



2023-2024 General Assembly

HOUSE BILL 168:

Department of Natural and Cultural Resources Agency Bill, Sec. 2: Clarify Surplus Property Process for Museums and Aquariums

Committee:
Introduced by:
Analysis of: Sec. 2 of S.L. 2023-70

Date: November 27, 2023
Prepared by: Aaron McGlothlin
Staff Attorney

OVERVIEW: *Section 2 of S.L. 2023-70 makes various revisions to the laws governing the disposition of historical artifacts, exhibits, and other property owned by the State of North Carolina.*

This section became effective June 30, 2023.

BACKGROUND:

With the approval of the Historical Commission, the Department of Natural and Cultural Resources (DNCR) can dispose of any accessioned records, artifacts, and furnishings in the custody of DNCR that are determined to have no further use or value for official or administrative purposes or for research and reference purposes. Other statutes govern the disposition of surplus property.

BILL ANALYSIS:

Section 2 authorizes DNCR to dispose of agricultural products that are determined to have no further use or value for official or administrative purposes or for research and reference purposes.

Section 2 also authorizes the following to be leased or donated:

- Artifacts owned by the State of North Carolina and in the custody of and curated by the Office of Archives and History unless the lease or donation would be contrary to the terms of acquisition.
- Artifacts from the collection of the North Carolina Maritime Museum unless the lease or donation would be contrary to the terms of acquisition.
- Artifacts and furnishings in the custody of the Tryon Palace Commission, or its appointed officers, that have no further value for official or administrative purposes or for research, reference, or interpretation. Monies the Commission receives from a sale or lease, after deducting expenses of the sale or lease, must be used for expenses associated with the purchase, maintenance, or conservation of artifacts and furnishings.
- Works of art owned by the North Carolina Museum of Art if the Board of Trustees of the North Carolina Museum of Art finds that it is in the best interest of the Museum to do so unless the lease or donation would be contrary to the terms of acquisition.

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Section 2 makes the following other changes:

- Provides that if any property in the Executive Mansion is sold or leased, the net proceeds of each sale of lease and any interest is deposited in the State Treasury and must only be used for the purchase, conservation, restoration, or repair of other property for use in the Executive Mansion.
- Provides that exhibits, exhibit components, or objects from the collections of the North Carolina Aquariums can be donated in addition to being sold, leased, or traded.
- Permits DNCR to sell, lease, donate, or trade any object from the collection of the Museum of Natural Sciences when it would be in the best interest of the Museum to do so.

EFFECTIVE DATE: This section became effective June 30, 2023.

**Brad Krehely and Brian Gwyn, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary*