

**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**  
**9 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**

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

(b) To acquire title to property under this section, the museum shall first send a notice by certified mail to the lender's latest address if the museum has an address for the lender. The notice must include

- (1) a statement that the loan is terminated;
- (2) a brief and general description of the property;
- (3) the date or approximate date, if known, when the owner loaned the property to the museum;
- (4) the name, address, and telephone number of the museum representative to contact for more information or to make a claim;
- (5) the lender's name and latest address; and
- (6) a statement that outlines the schedule and requirements for the museum to acquire title under this section.

(c) If a valid claim is not received by the museum within 30 days from the date the notice was mailed under (b) of this section or if the museum does not have an address for the lender, the museum shall publish a notice at least once a week for four consecutive weeks in a newspaper of general circulation in the judicial district where the museum is located and, if the museum has an address for the lender, in

- (1) the judicial district in which the lender's latest address is located if the address is in this state; or
- (2) the county, borough, or other geographical organizational entity of the jurisdiction in which the lender's latest address is located if the address is in a jurisdiction other than this state.

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

- (1) the information required for the notice in (b)(1) - (5) of this section;
- (2) the date of the last publication of the notice under (c) of this section; and
- (3) a statement that the museum will acquire title to the loaned property 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

property by the museum;

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

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

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

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

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

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

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

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

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

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

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

**Sec. 14.57.290. Definitions.** In AS 14.57.200 - 14.57.290, unless the context 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;

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

(3) "loan" or "loaned" means a deposit with or deposited with a museum if title to the property is not transferred to the museum or if the agreement for the deposit does not include a provision that the museum acquires title at some time after the deposit is made or an option for the museum to acquire title at some time after the deposit is made;

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

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

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

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

**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;**