

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 926

Introduced by Aguilar, 35; Lippincott, 34.

Read first time January 04, 2024

Committee: General Affairs

- 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 in one of the following
25 ways:

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

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

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

1 weeks.

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

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

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

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

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

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

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

27 51-708 (1) An action shall not be brought against a museum for
28 damages because of injury to or loss of property loaned to the museum
29 more than one year ~~three years~~ from the date the museum gives the lender
30 or claimant notice of the injury or loss or ten years from the date of
31 the injury or loss, whichever occurs earlier.

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

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

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

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

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

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

3 51-709 In order to take title pursuant to the Museum Property Act, a
4 museum has the following obligations to a lender or claimant:

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

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

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

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

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

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

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

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