

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1906

Short Title: Cul. Res. May Sell Artifacts.

(Public)

Sponsors: Representative Wainwright.

Referred to: Appropriations.

May 31, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF CULTURAL RESOURCES
MAY PERMANENTLY DISPOSE OF CERTAIN STATE-OWNED ARTIFACTS
AND TO PROVIDE THAT SALE PROCEEDS FROM THE ARTIFACTS SHALL
BE USED ONLY TO PURCHASE OTHER ARTIFACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 121-7 reads as rewritten:

"§ 121-7. Historical museums.

(a) The Department of Cultural Resources shall maintain and administer the North Carolina Museum of History for the collection, preservation, study, and exhibition of authentic artifacts and other historical materials relating to the history and heritage of North Carolina. The Department, with the approval of the Historical Commission, may acquire, either by purchase, gift, or loan such artifacts and materials, and, having acquired them, shall according to accepted museum practices classify, accession, preserve, and where feasible exhibit such materials and make them available for study. Within available funds, one or more branch museums of history may be established and administered by the Department. The Department of Cultural Resources, subject to the availability of staff and funds, may give financial, technical, and professional assistance to nonstate historical museums sponsored by governmental agencies and nonprofit organizations according to regulations adopted by the North Carolina Historical Commission.

The Department of Cultural Resources may, with the explicit approval of the North Carolina Historical Commission sell, trade, or place on permanent loan any artifact owned by the State of North Carolina and in the custody of and curated by the

1 Department of Cultural Resources, unless the sale, trade, or loan would be contrary to
2 the terms of acquisition. The net proceeds of any sale, after deduction of the expenses
3 attributable to that sale, shall be deposited to the State treasury to the credit of the
4 Division of Archives and History Artifact Fund, and shall be used only for the purchase
5 of other artifacts. No artifact curated by any agency of the Department of Cultural
6 Resources may be pledged or mortgaged.

7 (b) Insofar as practicable, the North Carolina Museum of History shall accession
8 and maintain records showing provenance, value, location, and other pertinent
9 information on such furniture, furnishings, decorative items, and other objects as have
10 historical or cultural importance and which are owned by or to be acquired by the State
11 for use in the State Capitol and the Executive Mansion, and, upon request of the
12 Department of Administration, any other state-owned building. When any such item or
13 object has been entered in the accession records of the Museum of History, the
14 custodian of such item or object shall, upon its removal from the premises upon which it
15 was located or when it is otherwise disposed of, submit to the Museum of History
16 sufficient details concerning its removal or disposition to permit an adequate entry in
17 the accession records to the end that its location or disposition, and authority for such
18 change, shall be showed therein.

19 (c) Title to an artifact whose ownership is unknown or whose owner cannot be
20 located passes to the Division of Archives and History if:

- 21 (1) The artifact was placed on loan with the Division of Archives and
22 History for a period of time exceeding five years or for an indefinite
23 period of time or the artifact's status with the Division of Archives and
24 History as a loan, gift, purchase, or other arrangement is unknown; and
- 25 (2) The artifact has been a part of the inventory of the Division of
26 Archives and History for more than five years; and
- 27 (3) The Department of Cultural Resources makes a reasonable effort,
28 including a diligent search of its own records to locate and inform the
29 owner, his heirs or successors, that the Division of Archives and
30 History is holding the artifact and clarify the artifact's status with the
31 Division of Archives and History.

32 To initiate the procedure to clarify title to an artifact, the Department of Cultural
33 Resources shall mail, first class postage prepaid, a notice to the last known address of
34 the owner of the artifact or the last known address of the owner's heirs or successors.
35 The Department need not mail a notice, if after exercising due diligence to find a record
36 within the Department of Cultural Resources indicating the owner of the artifact and his
37 latest address, that information is not available. If no claim is made within 90 days from
38 the date that notice is mailed, the Department of Cultural Resources shall publish a
39 notice in three papers of general circulation once a week for four consecutive weeks. If,
40 at the end of 30 days, no claim of ownership is submitted to the Department of Cultural
41 Resources, the Department may determine that legal title to the artifact is vested in the
42 Division of Archives and History.

43 (d) Any person claiming legal title to an artifact to which the North Carolina
44 Division of Archives and History also claims title as provided by subsection (c) may file

1 a claim with the Department of Cultural Resources on a form prescribed by the
2 Department. If the claimant is not the owner from whom the museum originally
3 obtained the artifact, the claimant shall state in addition to any other information
4 required by the Department, the facts surrounding the unavailability of the person who
5 originally loaned or bestowed the property to the Division of Archives and History and
6 the basis for the claim to title of the artifact. If the Department of Cultural Resources is
7 satisfied that the claim is valid and that the claimant is the legal owner of the artifact,
8 the Department shall return the artifact to the owner. If the Department determines that
9 the claim is not valid and rejects the claim to the artifact, the claimant may appeal the
10 determination as provided by Chapter 150B."

11 Sec. 2. This act becomes effective July 1, 1994.