

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 721
HOUSE BILL 820

AN ACT TO PROVIDE THAT LEGAL TITLE TO AN ARTIFACT HELD BY THE DEPARTMENT OF CULTURAL RESOURCES DIVISION OF ARCHIVES AND HISTORY PASSES TO THE DIVISION OF ARCHIVES AND HISTORY IF THE OWNER OF THE ARTIFACT CANNOT BE LOCATED OR IF OWNERSHIP OF THE ARTIFACT IS UNKNOWN, AND TO CLARIFY THE DUTIES OF THE STATE BUILDING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 121-7 is amended as follows:

- (1) by designating the text of the first paragraph as subsection (a);
- (2) by designating the text of the second paragraph as subsection (b); and
- (3) by adding to the end two new subsections to read:

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

- (1) The artifact was placed on loan with the Division of Archives and History 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 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 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 the Division of Archives and History is holding the artifact and clarify the artifact's status with the Division of Archives and History.

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.

(d) Any person claiming legal title to an artifact to which the North Carolina Division of Archives and History 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 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 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."

Sec. 2. G.S. 143-135.26(1) as is contained in Section 1 of Chapter 71 of the 1987 Session Laws, is amended by rewriting the second and third sentences to read:

"The rules shall provide that the State Building Commission, after consulting with the funded agency, is responsible and accountable for the final selection of the designer except when the General Assembly or The University of North Carolina is the funded agency. When the University or the General Assembly is the funded agency, the University or the Legislative Services Commission, respectively, is responsible and accountable for the final selection of the designer."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 3rd day of August, 1987.