

HB

218

H F I N

F I L E

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 23, 2000

FURTHER REFERRALS:

Date of Committee Action: 3/3/00

The FINANCE Committee considered:

HB 218

HOUSE BILL NO. 218

MUSEUM ACQUISITION OF UNCLAIMED PROPERTY

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

recommends it be replaced
with the following committee substitute

CS HB 218 (FIN)

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: _____

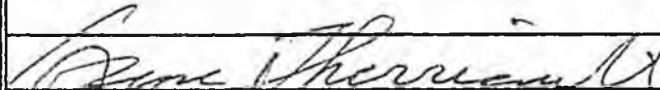
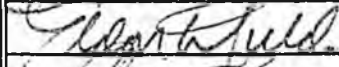

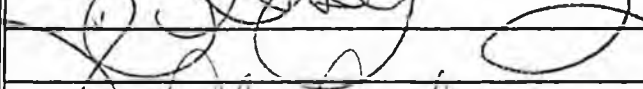

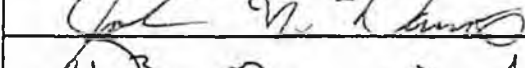
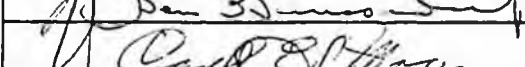

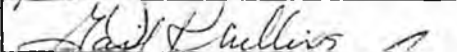
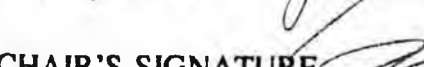
(Dept/Date)

fiscal note(s) _____

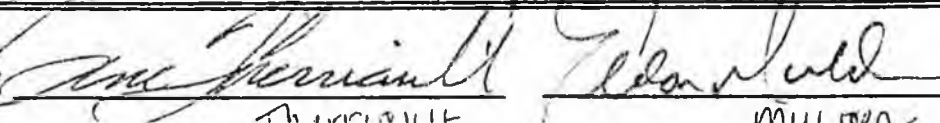
fiscal note(s) _____

zero fiscal note(s) DEED

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Theriault	X			
	Mulder			X	
	Bundes	-			
	Foster	X			
	Auserman	X			
	J. Davis	X			
	Grosswendt	X			
	Mosis	X			
	G. Davis	X			
	Phillips	X			

CO CHAIR'S SIGNATURE



FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. HB 218

Revision Date/Time (Note if correction) _____ Dept. Affected Education & Early Dev.
 Title Museum Acquisition of Unclaimed Property BRU Alaska Library and Museums
 Component Museum Operations
 Sponsor Rep. Halcro
 Requester House Finance Component No. 210

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Any costs to the Alaska State Museum would be minimal and would be considered routine costs of doing business.

Prepared by: Karen Crane Phone 465-2911
 Division Libraries & Museums Date/Time 2/28/00 12:00 AM
 Approved by Commissioner Richard S. Cross Date 2/28/2000
 Agency Education & Early Development

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1-LS0786H
Bannister
3/3/00

3/3/00
adopted as amended (2)

CS FOR HOUSE BILL NO. 218(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

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

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(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 the museum will acquire title to the property if a

valid claim to the property is not made within 90 days from the date when the notice is mailed under this subsection, ~~unless the deadline is extended because a valid claim is not received within the 30 days and the museum is obligated to publish notice under (c) of this section.~~

(c) If a valid claim is not received 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 the information required for the notice in (b)(1) - (5) of this section and a statement that the museum will acquire title to the loaned property if a valid claim to the property is not made

make consistent
←

31 days after the publication in subsection C is completed. 1-LS0786H

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within 60 days from the date of the first publication of the notice under (c) of this section.

(e) The museum acquires the title to the property, subject to reclamation of the property under AS 14.57.220, as of the 61st day after the date of the first publication of the notice under (c) of this section, if the requirements of (a) - (d) of this section are satisfied and if a valid claim to the loaned property is not received by the museum within 60 days after the date of the first publication of the notice under (c) of this section.

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

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

(b) To acquire title under (a) of this section, 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. The notice must include

- (1) a brief and general description of the property;
- (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; and
- (4) a statement that the museum will acquire title to the property if a valid claim to the property is not made within 60 days from the notice date.

(c) The museum acquires the title to the undocumented property, subject to reclamation of the property under AS 14.57.220, as of the 61st day after the notice date if the requirements of (a) and (b) of this section are satisfied and if a valid claim to the property is not received by the museum within 60 days after the notice date.

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

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Sec. 14.57.220. Reclamation of property. 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

1 for the deposit does not include a provision that the museum acquires title at some
2 time after the deposit is made or an option for the museum to acquire title at some
3 time after the deposit is made;

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

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

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

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

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

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

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

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TWENTY-FIRST LEGISLATURE - SECOND SESSION

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5 regulations governing the museum's in-house acquisitions committee, and the
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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 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.

