

HB

318

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date Referred to Committee: March 1, 2000

Date of Committee Action: 3/17/00

The FINANCE Committee considered:

HB 318

HOUSE BILL NO. 318

RETURN FOUND PROPERTY TO FINDER

"An Act relating to property disposal by law enforcement agencies."

recommends it be replaced
with the following committee substitute

CS HB 318 (Jud)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) DPS

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Gene Therriault</u> Therriault	<input checked="" type="checkbox"/>			
<u>Tom Bunde</u> Bunde	<input checked="" type="checkbox"/>			
<u>Al Auster</u> Austerman	<input checked="" type="checkbox"/>			
<u>Al Davis</u> DAVIS	<input checked="" type="checkbox"/>			
<u>Ben Grussendorf</u> Grussendorf			<input checked="" type="checkbox"/>	
<u>Ben Moses</u> Moses			<input checked="" type="checkbox"/>	
<u>Herb Davis</u> DAVIS	<input checked="" type="checkbox"/>			
<u>Paul Phillips</u> Phillips	<input checked="" type="checkbox"/>			
<u>Bob Foster</u> Foster	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE

Gene Therriault

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 318(JUD)

Revision Date	3/17/2000	Dept. Affected	Public Safety
Title	An Act relating to property disposal by law enforcement agencies	BRU	AST - Detachments
Sponsor	Representative Bunde	Component:	AST - Detachments
Requester	H. Finance	Component No.	2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

This bill would not impact our budget.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone <u>465-4322</u>
Division <u>Office of the Commissioner</u>	Date/Time <u>3/17/2000</u>
Approved by: <u><i>Ronald L. Otte</i></u>	Date <u>3/17/00</u>
Agency <u>Commissioner Ronald L. Otte, Dept. of Public Safety</u>	

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HB 318 – “Return Found Property to Finder”

HB 318:

- 1) **Is based on Common Law:**
 - a) Provides that a finder of lost property, and takes the responsibility to give it in to safekeeping, acquires title to the found property against all but the true owner.
- 2) **Clarifies current Alaska Statute 12.36, “Disposition of Recovered or Seized Property, which only covers**
 - a) property used as evidence of a crime,
 - b) property used in a children’s court proceeding, and
 - c) when the property is subject to state or federal forfeiture laws
- 3) **In all other instances, under AS 12.36.040, any unclaimed property that is a gun:**
 - a) must be sold to a federally licensed gun dealer
- 4) **HB 318 will:**
 - a) only affect property that is not evidence of a crime (AS 12.36)
 - b) only affect property that is legal to possess (lines 9 & 10 of bill)
 - c) provides clear guidance to law enforcement officials (Del Smith, Public Safety)
 - d) encourage people to turn property in to proper law enforcement officials (Del Smith, Public Safety)
 - e) only affect private individuals (line 5 of the bill)
- 5) **HB 318 will not affect:**
 - a) property found within municipalities or boroughs (lines 11 –14 of the bill)
 - b) prehistoric, archaeological, historical, Native, or similar property -- (these are owned by the state) (AS 41.35.200 -- the Historic Preservation Act)
 - c) property that is not legal to be possessed, or people who may not possess certain property (sawed off shotguns, moon rocks, convicted felons, etc) (Line 10 of the bill)
 - d) companies, institutions, banks, state employees who find property in (Larry Persily, Dept of Revenue)
 - d) AS 34.45 “The Uniform Unclaimed Property Act”, which mostly deals with intangible property, i.e.:money. (The Department of Revenue has analyzed the bill, and HB 318 will not affect the statute or their responsibilities.) (Larry Persily, Dept. of Revenue)
- 6) The Department of Public Safety supports this legislation.
- 7.) This bill will not affect the Department of Revenue (see memo).
- 7) The Department of Public Safety has submitted a “zero” fiscal note.

Alaska State Legislature

DURING SESSION
STATE CAPITOL, ROOM 501
JUNEAU, AK 99801-1182
(907) 465-4843 (800) 892-4843
FAX: (907) 465-3871

WEB SITE
<http://www.akrepublicans.org/Bunde.htm>



DURING INTERIM
716 W. FOURTH AVE.
ANCHORAGE, AK 99501-2133
(907) 269-0181
FAX: (907) 269-0184

E-MAIL
Representative_Con_Bunde@legis.state.ak.us

REPRESENTATIVE CON BUNDE
District 18

VICE-CHAIR: HOUSE FINANCE COMMITTEE
MEMBER: LEGISLATIVE BUDGET & AUDIT COMMITTEE

Sponsor Statement

HB 318

"An Act relating to property disposal by law enforcement agencies."

