

January 14, 1999

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 57-15-10 of the North Dakota Century Code, relating to correct placement of a reference to a city band levy;"

Page 1, line 12, after the fourth comma insert "21-10-06,"

Page 1, line 16, after the third comma insert "37-15-16, 37-15-17, 37-15-21,"

Page 1, line 20, replace "sections" with "section"

Page 1, line 21, after the first comma insert "subdivision b of subsection 2 of section 57-35.3-05, sections"

Page 27, after line 14, insert:

"SECTION 37. AMENDMENT. Section 21-10-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

21-10-06. Funds under management of board - Accounts. The board is charged with the investment of the following funds:

1. State bonding fund.
2. Teachers' fund for retirement.
3. State fire and tornado fund.
4. Workers' compensation fund.
5. ~~Veterans' home improvement fund, in accordance with section 37-15-14.1.~~
6. National guard tuition trust fund.
7. 6. Public employees retirement system.
8. 7. Insurance regulatory trust fund.
9. 8. State risk management fund.
10. 9. Veterans' cemetery trust fund.

Separate accounting must be maintained for each of the above funds. When it is deemed advantageous, the moneys of the individual funds may be commingled for investment purposes.

The state investment board may provide investment services to, and manage the money of, any agency, institution, or political subdivision of the state, subject to agreement with the industrial commission. The scope of services to be provided by the state investment board to the agency, institution, or political subdivision must be

specified in a written contract. The state investment board may charge a fee for providing investment services and any revenue collected must be deposited in the state retirement and investment fund."

Page 32, after line 10, insert:

"SECTION 52. AMENDMENT. Section 37-15-16 of the North Dakota Century Code is amended and reenacted as follows:

37-15-16. Commandant shall take charge of unclaimed estates of small value. If a member of the veterans' home dies leaving property of the value of three thousand dollars or less, the commandant immediately shall take charge of such property. If within forty-five days of the date of death no valid claim of any heir or devisee is made for the property and no application or petition has been filed for issuance of letters of administration, the commandant shall convert the property into cash without probate or other proceedings and make payment in the following order:

1. Reasonable funeral expenses.
2. Reasonable and necessary medical and hospital expenses of the last illness of the decedent.

If any cash remains the commandant shall deposit the cash with the state treasurer who shall credit it to the veterans' home ~~improvement~~ operating fund. The commandant shall make a report of the commandant's action to the administrative committee on veterans' affairs. The report must be audited by, and included in the records of, the committee.

SECTION 53. AMENDMENT. Section 37-15-17 of the North Dakota Century Code is amended and reenacted as follows:

37-15-17. Intestate members leaving estates valued in excess of three thousand dollars - Commandant to administer. If a member of the veterans' home dies leaving property in excess of three thousand dollars in value not disposed of by will, the commandant is entitled to letters of administration upon such estate. ~~He~~ The commandant shall ~~make application~~ apply to the proper court for letters of administration, qualify as administrator, and distribute and dispose of such estate as is provided by this code. If no valid claim is made to such estate by the heirs or the next of kin of the deceased member for a period of one year after the granting of letters of administration, the residue of the estate must be deposited with the state treasurer for the benefit of the veterans' home ~~improvement~~ operating fund.

SECTION 54. AMENDMENT. Section 37-15-21 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-15-21. Commandant may accept gifts, donations, or bequests. The commandant for and in behalf of the veterans' home is hereby authorized to accept and expend funds from any source, including federal or private sources and donations, gifts, or bequests offered or tendered to, or for the benefit of, the veterans' home to be used to benefit the veterans' home. All such moneys received or accepted must be used for the specific purposes for which they were given or donated. This authority shall apply and be retroactive to any or all gifts, donations, or bequests heretofore tendered, offered, or made. The veterans' home may establish and maintain its own local fund to administer moneys received under this section. All interest, rent, or income from moneys or property received under this section must be deposited in the veterans' home ~~improvement~~ operating fund unless by the terms of acquisition, the moneys are required to be maintained in a different manner."

Page 39, after line 16, insert:

"SECTION 70. A new subsection to section 57-15-10 of the North Dakota Century Code is created and enacted as follows:

Taxes levied for support of a city band may be levied in an amount not exceeding one mill.

SECTION 71. AMENDMENT. Subdivision b of subsection 2 of section 57-35.3-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. For purposes of determining distributions to and from the counties under section ~~57-38.3-09~~ 57-35.3-09:
 - (1) The balance in the financial institution tax distribution fund and the amount of the payment received by each county from the state shall be determined as if any credit allowed under subdivision a had not been claimed and the full amount of the tax otherwise due had been timely paid;
 - (2) The credited amount must be deducted from the distributions that would otherwise be made to and from the county that received the tax overpayment until the sum of the deductions equals the credit; and
 - (3) The deductions from distributions made by a county to each distributee must be proportionate to the overpayment of tax received by each distributee."

Renumber accordingly