4 (b) To acquire title to property under this section, the museum shall first send
5 a notice by certified mail to the lender's latest address if the museum has an address
6 for the lender. 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, address, and telephone number of the museum
12 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
15 museum to acquire title under this section.

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

21 (1) the judicial district in which the lender's latest address is located
22 if the address is in this state; or

23 (2) the county, borough, or other geographical organizational entity of
24 the jurisdiction in which the lender's latest address is located if the address is in a
25 jurisdiction other than this state.

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 the seven years are verified by the written records of the museum
13 and if, during the seven years, a person has not filed a claim with the museum for the
14 property or had written or other contact with the museum.

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

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

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

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

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

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

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

1 the museum within 45 days after the date of the last publication of the notice under
2 (b) of this section.

3 **Sec. 14.57.220. Reclamation of property.** After title to documented property
4 or undocumented property is acquired by a museum under AS 14.57.200 - 14.57.290,
5 the lender or owner of the property has two years to bring an action in court against
6 the museum to claim the property. If an action is not brought by the end of this two-
7 year period and if the museum has taken its action under AS 14.57.200 - 14.57.290 in
8 good faith, a person does not have a claim to the property against the museum, the
9 museum's employees, or the museum's agents.

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

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

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

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

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

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

26 **Sec. 14.57.290. Definitions.** In AS 14.57.200 - 14.57.290, unless the context
27 indicates otherwise,

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

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

1 (3) "loan" or "loaned" means a deposit with or deposited with a
2 museum if title to the property is not transferred to the museum or if the agreement
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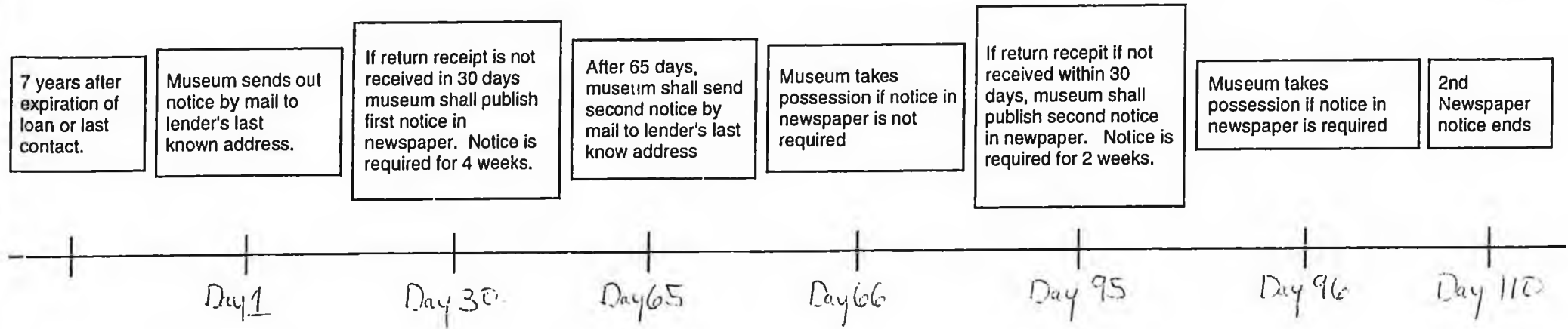
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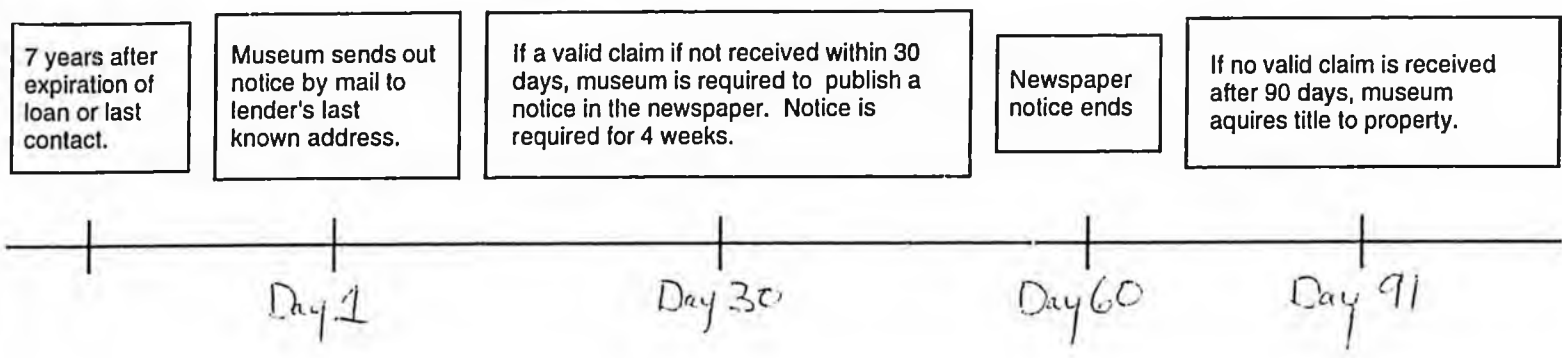
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HB 218 Timeline for Acquisition



CS HB 218(FIN) "H", 3/3/00



1-LS0786D
Bannister
2/28/00

Adopted
2/28/00

CS FOR HOUSE BILL NO. 218()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE HALCRO

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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.