Common law, the basis of modern-day law, provides that a private individual who finds property and takes the responsibility to give it into safekeeping has a greater right to claim that property than anyone else other than the true owner of the property. This makes sense. Unfortunately, Alaska Statute provides less than clear guidance to state departments about what they may do when an individual finds property and turns it in.

HB 318 affects property that is lost, mislaid, or delivered to a private individual by mistake, and turned in to a law enforcement agency, and is unclaimed by the rightful owner for one year.

HB 318:

- Allows private individuals who responsibly deliver property to a law enforcement agency to own that property after one year if possession of that property by that private individual is otherwise legal.
- Would not affect any municipal ordinance.
- Provides clear guidance to state law enforcement agencies.
- Encourages individuals to turn property into law enforcement agencies to find the rightful owner.

The Alaska Department of Public Safety and the Alaska Department of Revenue support this legislation, and I urge your support.

MEMORANDUM

State of Alaska

Department of Revenue, Office of the Commissioner

TO: Representative Con Bunde

DATE: Jan. 27, 2000

PHONE: 465-5469

FROM: Larry Persily
Deputy Commissioner

SUBJECT: HB 318

The Department of Revenue has reviewed House Bill 318 (An Act Relating to Property Disposal by Law Enforcement Agencies) and believes it would not affect the operations of the Unclaimed Property Section at the department's Tax Division.

Please let me know if I can offer any additional information on the bill or our unclaimed property operations.

RIVAL TOWNSITES IN THE FAIRHAVEN

Correspondents Express Opposite Views Regarding the Best Location for a Future Town.

Rivalry regarding townsites is springing up vigorously in the Fairhaven district, and there will apparently be a hard struggle before the location decided ultimately to survive is definitely settled upon. Bob Tenbringer, the writer of one of the following letters has gone to Douring to establish a store for W. D. Smith & Co. The other letter is written by a correspondent who puts his faith in the location at Hot Gulch, a spot that he believes will be a failure as a townsite. The two letters and the opposite views expressed in them make interesting reading.

INNACHUCK, or DEERING CITY, July 30.

(Special to the GOLD DIGGER)

The Captain of the Able Douring is running a store here and has considerable goods for sale. Muhr & Muhr's agent is trying to boom a townsite at Hot Gulch about fifteen miles south from here, but I do not believe that he will succeed as there is hardly any fresh water to be had and I do not suppose that anybody will land there and pack his outfit over divides and tundra when he can go by water up the Innachuck. Some of the boys have been done up to Old Glory with a boat, and that is about 30 miles from here.

I want to get right over to the Kugruk but there is hardly anybody there. The people over here tell me that there is not enough water in the Kugruk harbor, while here we have four talmans at a half mile from shore.

They have struck good pay on Old Glory, American creek and Peval creek; they are slitting there and are paying their men \$10 a day and board.

One thing that is not to be had here is wood. There is none within twenty miles and I do not know how I am going to cook. Lumber is scarce here. Tom Noyes has not arrived yet. Noh coming up here to prospect should make a point of bringing a skill along.

BOB TENBRINGER.

FAIR HAVEN CITY

Month of Rex Creek, July 30.

(Special to the GOLD DIGGER)

The schooner "General Siglin" under command of Captain Johnson arrived at the mouth of Rex creek, Kotzebue Sound, July 13, 1901, with forty-one passengers. We had abundance of fresh water, a green looking country, and a lay prospective on a dry spit with deep water anchorage.

The trip was made in seven days, greatly delayed by float-ice. The weather is perfect and the country further advanced than the neighborhood of Nome.

We understand the Recorder will make this place his headquarters for the summer as it seems to be the most centrally located in the many creeks in the Fair Haven district. A store is being erected by Muhr & Muhr of Standman Ave., Nome, under the able management of Theo. Prichard who a general supply provisions and merchandise will be kept on hand. The only drawback is the fuel proposition.

We cannot say anything concerning the mineral deposit for the present as we have just landed and consequently have had no opportunity to investigate the same.

A CREDIT TO THE TOWN

Handsome New Headquarters of the Pioneer Mining Company.

The Pioneer Mining company have just completed their large building on First avenue, beyond the postoffice. The building is complete in every detail and is a credit to the town in two ways, first as a handsome structure, and second it will be an object lesson to the knucklers, showing them that the town is prospering and the mining interests are growing.

On the first floor, at the right hand side of the building are the general offices of the company, next on the left are the private offices, back of the general offices are the dining room and kitchen, and in the rear there is a large warehouse for the storing of the company's supplies. Upstairs are eighteen bedrooms, handsomely furnished and decorated which will be occupied by the officers and clerical force of the company.

