



NEW DEACCESSIONING RULES: IMPACT ON LIBRARIES LIMITED SO FAR

During their June 22-23 meeting, the New York State Board of Regents adopted an emergency measure that Jeffrey Cannell, Deputy Commissioner for Cultural Education, says is designed to protect museum and historical society collections during the current fiscal crisis. During budget crises, museums and historical societies are often tempted to sell off parts of their collections in order to pay bills and to maintain their buildings. The measure passed by the Regents amends museum and historical society deaccessioning rules to restrict selling of historical artifacts. In a June 9, 2009 memo to the Regents, Cannell writes, even "if a museum fails, we want to keep collections in the public trust and not lose them to debt or insolvency."

According to the June 9 memo, the measure amended Regents deaccessioning rules to

- Enumerate the specific criteria under which an institution may deaccession an item or material in its collection.
- Remove the option allowing an institution to designate a structure as a collections item.
- Specify that no proceeds from deaccessioning may be used for capital expenses, except to preserve, protect or care for an historic building previously designated as part of the institution's collection.

The new rules mirror a temporary measure the Regents originally passed in December 2008 and have renewed every 60 days since. The latest measure takes effect July 17, 2009, and will likewise expire in 60 days.

Although the measure is temporary and only applies to museums and historical societies, the legislature may force libraries to adopt similar deaccessioning rules permanently. During the 2009 Legislative Session Assemblymember Richard Brodsky (D Westchester) and Senator José Serrano (D

Manhattan) introduced bill A6959-A/S4584-A which, if passed, will make the Regents' temporary rule change permanent. Additionally, the bill will expand the deaccession requirements to cover "any other cultural or educational institution...operated by a governmental entity, education corporation, not-for-profit corporation or charitable trust [that] owns or holds collections, or has collecting as a stated purpose in its charter...or intends to own or hold collections." In other words, the proposed new law will also cover libraries.

NYLA is closely monitoring the legislation and has voiced its concerns with the legislation as it applies to libraries. The bill is not expected to see any further movement this year. NYLA encourages libraries and library systems to provide information to us on how this proposed legislation could potentially impact them.

