

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1013

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of
2 university and school lands; to amend and reenact subsection 2 of section 47-30.1-30 and
3 section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed property; to
4 provide for retroactive application; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
7 funds as may be necessary, are hereby appropriated from special funds derived from the state
8 lands maintenance fund and the lands and minerals trust fund in the state treasury, not
9 otherwise appropriated, and other income to the commissioner of university and school lands
10 for the purpose of defraying the expenses of the commissioner of university and school lands,
11 for the biennium beginning July 1, 1999, and ending June 30, 2001, as follows:

| | |
|-------------------------------------|------------------|
| 12 Assets management | \$2,343,160 |
| 13 Energy development impact office | <u>5,000,000</u> |
| 14 Total special funds | \$7,343,160 |

15 **SECTION 2. OIL AND GAS IMPACT GRANT FUND.** The amount of \$5,000,000, or
16 so much of the amount as may be necessary, included in the total special funds appropriated in
17 section 1 of this Act may be spent from the oil and gas impact grant fund by the commissioner
18 of university and school lands for the purpose of providing oil and gas development impact
19 grants and the administration of the oil and gas development impact grant program for the
20 biennium beginning July 1, 1999, and ending June 30, 2001.

21 **SECTION 3. GRANTS.** Section 54-44.1-11 does not apply to appropriations made for
22 oil impact grants in section 1 of this Act.

23 **SECTION 4. LINE ITEM TRANSFERS - EMERGENCY COMMISSION AND BUDGET**

24 **SECTION APPROVAL.** Upon approval of the emergency commission, the commissioner of

1 university and school lands may transfer between various line items in section 1 of this Act
2 appropriation authority of up to ten percent of a given line item to adjust for changing
3 circumstances in meeting established performance measures. Any further transfers must be
4 approved by the budget section.

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

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

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

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

24 **47-30.1-32. Enforcement - Appeals.** The administrator may bring an action in a court
25 of competent jurisdiction to enforce this chapter. A person in this state who is aggrieved by an
26 audit that in any form requests the payment of money or a civil penalty is entitled to a hearing
27 before the board of university and school lands. A demand for a hearing must be made within
28 thirty days of the request by the administrator. The request by the administrator must contain
29 notice of the right to a hearing. The board's decision is the final order of the agency and is
30 appealable to the district court. Any amount of money requested by the administrator which

1 may increase over time is tolled at the time of filing an appeal, retroactive to the date of the
2 request.

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

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