Jufut Lindberg occupies a handsome suite of rooms in the front part of the second floor, composed of bedroom, smoking room and parlor. The building is 30x100 and a roadway surrounds it on all sides making it very convenient for the shipping of goods to the Company's properties.

The Pioneer Mining company is a co-partnership affair and is composed of Jufut Lindberg, Eric O. Lindblom and John Bryntson. Eugene Chibber is secretary and treasurer and Charles L. Johnson superintendent and purchasing agent.

ONE HONEST MAN FOUND

Councilman Rickard, Chief of Police Jack Jolly and Lew Little all had their nerves severely taxed the other day, also their lines of Nome. Every one of them, after coming through the scene, believe that there is at least one honest man in camp.

All three were standing in front of the Northern one day last week when a man approached the group and speaking to Jolly inquired if he was the Chief of Police. Upon responding that he was the man showed a \$20 bill to the Chief and said that he had just picked it up on the street and asked Jolly to look the owner as he might be a poor man and would feel very severely if the loss of the twenty spot.

Jolly nearly had a fit, but upon recovering he grasped the stranger's hand and with tears streaming from his eyes he exclaimed: "At least I have discovered an honest man in Nome, and I would advise you to keep the \$20 as it was known that you had done probably every man, woman and child in Nome would be clamoring for the money."

The tender of the bill, murmuring that he would give it to the poor, went

NEW COMPANY AT WORK

A Chicago and Boston Concern Puts Up a Fine Building.

Alexander Watson, J. P., representing a Chicago and Boston company that bought out the old A. B. M. & T. Co., is just about completing one of the best built structures in Nome. The new building almost faces the south end of Geiger's bridge and will be used for offices and a general headquarters for the company which owns large interests in York, Connell, Solomon, as well as on Abell and in the mountains behind April.

Mr. Watson came up last year and as well as purchasing property prospecting for himself in company with men who knew the country well. In the mountains behind Abell some large quartz properties were located. Mr. Watson said yesterday: "We took up a large number of quartz properties last year and are now beginning to work them. We have two mountains into which we are drifting tunnels and we propose to work during the winter."

"A number of our properties were staked over again in the snow last winter and sold to an innocent purchaser. We found afterward however that the innocent purchaser was in on the game and had backed the man who did the staking."

A material new to Nome is being used for the inside lining of Mr. Watson's new building. It is called plaster board and it is being largely used in Chicago to supplant plaster. It consists of a thin strip of well-seasoned wood coated on both sides with asbestos and even if put into a hot fire it will not burn. Outside the asbestos is a coating of thick brown paper.

"I brought a quantity of plaster board to Nome thinking it would be better than lime for our houses," said Mr. Watson. "We are using it and find that it serves our purpose very well. It also makes a warm and fire proof lining for houses."

Mr. Watson has been Justice of the Peace in Cook County, Illinois, for twelve consecutive years, and just before leaving for Nome this year he was re-elected for another term of four years.

RESIGNATION OF JAMES W. BELL

James W. Bell, late deputy clerk of the U. S. District Court has resigned his position in the office of the court house and has gone into a law partnership with P. C. Hullwah in the Kinross building. Mr. Bell has been contemplating this step for some time, but he played on at the District court till John T. Reed could return and take his old position. Finally however Mr. Reed expressed his willingness to take the office of Deputy Clerk and Mr. Bell consented to a transfer to the office of the court. In this change however he saw an opportunity to get

GOOD RESULTS ON VENETZIA

Some of the Properties Are Showing Up Splendidly.

Max Seanson, one of the owners of the claims on Venetia creek, inspected a number of the claims on his way down recently. In many cases he says he was allowed to pan for himself and he has established that some of the claims are going to produce fine results this season. "The No. 1 claims," he said "they are beginning to show. The best one they have got has been done to \$1.25 in a pan. In three or four days they have got fifteen to fifty cents. They have been only five or six inches in bedrock. On No. 2 claims they have found in three places from ten to twenty cents. I myself saw

COULD NOT FIND PAY DIRT

Bowman's Experience in a Much Boomed Claim.

"I will bet my life that not a dollar's worth of gold was taken out from No. 8 below Hatcher's discovery on Garfield creek last year, and that the gold that was displayed by Patterson was taken out from Nos. 5 and 6," said A. Bowman who has just returned from the Kugruk. Bowman stated that he entered a 100 foot lay from Patterson on No. 8 below last August and since April 22nd of this year he has been working on the claim, trying his best to find pay dirt, but without success. He ran up a drain ditch nearly 300 feet long and criss-crossed through about every ten feet from bank to bank, and in all that

40
BERT DOV
FRANK TV
TDB.
SALO
Fines B:
Dick Daw
Sec
Seco
Imported
MC
Is'th
Best
NAPH