

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL

Introduced by

Read first time

Committee:

- 1 A BILL FOR AN ACT relating to museums; to amend sections 51-703, 51-705,
- 2 51-708, and 51-709, Reissue Revised Statutes of Nebraska; to change
- 3 provisions of the Museum Property Act; and to repeal the original
- 4 sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 51-703, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 51-703 (1) In addition to any other information prescribed for a
4 particular notice, each notice given pursuant to the Museum Property Act
5 shall contain the following information:

6 (a) The lender's or claimant's name as appropriate;

7 (b) The lender's last-known address or the claimant's last-known
8 address as appropriate;

9 (c) A brief description of the property on loan;

10 (d) The date of the loan, if known;

11 (e) The name of the museum; and

12 (f) The name, address, and telephone number of the appropriate
13 person or office to be contacted regarding the property.

14 (2) Each notice given by a museum pursuant to the act shall be
15 mailed to the lender's and any claimant's last-known address by
16 restricted certified mail. Notice is deemed given if the museum receives
17 proof of receipt within thirty days after mailing the notice.

18 (3) Notice may be given by publication if the museum does not:

19 (a) Know the identity of the lender;

20 (b) Have the address or telephone number for the lender or the
21 address or telephone number for the claimant; or

22 (c) Receive proof of receipt of the notice by the person to whom the
23 notice was sent within thirty days after the notice was mailed.

24 (4) Notice by publication must be given:

25 (a) At at least once each week for three consecutive weeks in a
26 newspaper of general circulation in both the county where the museum is
27 located, and the county of the lender's or claimant's address, if any.

28 (b) By publication online on the museum's website for three
29 consecutive weeks; or

30 (c) By display in a public area of the museum for three consecutive
31 weeks.

1 Sec. 2. Section 51-705, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 51-705 Subject to any existing security interest in the property, a
4 museum may acquire title to undocumented property held by the museum for
5 at least seven years as follows:

6 (1) The museum must give notice as provided in subsection (3) of
7 section 51-703 that the museum is asserting title to the undocumented
8 property;

9 (2) The notice that the museum is asserting title to the property
10 must include a statement containing substantially the following
11 information:

12 The records of (name of museum) fail to indicate the owner of record
13 of certain property in its possession. The museum hereby asserts title to
14 the following property: (general description of property). If you claim
15 ownership or other legal interest in this property, you must contact the
16 museum, establish ownership of the property, and make arrangements to
17 collect the property. If you fail to do so within one year ~~three years~~,
18 you will be considered to have waived any claim you may have had to the
19 property; and

20 (3) If a claimant or lender does not respond to the notice provided
21 in subdivision (2) of this section within one year ~~three years~~ by giving
22 a written notice of intent to retain an interest in the property on loan,
23 the museum's title to the property becomes absolute.

24 (4) The changes made to this section by this legislative bill apply
25 only to property acquired by the museum on or after the effective date of
26 this act.

27 Sec. 3. Section 51-708, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 51-708 (1) An action shall not be brought against a museum for
30 damages because of injury to or loss of property loaned to the museum
31 more than one year ~~three years~~ from the date the museum gives the lender

1 or claimant notice of the injury or loss or ten years from the date of
2 the injury or loss, whichever occurs earlier.

3 (2) An action shall not be brought against a museum to recover
4 property on loan more than one year after the date the museum gives the
5 lender or claimant notice of its intent to terminate the loan or notice
6 of acquisition of title to undocumented property.

7 (3) An action shall not be brought against a museum to recover
8 property on loan more than one year ~~seven years~~ from the date of the last
9 written contact between the lender or claimant and the museum as
10 evidenced by the museum's records.

11 (4) A lender or claimant is considered to have donated loaned
12 property to the museum if the lender fails to file an action to recover
13 the property on loan to the museum within the time periods specified in
14 subsections (1) through (3) of this section.

15 (5) Notwithstanding subsections (3) and (4) of this section, a
16 lender or claimant who was not given notice as provided in the Museum
17 Property Act that the museum intended to terminate a loan as provided in
18 section 51-704 and who proves that the museum received an adequate notice
19 of intent to preserve an interest in loaned property, which satisfies all
20 of the requirements of section 51-706, within the seven years immediately
21 preceding the filing of an action to recover the property, may recover
22 the property or, if the property has been disposed of, the reasonable
23 value of the property at the time it was disposed of plus interest at the
24 legal rate.

25 (6) A museum is not liable at any time, in the absence of a court
26 order, for returning property to the original lender even if a claimant
27 other than the lender has filed a notice of intent to preserve an
28 interest in property. If a person claims competing interests in property
29 in the possession of a museum, the burden is upon the claimant to prove
30 the interest in an action in equity initiated by a claimant. A museum is
31 not liable at any time for returning property to an uncontested claimant

1 who produced reasonable proof of ownership or the existence of a security
2 interest pursuant to section 51-706.

3 (7) The changes made to this section by this legislative bill apply
4 only to property acquired by the museum on or after the effective date of
5 this act.

6 Sec. 4. Section 51-709, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 51-709 In order to take title pursuant to the Museum Property Act, a
9 museum has the following obligations to a lender or claimant:

10 (1) The museum shall retain all written records regarding the
11 property for at least twenty-five ~~three~~ years after the date of taking
12 title pursuant to the act;

13 (2) The museum shall keep written records on all loaned property
14 acquired pursuant to section 51-704. Records shall contain the following
15 information:

16 (a) The lender's name, address, and telephone number;

17 (b) The claimant's name, address, and telephone number;

18 (c) The nature and terms of the loan; and

19 (d) The beginning date of the loan period, if known; and

20 (3) The museum is responsible for notifying a lender or claimant of
21 the museum's change of address or dissolution.

22 (4) The changes made to this section by this legislative bill apply
23 only to property acquired by the museum on or after the effective date of
24 this act.

25 Sec. 5. Original sections 51-703, 51-705, 51-708, and 51-709,
26 Reissue Revised Statutes of Nebraska, are repealed.