



**TESTIMONY OF SUSAN DOLLINGER
DIRECTOR – UNCLAIMED PROPERTY
North Dakota Department of Trust Lands**

House Bill 1267

**Finance and Taxation Committee
January 17, 2023**

Chairman Headland and members of the House Finance and Taxation Committee, I am Susan Dollinger, Director of the Unclaimed Property Division of the North Dakota Department of Trust Lands. I am here to testify in opposition of House Bill 1267.

The Unclaimed Property Division administers and enforces the Revised Uniform Unclaimed Property Act, more commonly referred to as RUUPA. The primary function of the Unclaimed Property Division is to protect consumers by ensuring unclaimed property is returned to its rightful owner.

While unclaimed property laws are as old as our nation and most states have operated unclaimed property programs for decades, the notion of “lucrative silence” motivated the Uniform Law Commission to develop the first Uniform Unclaimed Property Laws. State unclaimed property programs share the common view that holders of unclaimed property have no legal or moral right to unclaimed property being held on their books, but rather this property belongs to employees, customers, vendors, and shareholders.

For those of you unfamiliar with the concept of unclaimed property, I should note that in this context “property” is not real estate, but rather consists of intangible items such as uncashed vendor or payroll checks, dormant bank accounts, undeliverable securities, forgotten utility deposits, and in this case, unclaimed excess proceeds from a tax lien foreclosure sale.

N.D.C.C. ch. 47-30.2 directs all funds received by the Division be credited to the Common Schools Trust Fund. The funds are invested, and income generated during that time is used to benefit the education of children in North Dakota. All unclaimed property received is held in perpetuity in the Common Schools Trust Fund, meaning the owner has the right to claim the property at any time at no cost.

Mark your calendars because February 1st is National Unclaimed Property Day. It is promotions such as this and various other outreach activities which increase awareness of the program and in turn allows more citizens to visit our website to search for and claim their property.

It is also worth pointing out the issues surrounding excess proceeds from a sale of property under N.D.C.C. ch. 57-28 were thoughtfully considered during the 67th Legislative Assembly in HB 1199.

Mr. Chairman and members of the committee, I would urge you to have unclaimed excess funds derived from tax lien foreclosures continue to be placed in the custody of the Unclaimed Property Division rather than revert to the County. By placing it in the general fund of the Counties, owners of unclaimed property would not have the opportunity to search for and claim what is rightfully theirs.

Thank you for your time. I would stand for any questions you may have.