

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

2168

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2003 SENATE POLITICAL SUBDIVISIONS

SB 2168

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Deanna Sallick
Operator's Signature

12/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2168

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date: January 23, 2003

Tape Number	Side A	Side B	Meter #
1	X		0-1604
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK called the Committee to order.

Roll call was taken with all members (6) present.

CHAIRMAN COOK opened the hearing on SB 2168 which is relating to the assumption of lost property or money by a finder.

SENATOR COOK, District 34, Mandan ND, introduced SB 2168. The background on why he introduced the bill was because of a situation that happened about a year ago. A couple in the mall in Minot ND found a bag with three thousand dollars (\$3000) in it. They were very honest people so they turned the money into the police. The police department in Minot held the money for two years in an attempt to find the rightful owner. If after two years, they couldn't find the rightful owner, their intent was to give the money back to the individuals that found it. There were some question whether they could do that legally. The Attorney General's opinion referenced to the statue that says any property with no known owner belongs to the state.

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10/17/03
Date

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Senate Political Subdivisions Committee
Bill/Resolution Number SB 2168
Hearing Date January 23, 2003

Therefore that \$3000 in cash was sent to the unclaimed property division of the state of North Dakota. It will sit there probably forever. The interest generated off of the money will go into the school trust fund to help pay for education. Senator Cook's concern was that this was not right and he felt this discourages people from being honest. The attorney general also encouraged Senator Cook to introduce a bill on this as this just wasn't right. The bill will put in some language that in situations like this, after two years if the owner can not be found the money could go back to the finder.

SENATOR CHRISTENSON asked if this would be retroactive so the couple could get their \$3000.

SENATOR COOK felt this is something that should be looked into.

SENATOR GARY LEE asked a question for Senator Judy Lee who had to step out of the meeting for a few minutes. The question was, can an amount be limited to below a certain amount, like five thousand dollars?

SENATOR COOK said yes, but do we want to?

SENATOR SYVERSON asked how two years was arrived at.

SENATOR COOK thought two years was a long enough time to find the rightful owner.

Linda Fischer, Unclaimed Property Administrator, not for or against SB 2168, clarified that this situation is the only one that she is aware of. The police department actually held the \$3000 for three years. The people that turned in the money did get a \$300 reward, which came out of the \$3000. There is a section in the statute that says the reward is limited to ten percent. The intent of the unclaimed property law is if the real owner can not be found then everyone should benefit,

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Senate Political Subdivisions Committee

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and in this case it would be the schools. She feels the bill does encourage people to be honest and it is a good piece of legislation.

Wade Moser, ND Stockmen's Association, felt there should be a clarification on Line 9, which talked about Section 47-30.1, the unclaimed property act. There is also a similar law in Section 36-22 that deals with livestock. If livestock are lost or stray there is a provisions for law enforcement and for the association on how we notify people, how we advertise and how long we handle the money, basically the whole system is in place for livestock. He would like to see amendments to that section, on that line, so that attorneys or law enforcement officials know that if it happens to be livestock, there is a provision already in place to take care of that.

SENATOR COOK closed the hearing on SB 2168.

Discussion:

SENATOR COOK had questions of Inter TeLis Nemec on the definition of lost, misplaced and abandoned;

lost property - a finder has the right to that property except for the true owner after two years

mislaidd property - its not the person who finds it that would have the right to the property but the person who owns the land where the property was found

abandoned - would be similar to lost property

SENATOR JUDY LEE asked if there are states that have more than two year.

TeLis Nemec answered that the time period is one to three years usually.

SENATOR SYVERSON asked how it would work if insurance had been collected on the property.

TeLis Nemec answered that being reimbursed by insurance would have no bearing on it.

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Senate Political Subdivisions Committee

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Hearing Date January 23, 2003

SENATOR COOK asked Senator Judy Lee and the other committee members their feelings on having a limit on the amount of money. He indicated that he was comfortable with no limit.

SENATOR COOK sees possibly three amendments that would make SB 2168 better.

SB 2168 will be brought up later.

Committee recessed.

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Deanne Hall
Operator's Signature

10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2168

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date **January 30, 2003**

Tape Number	Side A	Side B	Meter #
1	X		1110 - 1674
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:CHAIRMAN COOK opened the discussion on SB 2168. All members (6) in attendance.

