

25.0149.01002
Title.
Fiscal No. 2

Prepared by the Legislative Council
staff for House Appropriations -
Government Operations Division
Committee

February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1005

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer;
2 to amend and reenact subsection 15 of section 6-07.2-19, sections 10-15-49, 47-30.2-01, and
3 47-30.2-03, subdivision j of subsection 1 of section 47-30.2-22, subsection 4 of section
4 47-30.2-23, subsection 1 of section 47-30.2-24, subdivision b of subsection 3 of section
5 47-30.2-28, section 47-30.2-44, subsection 2 of section 47-30.2-46, subdivision c of
6 subsection 2 of section 47-30.2-50, section 47-30.2-53, subsection 1 of section 47-30.2-56,
7 subsection 2 of section 47-30.2-57, sections 47-30.2-64 and 47-30.2-66, subsection 4 of section
8 47-30.2-67, section 47-30.2-75, sections 54-11-13 and 54-27-15.1, subsection 6 of section
9 57-38-57, and subsections 3 and 8 of section 57-39.2-23 of the North Dakota Century Code,
10 relating to the transfer of unclaimed property administration from the commissioner of university
11 and school lands to the state treasurer and the salary of the state treasurer.

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

13 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
14 as may be necessary, are appropriated out of any moneys in the general fund in the state
15 treasury, not otherwise appropriated, to the state treasurer for the purpose of defraying the
16 expenses of the state treasurer, for the biennium beginning July 1, 2025, and ending June 30,
17 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
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1	Salaries and wages	\$1,605,584	\$0	\$1,605,584
2	Operating expenses	265,346	0	265,346
3	Coal severance payments	118,000	0	118,000
4	Total general fund	\$1,988,930	\$0	\$1,988,930
5	Full-time equivalent positions	7.00	0.00	7.00
6	<u>Salaries and wages</u>	<u>\$1,605,584</u>	<u>\$975,431</u>	<u>\$2,581,015</u>
7	<u>New and vacant FTE pool</u>	<u>0</u>	<u>54,672</u>	<u>54,672</u>
8	<u>Operating expenses</u>	<u>265,346</u>	<u>804,258</u>	<u>1,069,604</u>
9	<u>Coal severance payments</u>	<u>118,000</u>	<u>4,000</u>	<u>122,000</u>
10	<u>Carbon dioxide pipeline payments</u>	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
11	<u>Total all funds</u>	<u>\$1,988,930</u>	<u>\$3,838,361</u>	<u>\$5,827,291</u>
12	<u>Total special funds</u>	<u>0</u>	<u>1,711,352</u>	<u>1,711,352</u>
13	<u>Total general fund</u>	<u>\$1,988,930</u>	<u>\$2,127,009</u>	<u>\$4,115,939</u>
14	<u>Full-time equivalent positions</u>	<u>7.00</u>	<u>4.00</u>	<u>11.00</u>

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Information technology projects	\$0	\$110,000	\$110,000
Office furniture or equipment	0	8,000	8,000
Total	\$0	\$118,000	\$118,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The state treasurer may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. SPECIAL FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - OFFICE AND INFORMATION TECHNOLOGY PROJECTS. The sum of \$110,000

1 included in the other funds line item in section 1 of this Act and identified as one-time funding in
2 section 2 of this Act is from the strategic investment and improvements fund for information
3 technology projects.

4 **SECTION 5. AMENDMENT.** Subsection 15 of section 6-07.2-19 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 15. Within one hundred twenty days after the final distribution to members is started, the
7 credit union shall furnish to the commissioner's office a schedule of unpaid claims. The
8 board of directors of the credit union or the liquidating agent if appointed shall report
9 money in the account of a member who failed to surrender their passbooks or confirm
10 their balances, final distribution checks not cashed within one hundred twenty days,
11 and any unpaid claims to the unclaimed property ~~division of the board of university and~~
12 ~~school lands pursuant to~~ administrator under chapter 47-30.2.

13 **SECTION 6. AMENDMENT.** Section 10-15-49 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **10-15-49. Amounts due unknown persons.**

16 Upon liquidation of a cooperative, the assets distributable to persons who are unknown or
17 cannot be found may be reduced to cash and transferred to the ~~commissioner of university and~~
18 ~~school lands~~ unclaimed property administrator and shall be treated as abandoned and
19 unclaimed property under the escheat and abandoned property laws of the state.