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, address, and telephone number of the museum
12 representative to contact for 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; or

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

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must provide

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

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

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

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

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

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

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

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

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

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

(b) To acquire title under (a) of this section, the museum shall first 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. 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, address, and telephone number of the museum
6 representative to contact for 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 at least once
11 a week for two consecutive weeks in a newspaper of general circulation in the judicial
12 district where the museum is located. The notice must contain the information
13 required for the notice in (b)(1) - (3) of this section and a statement that the museum
14 claims title 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;

ALASKA STATE LEGISLATURE

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COMMUNITY AND REGIONAL AFFAIRS

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ECONOMIC DEVELOPMENT AND TOURISM



REPRESENTATIVE ANDREW HALCRO

District 12

STATE CAPITOL, SUITE 418
JUNEAU, AK 99801-1182
(907) 465-4939
FAX (907) 465-2418
1-800-465-4939

INTERIM
716 WEST 4TH, SUITE 620
ANCHORAGE, AK 99501
(907) 269-0241
FAX (907) 269-0248

House Bill No. 218

Sponsor Statement

"An Act relating to property loaned to or held by Museums"

Alaska's many museums are a vital asset to the preservation of our state's rich cultural heritage. Unfortunately, many of these institutions face difficulty when dealing with artifacts on loan when contact is lost with the item's owner. Often, these items require exhaustive care and maintenance. Museums cannot reasonably be expected to make decisions regarding the conservation or disposition of loaned property at their own risk and expense.

This legislation will offer a valuable vehicle for Alaska's museums to deal with property received on loan. Over time, lenders may die without heirs or move without maintaining contact with a museum. This leaves museums in the undesirable position of not being able to perform necessary conservation on the item while being unable to ascertain an identifiable manner of acquisition.

HB 218 establishes a process for museums to follow in order to clarify title on unclaimed objects. Before claiming title to an object on loan, the museum must have lost contact with the owner for at least seven years. The museum must then make a reasonable attempt to find the original owner or their heirs. Contact must be attempted through multiple certified mailings to the last known address, and if not successful, through newspaper announcements. After waiting a specified period of 65 days beyond these notices, the museum may proceed to obtain title to the property. The original owner then still has two years after that date to reclaim their property. Museum operators will be required to advise any new lenders of this new law.

This important revision will alleviate many difficulties encountered by Alaska's museums while providing a fair and equitable recourse for the property owner. It is estimated that title to several hundred objects in museums around the state can be resolved with the passage of HB 218.

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West 10th Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

November 15, 1999

The Honorable Andrew Halcro
Alaska State Legislature
716 West 4th Street, Suite 620
Anchorage, Alaska 99501

Dear Representative Halcro:

Thank you for your letter of October 28 with the copy of House Bill 218. Both Karen Crane, Director of Libraries, Archives and Museums, and Bruce Kato, Chief Curator forwarded their comments to me.

The bill addresses a problem many museums have encountered. Museum loan practices and record keeping were quite different 50 years ago. The problem for old loans for museums is that many were made with an indefinite or expired term by a lender who has since died or moved, or in any case has failed to maintain contact with the borrowing institution. I know that the State Museum has made extensive searches for the owners of a number of pieces. It is also not uncommon to find in a museum collection, objects without an identifiable record of the manner of acquisition. Without title to an object, museums have only a limited right to use and treat it, all the while bearing cost the associated cost of caring for it.

The Alaska State Museum has a number of objects that fall within the category of unclaimed loans or undocumented objects. We estimate that there are several hundred objects in museums around the State that can be addressed with the passage of HB218. It is my understanding that as of 1997, 28 states have passed similar legislation. Museum staff view this bill as a positive step in resolving a problem for museums statewide.

Karen Crane or Bruce Kato would be happy to testify in favor of your bill during this session. Thank you for supporting Alaska museums by promoting legislation that would clarify museum statutes.