CHAIRMAN COOK told the committee that it is down to the only question left on SB 2168 is whether or not to make it retroactive. He has some amendments that would be required to make it retroactive. He is not sure if it is the right thing to do.

SENATOR JUDY LEE is concerned about setting a precedence with an retroactive nature.

SENATOR SYVERSON had concerns also. He said the couple being referred to already were three hundred dollars richer as it is.

SENATOR POLOVITZ did not like the amendment as he was not sure what the repercussions could be.

SENATOR SYVERSON moved DO PASS on SB 2168 as presented

SENATOR CHRISTENSON seconded the motion

Roll call vote: 6 Yes 0 No Absent 0

Carrier: SENATOR POLOVITZ

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Deanne Dellus
Operator's Signature

12/17/03
Date

30190.0101
Title.

Prepared by the Legislative Council staff for
Senator Cook
January 27, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2168

Page 1, line 2, after "finder" insert "; and to provide for retroactive application"

Page 1, after line 13, insert:

"SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to personal property or money placed in the custody of a law enforcement agency and which has been transferred by the law enforcement agency to the administrator of the state abandoned property office after January 1, 2001."

Renumber accordingly

Page No. 1

30190.0101

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Deanna D. Hall
Operator's Signature

01/17/03
Date

Date: 1-30-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2168

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Syverson Seconded By Senator Christensen

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Polovitz

If the vote is on an amendment, briefly indicate intent:

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Deanna Dellwirth 10/17/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 30, 2003 1:57 p.m.

Module No: SR-18-1370
Carrier: Polovitz
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2168: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-18-1370

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10/17/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2168

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10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2168

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: March 6, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.0-6.5
Committee Clerk Signature <i>Micki Schmidt</i> 3-24-03			

Minutes:

TAPE 1: SIDE A:

(0.0) CHAIRMAN GLEN FROSETH: I will call the committee together. Roll Call: all present. Open the hearing on SB 2168.

(0.8) SEN. DWIGHT COOK: This is a simple little bill dealing with lost property and particularly the relationship with lost property in the uniform unclaimed property act. The reason: What if you were walking through a mall and you came across a bag of money, \$3000. What would you do? By law you have two options; #1 you can leave it where it's at, the other is you must find the right owner. If you pick it up, you're legal obligation is to find the right owner. So all the bill does is after two years, if the rightful owner is not found, the person who found the money will be able to receive the money.

(3.3) WADE MOSER; ND STOCKMAN'S ASSOCIATION: (Testimony in support) (See attachment # 1, an amendment) We do not have a problem with SB 2168. I think the Senator

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10/17/03
Date

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House Political Subdivisions Committee
Bill/Resolution Number SB 2168
Hearing Date: March 6, 2003

explained the problem that had risen and found a solution, however, we do have an amendment we would like you to consider, since personal property is lost and found from time to time and there is a provision in state law called the "estray law" that handles how you dispose of property. There is a provision in there that talks about where the ND Stockman's Association actually received that estray money and we put it in with the State Treasurer, goes into an estray fund, the owner has up to six years. We're bound to hold that for six years, however we have paid money to people who have proved ownership at a later time after the six year period. For various reasons they don't come forward or have lost their records that prove ownership. The proposed amendment is referring to chapter 36-22, under lines 10 and 11. In order to make sure that it's clear, that there is already a provision to handle this, we would like that part of it to be included right after the unclaimed property tax.

(5.0) REP. BRUCE ECKRE: On line 9, it says "or any other provision of law"...

(5.2) WADE MOSER: We want to make sure when an attorney or someone sees this that they understand that there's other provisions that may cover this, since the unclaimed properties specifically says that unless it's under this provision, this is enforced. We want to make sure that we're recognized unless it's an estray animal law, we want to follow the estray law provision.

(5.7) CHAIRMAN GLEN FROSETH: Has Sen. Cook seen this amendment?

(5.8) SEN. DWIGHT COOK: I'd be OK with it.

