimens and records produced in connection with projects undertaken by a permittee under State permit. The repository must also explicitly agree to abide by the curation standards established here.

F. Applicant institution repository.

The same curation standards apply to a permittee using its own facilities for curation as applies to a repository providing these facilities as a service. In either case, the repository institution must be public. Through acceptance or use of a permit, a permittee indicates its agreement to preserve all archaeological or paleontological specimens and all records in perpetuity and to abide by the standards established here.

G. Inspection of the repository.

The curatorial facilities, collections, and records obtained under a permit and preserved in the repository shall be available for inspection on request of the Director or a designated representative at any time during normal business hours.

H. Accession and documentation.

All specimens and records resulting from the permitted activity must be accessioned, inventoried, and fully documented by the repository. Accession and catalog records are considered to be part of the records that must be permanently preserved.

I. Conservation.

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The repository must have access to adequate facilities and qualified personnel to apply conservation techniques necessary to prevent serious deterioration of specimens obtained in a permitted project. All specimens and records obtained in a permitted activity shall receive proper handling and treatment to ensure their preservation.

J. Storage.

1. The repository must have adequate space in storage facilities with a controlled environment for the protection and preservation of its collections and records. All collections obtained under a permit must be stored under conditions that fully protect them from the elements and from vermin, that ensure their preservation, and guarantee their security and physical accessibility.
2. Any repository charged with the care or custody of religious objects, human remains, or funerary offerings shall maintain them in keeping with the dignity and respect to be accorded all American Indian and other such objects or human remains, with due consideration for specific applicable cultural or religious traditions.

K. Temporary loans.

Temporary loans of collections or records obtained under a permit may be made to other institutions without permission from or notification to the Director, providing that all loan transactions are fully documented in the records of the repository, and the collections are returned within 5 years from the date of the original loan.

L. Transfer and disposal of collections.

Once accessioned, no specimens or records obtained under permit may be disposed of or transferred for a period of more than five years without written permission of the Director. Requests for any such disposal or transfer shall be made in writing to the Director, and shall include a description of the collections to be disposed of or transferred and the reasons for this action. The Director shall not approve requests for disposal of collections unless the materials have been adequately studied and recorded.

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M. Dissolution of repository.

In the event that an institution housing collections from lands owned or controlled by the State is dissolved, all collections and records resulting from a permitted activity shall revert to the custody of the Arizona State Museum. In this eventuality, the Arizona State Museum may become claimant to the remaining assets of the institution to the extent of the costs incurred by the Arizona State Museum in the transfer of the collections and records from the repository.

N. Determination of failure to comply with requirements for repositories.

The Director shall determine whether a repository is in compliance with the requirements set forth herein and shall report to the head of the repository any substantial failure of the repository to comply with these requirements.

O. Failure to comply during the effective period of a permit.

If a repository for a permitted project should be determined to be out of compliance with these requirements during the effective period of a permit, the person in general charge of the permitted project shall be notified by the Director. In this case, it shall be the responsibility of the permittee to ensure that the conditions at the repository are promptly remedied so that the repository meets these standards. Alternately, the permittee may, with the consent of the Director, obtain a repository agreement with another repository and effect the transfer of all project collections and records to the new repository. If the Director determines that sufficient action has not been taken to meet these standards, the Director shall revoke the permit. Subsequent to the revocation of a permit, should a transfer of the collections be deemed necessary, the deficient repository shall be liable for the cost of this transfer.

P. Failure to comply after termination of a permit.

If a repository holding collections obtained under permit should be determined to be out of compliance at any time after the termination of the permit, at the discretion of the Director, the repository may be given a reasonable time period to correct the deficiencies, or the collections may be transferred to the Arizona State Museum or another repository as soon

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as is practicable. Should a transfer of the collections be deemed necessary, the deficient repository shall be liable for the cost of this transfer.

Q. Ownership of collections.

All collections of archaeological or paleontological specimens and all project records that are acquired under the authority of a permit or that result from permitted activities remain the property of the State of Arizona regardless of the repository institution.