

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-411
SENATE BILL 327

AN ACT TO MAKE TECHNICAL CHANGES TO THE GENERAL STATUTES
GOVERNING THE DEPARTMENT OF CULTURAL RESOURCES AND THE
NORTH CAROLINA HISTORICAL COMMISSION.

Whereas, having relocated to a much improved facility capable of supporting expanded programs, the North Carolina Museum of History has become a separate Division of the Department of Cultural Resources; and

Whereas, portions of two of the General Statutes governing the Department of Cultural Resources and the North Carolina Historical Commission make direct or oblique reference to the North Carolina Museum of History as an organizational unit of the Division of Archives and History; and

Whereas, these and other changes in these General Statutes are needed to provide proper legal and procedural protection for the North Carolina Historical Commission and the Department of Cultural Resources, its Division of Archives and History, and its new Division of the North Carolina Museum of History; and

Whereas, the North Carolina Historical Commission has endorsed these technical corrections; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-62(1)i. reads as rewritten:

"i. To serve as a search committee to seek out, interview, and recommend to the Secretary of Cultural Resources one or more experienced and professionally trained historian(s) for either the position of Director of the Division of Archives and History or the position of the Director of the North Carolina Museum of History Division when a vacancy occurs, and to assist and cooperate with the Secretary in periodic reviews of the performance of the ~~Director~~ Directors and the ~~Division;~~ Divisions; and".

Section 2. G.S. 143B-62(1)j. reads as rewritten:

"j. To assist and advise the Secretary of Cultural Resources and the Director of the Division of Archives and ~~History~~ History, and the Director of the North Carolina Museum of History Division in the development and implementation of plans and priorities for the State's historical programs."

Section 3. G.S. 143B-62(2)a. reads as rewritten:

- "a. For the acquisition and use of historical materials suitable for acceptance in the North Carolina ~~State Archives Division of Archives and History~~ or the North Carolina Museum of ~~History; History Division~~;"

Section 4. G.S. 121-7 reads as rewritten:

"§ 121-7. Historical museums.

(a) The Department of Cultural Resources shall maintain and administer State historic attractions under the management of the Division of Archives and History and the North Carolina Museum of History Division 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 or specialized regional history museums 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 Museum of History Division or Division of Archives and History, unless the sale, trade, or loan would be contrary to the terms of acquisition. The net proceeds of any sale, after deduction of the expenses attributable to that sale, shall be deposited to the State treasury to the credit of either the Division of Archives and History Artifact Fund, Fund or the Museum of History Artifact Fund, as appropriate, and shall be used only for the purchase of other artifacts. No artifact curated by any agency of the Department of Cultural Resources may be pledged or mortgaged.

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

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

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

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

(d) Any person claiming legal title to an artifact to which the North Carolina Division of Archives and History or the North Carolina Museum of History Division also claims title as provided by subsection (c) may file a claim with the Department of Cultural Resources on a form prescribed by the Department. If the claimant is not the owner from whom the ~~museum~~ Department originally obtained the artifact, the claimant shall state in addition to any other information required by the Department, the facts surrounding the unavailability of the person who originally loaned or bestowed the property to the Division of Archives and History or the North Carolina Museum of History Division and the basis for the claim to title of the artifact. If the Department of Cultural Resources is satisfied that the claim is valid and that the claimant is the legal owner of the artifact, the Department shall return the artifact to the owner. If the Department determines that the claim is not valid and rejects the claim to the artifact, the claimant may appeal the determination as provided by Chapter 150B."

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 12th day of August, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 8:37 a.m. this 20th day of August, 1997