

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, line 2, after "lands" insert "; to amend and reenact subsection 2 of section 47-30.1-30 and section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed property; to provide for retroactive application; and to declare an emergency"

Page 1, line 10, replace "2,415,900" with "2,343,160"

Page 1, line 12, replace "7,415,900" with "7,343,160"

Page 2, after line 2, insert:

**"SECTION 5. LEGISLATIVE INTENT - UNCLAIMED PROPERTY EXAMINATIONS - REPORT TO THE FIFTY-SEVENTH LEGISLATIVE ASSEMBLY.** It is the intent of the fifty-sixth legislative assembly that when conducting examinations pursuant to North Dakota Century Code chapter 47-30.1, the administrator of the state abandoned property office give priority to examinations of financial institutions and hospitals. The administrator of the state abandoned property office shall present a report to the fifty-seventh legislative assembly on abandoned property examinations conducted during the 1999-2001 biennium.

**SECTION 6. AMENDMENT.** Subsection 2 of section 47-30.1-30 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The administrator may not require a person to provide records for a period exceeding the current year and seven preceding fiscal years. The administrator may conduct the examination even if the person believes ~~it~~ that person is not in possession of any property reportable or deliverable under this chapter. The administrator may not contract for an examination done within this state.

**SECTION 7. AMENDMENT.** Section 47-30.1-32 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-32. Enforcement - Appeals.** The administrator may bring an action in a court of competent jurisdiction to enforce this chapter. A person in this state who is aggrieved by an audit that in any form requests the payment of money or a civil penalty is entitled to a hearing before the board of university and school lands. A demand for a hearing must be made within thirty days of the request by the administrator. The request by the administrator must contain notice of the right to a hearing. The board's decision is the final order of the agency and is appealable to the district court. Any amount of money requested by the administrator which may increase over time is tolled at the time of filing an appeal, retroactive to the date of the request.

**SECTION 8. RETROACTIVE APPLICATION.** Section 7 of this Act applies to all audits not settled before January 1, 1999.

**SECTION 9. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 226 - LAND DEPARTMENT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Assets management	\$2,436,471	\$2,415,900	(\$72,740)	\$2,343,160
Energy development impact office	5,004,267	5,000,000		5,000,000
Total all funds	\$7,440,738	\$7,415,900	(\$72,740)	\$7,343,160
Less special funds	<u>7,440,738</u>	<u>7,415,900</u>	<u>(72,740)</u>	<u>7,343,160</u>
General fund	\$0	\$0	\$0	\$0
FTE	19.00	19.00	(1.00)	18.00

Detail of Senate changes to the House version:

	REMOVE UNCLAIMED PROPERTY AUDITOR	TOTAL SENATE CHANGES
Assets management	(\$72,740)	(\$72,740)
Energy development impact office		
Total all funds	(\$72,740)	(\$72,740)
Less special funds	<u>(72,740)</u>	<u>(72,740)</u>
General fund	\$0	\$0
FTE	(1.00)	(1.00)

Senate changes narrative:

This amendment makes the following changes:

- Removes 1 FTE auditor I position from the unclaimed property audit program.
- Amends North Dakota Century Code Section 47-30.1-30 to provide that when conducting an unclaimed property audit, the Land Department cannot require a business to produce records for a period in excess of seven preceding years and to provide that the department cannot contract for unclaimed property audits conducted in this state.
- Amends Section 47-30.1-32 to provide that a person may appeal unclaimed property audit findings to the Board of University and School Lands and subsequently to district court.
- Provides legislative intent that for unclaimed property examinations conducted by the Land Department during the 1999-2001 biennium, priority must be given to examinations of financial institutions and hospitals and provides that a report must be presented to the Fifty-seventh Legislative Assembly on the examinations conducted.