(6.1) CHAIRMAN GLEN FROSETH: Further testimony? Seeing none, I will close the hearing on SB 2168. We will wait to hear back from Wade Moser on that amendment, then we will take action on it. (6.5)

Deanne Hall
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2168

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: March 7, 2003

Tape Number	Side A	Side B	Meter #
1	X		50.8-53.0
1		X	4.0-7.4
Committee Clerk Signature <i>Mickie Schmidt</i> 3-18-03			

Minutes:

TAPE 1; SIDE A:

(50.8) CHAIRMAN GLEN FROSETH: Let's take a look at SB 2168 that we heard yesterday. The concern raised on the unclaimed abandoned property that had no record of a previous owner. The concern was to exclude "estranged."

(52.0) WADE MOSER; ND STOCKMAN'S ASSOCIATION: What the procedure is when someone finds an animal on their property. They have two ways to solve the issue. They either notify the Sheriff's Dept. or notify the ND Stockman's Association. We work together. We allow them to hold that animal on their property for up to 30 days so we have an opportunity to contact the surrounding communities, neighbors and find out if we can locate the owner. If that doesn't happen then we require or request that they haul that animal to the nearest auction market where it's sold and then the money is deposited in the State Treasurer's office that goes into the (tape ended)

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Date

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House Political Subdivisions Committee

Bill/Resolution Number SB 2168

Hearing Date: March 7, 2003

TAPE 1 SIDE B:

(4.0) WADE MOSER: We have field men that investigate these strays and try to find the owner. That money stays in that account until we find the owner. Sometimes it takes several years for someone to come forward and claim it. If we do not find the owner's, that money stays in that account and is used to help defray some of the expenses for the investigation that goes on. We will get somewhere between 75 to 100 stray claims coming in and of that solve 80 to 90 percent within a year. But there are those that do go on. It usually takes three years and the reasons why they don't come forward is they're waiting for a bank to disappear on them, for a divorce case, family members feud's to go away. They know the money is setting there and they know it's going to be there for a long time and then they'll bring forward their paper work and collect the money. This procedure has worked well in the past and we want to make sure that if someone comes around and that they know this is the procedure and there's a way to resolve it.

(5.4) CHAIRMAN GLEN FROSETH: Any questions? The amendment that was presented yesterday would insert line 9 after 47-30.1 comma and insert 36-22. This is the whole amendment.

(6.3) REP. DALE SEVERSON: I WILL MOVE THE AMENDMENT.

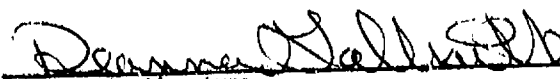
(6.4) REP. ANDREW MARAGOS: I SECOND IT.

(6.5) CHAIRMAN GLEN FROSETH: Any discussion? Seeing none, I will take a voice vote.
14-y; 0-n; amendment carries.

(6.7) REP. DALE SEVERSON: I MOVE A DO PASS AS AMENDED.

(6.8) REP. ANDREW MARAGOS: I SECOND IT.

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House Political Subdivisions Committee

Bill/Resolution Number SB 2168

Hearing Date: March 7, 2003

(6.9) CHAIRMAN GLEN FROSETH: Any discussion? Seeing none, I will have the clerk
take the Roll Call Vote: 13-y; 0-n; 1-absent; Carrier: Rep. Maragos. (7.4)

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10/17/03
Date

Date: 3-7-03
Roll Call Vote #: 4

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2168

House POLITICAL SUBDIVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30190.0102 Title: 0200

Action Taken Do Pass As Amended

Motion Made By Rep. Severson Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froeth	✓				
Vice-Chairman Nancy Johnson	✓				
Rep. Mike Grosz	✓				
Rep. Gil Herbel	✓				
Rep. Ron Iverson	✓				
Rep. William Kretschmar	✓				
Rep. Andrew Maragos	✓				
Rep. Dale Severson	✓				
Rep. Alon Wieland	✓				
Rep. Bruce Eckre	0				
Rep. Mary Ekstrom	✓				
Rep. Carol Niemeier	✓				
Rep. Sally Sandvig	✓				
Rep. Vonnle Pietsch	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Maragos

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Operator's signature

01/17/03
Date

REPORT OF STANDING COMMITTEE (410)
March 7, 2003 1:17 p.m.

Module No: HR-41-4260
Carrier: Maragos
Insert LC: 30190.0102 Title: .0200

REPORT OF STANDING COMMITTEE
SB 2168: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2168 was placed on the Sixth
order on the calendar.

Page 1, line 9, replace "chapter" with "chapters 36-22 and"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-41-4260

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