20 **SECTION 7. AMENDMENT.** Section 47-30.2-01 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **47-30.2-01. (102) Definitions.**

23 As used in this chapter:

- 24 1. "Administrator" means the administrator of the state abandoned property office under
25 the state treasurer.
- 26 2. "Administrator's agent" means a person with which the ~~commissioner~~ state treasurer
27 contracts to conduct an examination under sections 47-30.2-54, 47-30.2-55,
28 47-30.2-56, 47-30.2-57, 47-30.2-58, 47-30.2-59, 47-30.2-60, 47-30.2-61, and
29 47-30.2-62 on behalf of the administrator. The term includes an independent
30 contractor of the person and each individual participating in the examination on behalf
31 of the person or contractor.

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- 1 3. "Apparent owner" means a person whose name appears on the records of a holder as
2 the owner of property held, issued, or owing by the holder.
- 3 4. ~~"Board" means the board of university and school lands.~~
- 4 ~~5.~~ "Business association" means a corporation, joint stock company, investment
5 company, partnership, unincorporated association, joint venture, limited liability
6 company, business trust, trust company, land bank, safe deposit company,
7 safekeeping depository, financial organization, insurance company, federally chartered
8 entity, utility, sole proprietorship, or other business entity, whether or not for profit.
- 9 ~~6.5.~~ "Cashier's check" means a check that:
- 10 a. Is purchased by a remitter and made payable to a designated payee;
- 11 b. Is signed by an officer or employee of the financial organization;
- 12 c. Authorizes payment of the amount shown on the check's face to the payee;
- 13 d. Is a direct obligation of the financial organization; and
- 14 e. Is provided to a customer of the financial institution or acquired from the financial
15 institution for remittance purposes.
- 16 ~~7.~~ ~~"Commissioner" means the commissioner of university and school lands.~~
- 17 ~~8.6.~~ "Confidential record" has the same meaning as defined in section 44-04-17.1.
- 18 ~~9.~~ ~~"Department" means the department of trust lands.~~
- 19 ~~10.7.~~ "Domicile" means:
- 20 a. For a corporation, the state of its incorporation;
- 21 b. For a business association whose formation requires a filing with a state, other
22 than a corporation, the state of its filing;
- 23 c. For a federally chartered entity, the state of its home office; and
- 24 d. For any other holder, the state of its principal place of business.
- 25 ~~44.8.~~ "Electronic" means relating to technology having electrical, digital, magnetic, wireless,
26 optical, electromagnetic, or similar capabilities.
- 27 ~~42.9.~~ "Electronic mail" means a communication by electronic means, together with
28 attachments, which is automatically retained and stored and may be readily accessed
29 or retrieved.
- 30 ~~43.10.~~ "Financial organization" means a savings and loan association, building and loan
31 association, savings bank, industrial bank, bank, banking organization, private banker,

- 1 trust company, credit union, or an organization defined as a bank or banking
2 organization under the laws of this state or of the United States.
- 3 ~~14.11.~~ "Game-related digital content" means digital content that exists only in an electronic
4 game or electronic-game platform.
- 5 a. The term includes:
- 6 (1) Game-play currency such as a virtual wallet, even if denominated in United
7 States currency; and
- 8 (2) The following if for use or redemption only within the game or platform or
9 another electronic game or electronic-game platform:
- 10 (a) Points sometimes referred to as gems, tokens, gold, and similar
11 names; and
- 12 (b) Digital codes; and
- 13 b. The term does not include an item that the issuer:
- 14 (1) Permits to be redeemed for use outside a game or platform for:
- 15 (a) Money; or
- 16 (b) Goods or services that have more than minimal value; or
- 17 (2) Otherwise monetizes for use outside a game or platform.
- 18 ~~15.12.~~ "Gift card" means a record that:
- 19 a. Is usable at:
- 20 (1) A single merchant; or
- 21 (2) A specified group of merchants;
- 22 b. Is prefunded before the record is used; and
- 23 c. Can be used for purchases of goods or services.
- 24 ~~16.13.~~ "Holder" means a person obligated to hold for the account of, or to deliver or pay to,
25 the owner, property subject to this chapter.
- 26 ~~17.14.~~ "Insurance company" has the same meaning as defined in section 26.1-02-01, and
27 also includes a benevolent society, nonprofit health service corporation, and a health
28 maintenance organization.
- 29 ~~18.15.~~ "Loyalty card" means a record given without monetary consideration under an award,
30 reward, benefit, loyalty, incentive, rebate, or promotional program which may be used
31 or redeemed only to obtain goods or services or a discount on goods or services. The

