

HOUSE BILL NO. 218

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HALCRO

Introduced: 4/30/99

Referred: Health, Education and Social Services, Finance

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

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

4 (b) To acquire title to property under this section, the museum shall first send
 5 a notice by certified mail, return receipt requested, to the lender's last known address.
 6 The notice must include

- 7 (1) a statement that the loan is terminated;
 8 (2) a brief and general description of the property;
 9 (3) the date or approximate date, if known, when the owner loaned the
 10 property to the museum;
 11 (4) the name and address of the museum representative to contact for
 12 more information or to make a claim;
 13 (5) the lender's name and last known address, if known; and
 14 (6) a statement that the museum intends to claim title to the property
 15 if a valid claim to the property is not made within 65 days from the notice date.

16 (c) If proof of delivery of the notice is not received within 30 days from the
 17 date the notice was mailed, the museum shall publish a notice at least once a week for
 18 four consecutive weeks in a newspaper of general circulation in the judicial district
 19 where the museum is located and in

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

25 (d) The notice published under (c) of this section must contain the information
 26 required for the notice in (b)(1) - (5) of this section and a statement that the museum
 27 intends to claim title to the loaned property if a valid claim to the property is not made
 28 within 65 days from the date of the first publication of the notice.

29 (e) If the requirements of (b) - (d) are met without the museum receiving a
 30 valid claim within 65 days after the notice date, the museum shall mail a notice by
 31 certified mail, return receipt requested, to the lender's last known address. The notice

1 must provide

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

3 (2) the date or approximate date, if known, when the owner loaned the
4 property to the museum;

5 (3) a statement that the museum claims title to the property as of the
6 66th day after the notice date.

7 (f) If proof of delivery of the notice under (e) of this section is not received
8 by the museum within 30 days from the date the notice under (e) was mailed, the
9 museum shall publish a notice once a week for two consecutive weeks in a newspaper
10 of general circulation in each of the judicial districts described in (c) of this section.

11 The notice must provide

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

13 (2) the date or approximate date, if known, when the owner loaned the
14 property to the museum;

15 (3) a statement that the museum claims title to the property as of the
16 66th day after the notice date.

17 (g) The museum receives the title to the property, subject to reclamation of the
18 property under AS 14.57.220, as of the 66th day after the notice date, if the
19 requirements of (a) - (f) of this section are satisfied, and if a valid claim to the loaned
20 property is not received by the museum within 65 days after the notice date.

21 (h) In this section, "notice date" means the date when the notice is mailed
22 under (b) of this section or, if publication is required under (c) of this section, when
23 the notice is first published under (c) of this section.

24 **Sec. 14.57.210. Acquisition of title to undocumented property.** (a) A
25 museum may acquire title to undocumented property held by a museum for seven
26 years or longer if the seven years are verified by the written records of the museum
27 and if, during the seven years, a person has not filed a claim with the museum for the
28 property or had written or other contact with the museum.

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

1 include

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

3 (2) the date or approximate date, if known, of the acquisition of the
4 property by the museum;

5 (3) the name and address of the museum representative to contact for
6 more information or to make a claim; and

7 (4) a statement that the museum intends to claim title to the property
8 if a valid claim to the property is not made within 65 days from the notice date.

9 (c) If a valid claim is not made within 65 days after the first publication of the
10 notice under (b) of this section, the museum shall publish a second notice once a week
11 for two consecutive weeks in a newspaper of general circulation in the judicial district
12 where the museum is located. The notice must contain the information required for
13 the notice in (b)(1) - (3) of this section and a statement that the museum claims title
14 to the loaned property as of the 66th day after the notice date.

15 (d) The museum receives the title to the undocumented property, subject to
16 reclamation of the property under AS 14.57.220, as of the 66th day after the notice
17 date if the requirements of (a) - (c) of this section are satisfied and if a valid claim to
18 the property is not received by the museum within 65 days after the first date the
19 notice is published under (b) of this section.

20 (e) In this section, "notice date" means the first date the notice is published
21 under (b) of this section.

22 **Sec. 14.57.220. Reclamation of property.** After title to documented property
23 or undocumented property is transferred to a museum under AS 14.57.200 - 14.57.290,
24 the lender or owner of the property has two years to bring an action in court against
25 the museum to claim the property. If an action is not brought by the end of this two-
26 year period and if the museum has taken its action under AS 14.57.200 - 14.57.290 in
27 good faith, a person does not have a claim to the property against the museum, the
28 museum's employees, or the museum's agents.

29 **Sec. 14.57.230. Museum obligations regarding loaned property.** (a) A
30 museum shall keep written records regarding loaned property for at least two years
31 from the date of taking title to the property under AS 14.57.210 or 14.57.220.

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

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

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

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

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

14 **Sec. 14.57.290. Definitions.** In AS 14.57.200 - 14.57.290, unless the context
 15 indicates otherwise,

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

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

20 (3) "lender's last known address" means a description of the location
 21 of the lender, as shown on a museum's records, that is sufficient for delivery by mail;

22 (4) "loan" or "loaned" means deposited with a museum but not
 23 accompanied by a transfer of title to the museum;

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

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

31 (7) "undocumented property" means property in the possession of a

1 museum for which the museum does not have a reasonable means of determining the
2 owner.

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

4 **Sec. 34.45.085. Definition.** In AS 34.45.010 and 34.45.020, "property" does
5 not include property covered by AS 14.57.200 - 14.57.290.

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

7 (14) "property" means personal property, **but does not include**
8 **property covered by AS 14.57.200 - 14.57.290;**