

CS FOR HOUSE BILL NO. 218(FIN) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/27/00

Offered: 3/15/00

Sponsor(s): REPRESENTATIVE HALCRO

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to property loaned to or held by museums."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.57.050(a) is amended to read:

4 (a) On recommendation of the committee, the department shall adopt
5 regulations governing the museum's in-house acquisitions committee, and the
6 management and disposition of artifacts, natural history specimens, art objects,
7 collections or other items, materials, or properties that are owned by, in the custody
8 of, or are proposed for acquisition by, the state museum. **The regulations must be**
consistent with AS 14.57.200 - 14.57.290.

10 * **Sec. 2.** AS 14.57 is amended by adding new sections to read:

11 **Article 3. Property Held by Museums.**

12 **Sec. 14.57.200. Acquisition of title to loaned property.** (a) A museum may
13 acquire the title to documented property loaned to the museum if

14 (1) at least seven years have passed after the expiration date of the loan
15 without written or other contact between the lender and the museum; or

1 (2) the loan does not have an expiration date and at least seven years
2 have passed without written or other contact between the lender and the museum since
3 the loan was made.

7 (1) a statement that the loan is terminated;

8 (2) a brief and general description of the property;

(4) the name, address, and telephone number of the museum representative to contact for more information or to make a claim;

13 (5) the lender's name and latest address; and
14 (6) a statement that outlines the schedule and requirements for the
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21 (1) the judicial district in which the lender's latest address is located
22 if the address is in this state; or

26 (d) The notice published under (c) of this section must contain

27 (1) the information required for the notice in (b)(1) - (5) of this section;
28 (2) the date of the last publication of the notice under (c) of this
29 section; and

30 (3) a statement that the museum will acquire title to the loaned property
31 if a valid claim to the property is not received by the museum within 45 days from the

1 date of the last publication of the notice under (c) of this section.

2 (e) The museum acquires the title to the property, subject to reclamation of the
3 property under AS 14.57.220, as of the 46th day after the date of the last publication
4 of the notice under (c) of this section, if the requirements of (a) - (d) of this section
5 are satisfied and if a valid claim to the loaned property is not received by the museum
6 within 45 days after the date of the last publication of the notice under (c) of this
7 section.

8 (f) In this section, "address" means a description of the location of the lender,
9 as shown on a museum's records, that is sufficient for delivery by mail.

10 **Sec. 14.57.210. Acquisition of title to undocumented property.** (a) A
11 museum may acquire title to undocumented property held by a museum for seven
12 years or longer if

13 (1) the seven-year holding period is verified by the written records of
14 the museum;

15 (2) when this paragraph is applicable, the museum has notified by mail
16 all corporations, except nonprofit corporations, created under 43 U.S.C. 1601 - 1629e
17 (Alaska Native Claims Settlement Act) that the undocumented property appears to be
18 a Native artifact, that the corporations are requested to view, identify, and catalog the
19 property within one year after the notification, and that the museum may take steps to
20 acquire title to the property after the one-year notification period and the seven-year
21 holding period have expired without a person filing a claim with the museum that the
22 person is the owner of the property; in this paragraph, the periods may run
23 concurrently; and

24 (3) during the seven-year holding period, or the longer period if
25 expanded by the application of (2) of this subsection, a person has not filed a claim
26 with the museum that the person is the owner of the property.

27 (b) To acquire title under (a) of this section, the museum shall publish a notice
28 at least once a week for four consecutive weeks in a newspaper of general circulation
29 in the judicial district where the museum is located. The notice must include

30 (1) a brief and general description of the property;

31 (2) the date or approximate date, if known, of the acquisition of the

1 property by the museum;

2 (3) the name, address, and telephone number of the museum
3 representative to contact for more information or to make a claim of ownership;

4 (4) the date of the last publication of the notice under this subsection;
5 and

6 (5) a statement that the museum will acquire title to the property if a
7 valid claim of an owner to the property is not received by the museum within 45 days
8 from the date of the last publication of the notice under this subsection.

9 (c) The museum acquires the title to the undocumented property, subject to
10 reclamation of the property under AS 14.57.220, as of the 46th day after the date of
11 the last publication of the notice under (b) of this section if the requirements of (a) and
12 (b) of this section are satisfied and if a valid claim of an owner to the property is not
13 received by the museum within 45 days after the date of the last publication of the
14 notice under (b) of this section.

15 **Sec. 14.57.220. Reclamation of property.** In addition to any other right of
16 reclamation the person may have under 25 U.S.C. 3001 - 3013 (Native American
17 Graves Protection and Repatriation Act), after title to documented property or
18 undocumented property is acquired by a museum under AS 14.57.200 - 14.57.290, the
19 lender or owner of the property has two years to bring an action in court against the
20 museum to claim the property. If an action is not brought by the end of this two-year
21 period and if the museum has taken its action under AS 14.57.200 - 14.57.290 in good
22 faith, a person does not have a claim to the property against the museum, the
23 museum's employees, or the museum's agents.

24 **Sec. 14.57.230. Museum obligations regarding loaned property.** (a) A
25 museum shall keep written records regarding loaned property for at least two years
26 from the date of acquiring title to the property under AS 14.57.200 or 14.57.210.

27 (b) A museum shall keep written records on all property it acquires by loan.
28 The records must contain the owner's name, address, and the telephone number, the
29 duration of the loan, and the beginning date of the loan period.

30 (c) A museum is responsible for notifying a lender of the museum's change
31 of location or elimination.

1 (d) At the time the museum enters into the loan, the museum shall inform the
2 lender of the requirements of AS 14.57.200 - 14.57.290.

3 Sec. 14.57.240. Obligation of lenders. A lender shall notify the museum of
4 a change of address or a change in the ownership of the loaned property in order to
5 ensure the retention of rights to the loaned property.

6 Sec. 14.57.250. Relationship to other laws. If AS 14.57.200 - 14.57.290
7 conflict with another provision of state law, AS 14.57.200 - 14.57.290 govern to the
8 extent of the conflict.

9 Sec. 14.57.290. Definitions. In AS 14.57.200 - 14.57.290, unless the context
10 indicates otherwise,

(1) "documented property" means property in the possession of a museum for which the museum has a reasonable means of determining the owner;

13 (2) "lender" means a person whose name appears on the records of a
14 museum as the person legally entitled to the property held by the museum;

20 (4) "museum" means an organized and permanent or public institution,
21 including a historical society, historical park, historical site, and historical monument,
22 that is primarily educational, scientific, historical, artistic, or cultural in purpose and
23 that owns, borrows, cares for, studies, archives, or exhibits property;

24 (5) "property" means tangible animate or inanimate objects under a
25 museum's care that have intrinsic educational, scientific, historical, artistic, aesthetic,
26 or cultural value;

27 (6) "undocumented property" means property in the possession of a
28 museum for which the museum does not have a reasonable means of determining the
29 owner.

30 * Sec. 3. AS 34.45 is amended by adding a new section to read:

31 Sec. 34.45.085. **Definition.** In AS 34.45.010 and 34.45.020, "property" does

1 not include property covered by AS 14.57.200 - 14.57.290.

2 * **Sec. 4.** AS 34.45.760(14) is amended to read:

3 (14) "property" means personal property, but does not include
4 property covered by AS 14.57.200 - 14.57.290;