- 1 term does not include a record that may be redeemed for money or otherwise
2 monetized by the issuer.
- 3 ~~19.16.~~ "Mineral proceeds" means an obligation:
- 4 a. To pay resulting from the production and sale of minerals, including net revenue
5 interest, royalties, overriding royalties, production payments, and joint operating
6 agreements; or
- 7 b. For the acquisition and retention of a mineral lease, including bonuses, delay
8 rentals, shut-in royalties, and minimum royalties.
- 9 ~~20.17.~~ "Money order" means a payment order for a specified amount of money. The term
10 includes an express money order and a personal money order on which the remitter is
11 the purchaser.
- 12 ~~21.18.~~ "Municipal bond" means a bond or evidence of indebtedness issued by a municipality
13 or other political subdivision of a state.
- 14 ~~22.19.~~ "Net card value" means the original purchase price or original issued value of a stored-
15 value card, plus amounts added to the original price or value, minus amounts used
16 and any service charge, fee, or dormancy charge permitted by law.
- 17 ~~23.20.~~ "Non-freely transferable security" means a security that cannot be delivered to the
18 administrator by the depository trust clearing corporation or similar custodian of
19 securities providing post-trade clearing and settlement services to financial markets or
20 cannot be delivered because there is no agent to effect transfer. The term includes a
21 worthless security.
- 22 ~~24.21.~~ "Owner" means a person that has a legal, beneficial, or equitable interest in property
23 subject to this chapter or the person's legal representative when acting on behalf of
24 and in the best interest of the owner. The term includes:
- 25 a. A depositor, for a deposit;
- 26 b. A beneficiary, for a trust other than a deposit in trust;
- 27 c. A creditor, claimant, or payee, for other property; and
- 28 d. The lawful bearer of a record that may be used to obtain money, a reward, or a
29 thing of value.
- 30 ~~25.22.~~ "Payroll card" means a record that evidences a payroll-card account that is directly or
31 indirectly established through an employer and to which electronic fund transfers of

1 the consumer's wages, salary, or other employee compensation, such as
2 commissions, are made on a recurring basis, whether the account is operated or
3 managed by the employer, a third-party payroll processor, a depository institution, or
4 any other person.

5 ~~26-23.~~ "Person" means an individual, estate, business association, public corporation,
6 government or governmental subdivision, agency, or instrumentality, or other legal
7 entity.

8 ~~27-24.~~ "Property" means tangible property described in section 47-30.2-08 or a fixed and
9 certain interest in intangible property held, issued, or owed in the course of a holder's
10 business or by a government, governmental subdivision, agency, or instrumentality.

11 a. The term includes:

12 (1) All income from or increments to the property; and

13 (2) Property referred to as or evidenced by:

14 (a) Money, virtual currency, interest, or a dividend, check, draft, deposit,
15 or payroll card;

16 (b) A credit balance, customer's overpayment, stored-value card, security
17 deposit, refund, credit memorandum, unpaid wage, unused ticket for
18 which the issuer has an obligation to provide a refund, mineral
19 proceeds, or unidentified remittance;

20 (c) A security except for:

21 [1] A worthless security; or

22 [2] A security that is subject to a lien, legal hold, or restriction
23 evidenced on the records of the holder or imposed by operation
24 of law, if the lien, legal hold, or restriction restricts the holder's or
25 owner's ability to receive, transfer, sell, or otherwise negotiate
26 the security;

27 (d) A bond, debenture, note, or other evidence of indebtedness;

28 (e) Money deposited to redeem a security, make a distribution, or pay a
29 dividend;

30 (f) An amount due and payable under an annuity contract or insurance
31 policy;

- 1 (g) An amount distributable from a trust or custodial fund established
2 under a plan to provide health, welfare, pension, vacation, severance,
3 retirement, death, stock purchase, profit-sharing, employee-savings,
4 supplemental-unemployment insurance, or a similar benefit;
- 5 (h) Intangible property and any income or increment derived from the
6 intangible property held in a fiduciary capacity for the benefit of
7 another person;
- 8 (i) Mineral proceeds; and
- 9 (j) An in-store credit for returned merchandise.
- 10 b. The term does not include:
- 11 (1) Property held in a plan described in section 529A of the Internal Revenue
12 Code, as amended, [26 U.S.C. 529A];
- 13 (2) Game-related digital content;
- 14 (3) A loyalty card; or
- 15 (4) A gift card.
- 16 ~~28-25.~~ "Putative holder" means a person believed by the administrator to be a holder, until the
17 person pays or delivers to the administrator property subject to this chapter or the
18 administrator or a court makes a final determination that the person is or is not a
19 holder.
- 20 ~~29-26.~~ "Record" has the same meaning as defined in section 44-04-17.1.
- 21 ~~30-27.~~ "Security" means:
- 22 a. A security as defined in section 41-08-02;
- 23 b. A security entitlement as defined in section 41-08-02, including a customer
24 security account held by a registered broker-dealer, to the extent the financial
25 assets held in the security account are not:
- 26 (1) Registered on the books of the issuer in the name of the person for which
27 the broker-dealer holds the assets;
- 28 (2) Payable to the order of the person; or
- 29 (3) Specifically indorsed to the person; or
- 30 c. An equity interest in a business association not included in subdivision a or b.
- 31 ~~31-28.~~ "Sign" means, with present intent to authenticate or adopt a record:

- 1 a. To execute or adopt a tangible symbol; or
- 2 b. To attach to or logically associate with the record an electronic symbol, sound, or
- 3 process.
- 4 ~~32.29.~~ "State" means a state of the United States, the District of Columbia, the
- 5 Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or
- 6 insular possession subject to the jurisdiction of the United States.
- 7 ~~33.30.~~ "Stored-value card" means a card, code, or other device, including a merchandise
- 8 credit or rebate card, which is:
- 9 a. Issued on a prepaid basis primarily for personal, family, or household purposes to
- 10 a consumer in a specified amount, whether or not that amount may be increased
- 11 or reloaded in exchange for payment;
- 12 b. Redeemable upon presentation at multiple unaffiliated merchants for goods or
- 13 services or usable at automated teller machines; and
- 14 c. Not a gift card, payroll card, loyalty card, or game-related digital content.
- 15 ~~34.31.~~ "Utility" means a person that owns or operates for public use a plant, equipment, real
- 16 property, franchise, or license for the following public services:
- 17 a. Transmission of communications or information;
- 18 b. Production, storage, transmission, sale, delivery, or furnishing of electricity, water,
- 19 steam, or gas; or
- 20 c. Provision of sewage or septic services, or trash, garbage, or recycling disposal.
- 21 ~~35.32.~~ "Virtual currency" means a digital representation of value used as a medium of
- 22 exchange, unit of account, or store of value, which does not have legal tender status
- 23 recognized by the United States. The term does not include:
- 24 a. The software or protocols governing the transfer of the digital representation of
- 25 value;
- 26 b. Game-related digital content; or
- 27 c. A loyalty card or gift card.
- 28 ~~36.33.~~ "Worthless security" means a security whose cost of liquidation and delivery to the
- 29 administrator would exceed the value of the security on the date a report is due under
- 30 this chapter.

1 **SECTION 8. AMENDMENT.** Section 47-30.2-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **47-30.2-03. (104) Rulemaking.**

4 The ~~commissioner~~state treasurer may adopt rules to implement and administer this chapter.

5 **SECTION 9. AMENDMENT.** Subdivision j of subsection 1 of section 47-30.2-22 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 j. Contain other information the ~~commissioner~~state treasurer prescribes by rules.

8 **SECTION 10. AMENDMENT.** Subsection 4 of section 47-30.2-23 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 4. The ~~commissioner~~state treasurer may grant an extension of the reporting date for
11 good cause in the event of a national or state emergency.

12 **SECTION 11. AMENDMENT.** Subsection 1 of section 47-30.2-24 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 1. A holder required to file a report under section 47-30.2-21 shall retain records for ten
15 years after the later of the date the report was filed or the last date a timely report was
16 due to be filed, unless a shorter period is provided by rule of the ~~commissioner~~state
17 treasurer.

18 **SECTION 12. AMENDMENT.** Subdivision b of subsection 3 of section 47-30.2-28 of the
19 North Dakota Century Code is amended and reenacted as follows:

20 b. Maintain a website or database accessible by the public and electronically
21 searchable which contains the names reported to the administrator of apparent
22 owners for whom property that meets or exceeds the searchable value as set by
23 the ~~commissioner~~state treasurer is being held by the administrator. Property that
24 does not meet or exceed the searchable value must continue to be held by the
25 administrator but may not appear in the searchable website or database.

26 **SECTION 13. AMENDMENT.** Section 47-30.2-44 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **47-30.2-44. (801) Deposit of funds by administrator.**

29 1. Except as otherwise provided in this section, the ~~department~~state treasurer shall
30 deposit to the credit of the common schools trust fund all funds received under this

1 chapter, including proceeds from the sale of property under sections 47-30.2-40,
2 47-30.2-41, 47-30.2-42, and 47-30.2-43.

- 3 2. The ~~department~~state treasurer shall maintain an account with an amount of funds the
4 ~~commissioner~~state treasurer reasonably estimates is sufficient to pay claims allowed
5 under this chapter.