Sincerely,



Richard S. Cross
Commissioner



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Halnes

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Valdez

Michael Naab,
Ketchikan Museums

Bea Shepard,
Friends of the Alaska
State Museum, Juneau

PO BOX 242323
ANCHORAGE AK 99524
Phone: (907) 243-4714
Fax: (907) 243-4714

Representative Andrew Halcro
716 W 4th
Suite 620
Anchorage, AK 99501-2133
December 28, 1999

Dear Representative Halcro,

Museums Alaska is pleased to support the proposed legislation, House Bill No. 218 "An Act relating to property loaned to or held by museums."

As we discussed earlier this year, this kind of provision will assist museums in the care, preservation and conservation of their collections by setting up procedures for establishing clear title to objects in their collections.

Many museums incur unreimbursable expenses in caring for and storing unclaimed loaned property. The condition of tangible property changes over time. Loaned property often requires conservation work that may be expensive or potentially detrimental to the property. Organic materials and specimens may serve as breeding grounds for insects, fungi, or diseases that threaten other, perhaps more valuable property.

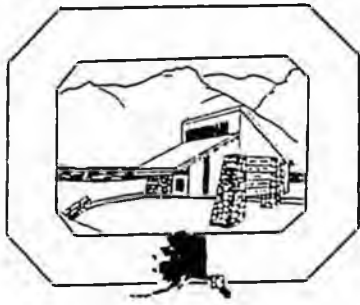
Museums cannot reasonably be expected to make decisions regarding conservation or disposition of loaned property at their own risk and expense. Over time, however, lenders die or move, and museums and lenders may lose contact. If a lender has failed to maintain contact with a museum, it is often impossible to locate the lender so that the lender can make decisions regarding conservation or disposition of loaned property.

We appreciate the clarity of description contained in the bill regarding transactions between museums and lenders and the time intervals and contact, publication requirements. You may be interested to see the recent on-line discussion among museums in the State that covered on this topic. (Enclosure follows)

We will continue to observe with interest the progress of the proposed legislation, and once again thank you for your efforts and attention to remedying this situation on behalf of the State's more than 70 cultural institutions. Please contact us if we can answer any of your concerns. We appreciate your genuine commitment to our cultural heritage in this legislative session.

Sincerely

Donna Matthews
Donna Matthews
Executive Director, Museums Alaska



Sheldon Museum and Cultural Center, Inc.

Box 269, Haines, Alaska 99827-0269

January 27, 2000

Representative Andrew Halcro
Alaska State Legislature
State Capitol, Suite 418
Juneau, AK 99801-1182

Dear Representative Halcro,

Thank you for sending a copy of HB 218 for my review as a museum professional. I appreciate very much your concern for unclaimed loans in museums. Probably every museum has objects that fall into this category and with no legal recourse the objects can remain forever in limbo.

The contents of your bill sound good and reasonable. I strongly support your bill. The Sheldon Museum and Cultural Center in Haines has several items that will be positively affected by this legislation. I am quite willing to testify during the bill hearings. Please contact me if I may assist you in any other way.

Again, thank you very much for your concern and action with this common museum problem.

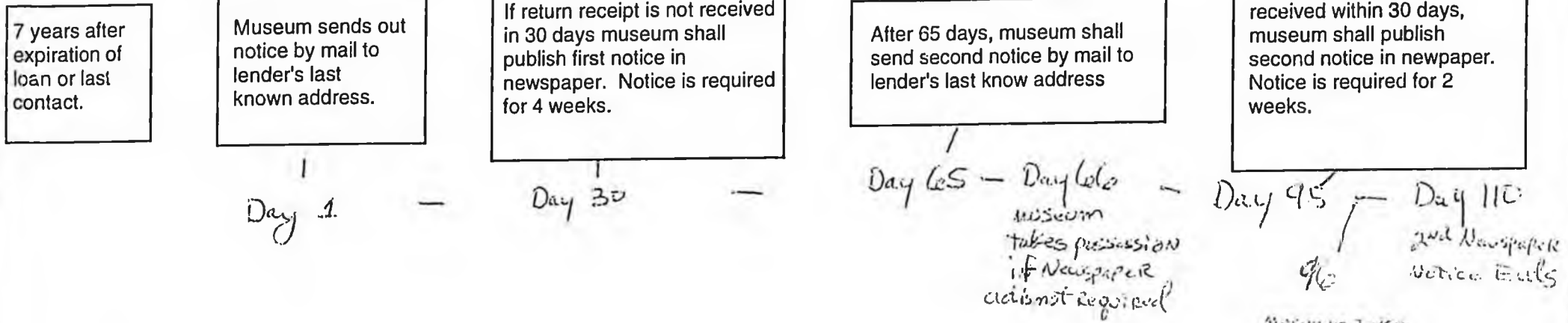
Sincerely,

Cynthia L. Jones
Director/Curator

A Chilkat Valley Historical Society and Haines Borough Facility



**HB 218
Timeline for Acquisition**



Alternative

