

LEGISLATIVE BILL 926

Approved by the Governor April 15, 2024

Introduced by Aguilar, 35; Lippincott, 34.

A BILL FOR AN ACT relating to museums; to amend sections 51-703, 51-705, 51-708, and 51-709, Reissue Revised Statutes of Nebraska; to change provisions of the Museum Property Act; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

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

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

- (a) The lender's or claimant's name as appropriate;
- (b) The lender's last-known address or the claimant's last-known address as appropriate;
- (c) A brief description of the property on loan;
- (d) The date of the loan, if known;
- (e) The name of the museum; and
- (f) The name, address, and telephone number of the appropriate person or office to be contacted regarding the property.

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

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

- (a) Know the identity of the lender;
- (b) Have the address or telephone number for the lender or the address or telephone number for the claimant; or
- (c) Receive proof of receipt of the notice by the person to whom the notice was sent within thirty days after the notice was mailed.

(4) Notice by publication must be given by posting online on the museum's website for a minimum of three consecutive weeks and by publication of a statement for one week at least once each week for three consecutive weeks in a newspaper of general circulation in both the county where the museum is located and the county of the lender's or claimant's address, if any. The statement published in the newspaper must contain (a) the museum's name and contact information, (b) notification that the museum is acting to assert title, and (c) notification that interested parties should contact the museum for a complete listing of property to which the museum is asserting title.

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

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

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

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

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

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

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

51-708 (1) An action shall not be brought against a museum for damages because of injury to or loss of property loaned to the museum more than one year three years from the date the museum gives the lender or claimant notice of the injury or loss or ten years from the date of the injury or loss, whichever occurs earlier.

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

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

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

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

(6) A museum is not liable at any time, in the absence of a court order, for returning property to the original lender even if a claimant other than the lender has filed a notice of intent to preserve an interest in property. If a person claims competing interests in property in the possession of a museum, the burden is upon the claimant to prove the interest in an action in equity initiated by a claimant. A museum is not liable at any time for returning property to an uncontested claimant who produced reasonable proof of ownership or the existence of a security interest pursuant to section 51-706.

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

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

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

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

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

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

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

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

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

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