

**FIRST ENGROSSMENT
with Conference Committee Amendments****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 declare legislative intent regarding priorities of the state
3 abandoned property office administrator; and to amend and reenact subsection 2 of section
4 47-30.1-30 and section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed
5 property records and appeals.

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

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

13 Assets management	\$2,415,900
14 Energy development impact office	<u>5,000,000</u>
15 Total special funds	\$7,415,900

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

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

SECTION 4. LINE ITEM TRANSFERS - EMERGENCY COMMISSION AND BUDGET

SECTION APPROVAL. Upon approval of the emergency commission, the commissioner of university and school lands may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

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 the administrator of the state abandoned property office give priority to unclaimed property holder education programs and, when conducting examinations under North Dakota Century Code chapter 47-30.1, the administrator give priority to examinations of financial institutions and hospitals. The administrator shall 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

- 1 notice of the right to a hearing. The board's decision is the final order of the agency and is
- 2 appealable to the district court. Any amount of money requested by the administrator which
- 3 may increase over time is tolled at the time of filing an appeal, retroactive to the date of the
- 4 request.