6 **SECTION 14. AMENDMENT.** Subsection 2 of section 47-30.2-46 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 2. ~~There is appropriated annually the~~The amounts necessary are appropriated to the
9 state treasurer on a continuing basis to pay all expense deductions under this section,
10 including:

- 11 a. Any costs in connection with the sale of abandoned property;
12 b. Costs of mailing, publication, and outreach efforts in connection with any
13 abandoned property;
14 c. Reasonable service charges;
15 d. Costs incurred in examining records of holders of property and in collecting the
16 property from those holders;
17 e. Funds for the payment of claims;
18 f. Funds for the payment of holder refunds; and
19 g. Funds for attorney's fees and all other reasonable costs and expenses incurred in
20 an action or suit.

21 **SECTION 15. AMENDMENT.** Subdivision c of subsection 2 of section 47-30.2-50 of the
22 North Dakota Century Code is amended and reenacted as follows:

- 23 c. The property has a value as provided by rules adopted by the ~~commissioner~~state
24 treasurer.

25 **SECTION 16. AMENDMENT.** Section 47-30.2-53 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **47-30.2-53. (906) Action by person whose claim is denied.**

28 Not later than one hundred eighty days after filing a claim under subsection 1 of section
29 47-30.2-50, the claimant may commence an action against the ~~board~~state treasurer in the
30 Burleigh County district court to establish a claim that has been denied or deemed denied under
31 section 47-30.2-50. If the ~~board~~state treasurer is successful in a proceeding brought under this

1 section, the district court shall allow the ~~board~~state treasurer to recover court costs; reasonable
2 costs, fees, disbursements, and expenses incurred by the ~~board~~state treasurer in the
3 proceeding; and reasonable attorney's fees.

4 **SECTION 17. AMENDMENT.** Subsection 1 of section 47-30.2-56 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. The ~~commissioner~~state treasurer shall adopt rules governing an examination under
7 section 47-30.2-55, including rules for use of an estimation, extrapolation, and
8 statistical sampling in conducting an examination. An examination commenced after
9 adoption of rules under this subsection must comply with the rules.

10 **SECTION 18. AMENDMENT.** Subsection 2 of section 47-30.2-57 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 2. The records subject to subsection 1:
- 13 a. May be used by the ~~board~~state treasurer in an action to collect property or
14 otherwise enforce this chapter;
 - 15 b. May be used in a joint examination conducted with or pursuant to agreements
16 with other states, the federal government, or other governmental entities;
 - 17 c. May be disclosed at the discretion of the ~~commissioner~~state treasurer, on
18 request, to the person that administers the unclaimed property law of another
19 state for that state's use in circumstances equivalent to circumstances described
20 in sections 47-30.2-54, 47-30.2-55, 47-30.2-56, 47-30.2-57, 47-30.2-58,
21 47-30.2-59, 47-30.2-60, 47-30.2-61, and 47-30.2-62. A state to which information
22 is disclosed shall maintain the confidentiality and security of information obtained
23 in a manner substantially equivalent to sections 47-30.2-71, 47-30.2-72, and
24 47-30.2-73;
 - 25 d. May be required to be produced under section 44-04-18.11; and
 - 26 e. May be required to be produced by the administrator on request of the person
27 subject to the examination in an administrative or judicial proceeding relating to
28 the property.

29 **SECTION 19. AMENDMENT.** Section 47-30.2-64 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **47-30.2-64. (1203) Action involving another state or foreign country.**

- 2 1. The administrator may join another state or foreign country to examine and seek
3 enforcement of this chapter against a putative holder.
- 4 2. The boardstate treasurer may pursue an action on behalf of this state to recover
5 property subject to this chapter but delivered to the custody of another state if the
6 administrator believes the property is subject to the custody of the administrator.
- 7 3. The boardstate treasurer may retain an attorney in this state, another state, or a
8 foreign country to commence an action to recover property on behalf of the boardstate
9 treasurer and may agree to pay attorney's fees based in whole or in part on a fixed
10 fee, hourly fee, or a percentage of the amount or value of property recovered in the
11 action.
- 12 4. Expenses incurred by this state in an action under this section must be paid in
13 accordance with section 47-30.2-46.

14 **SECTION 20. AMENDMENT.** Section 47-30.2-66 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **47-30.2-66. (1205) Other civil penalties.**

- 17 1. If a holder enters into a contract or other arrangement for the purpose of evading an
18 obligation under this chapter or otherwise willfully fails to perform a duty imposed on
19 the holder under this chapter, the commissionerstate treasurer may require the holder
20 to pay the administrator, in addition to interest as provided in subsection 1 of section
21 47-30.2-65, a civil penalty of one thousand dollars for each day the obligation is
22 evaded or the duty is not performed, up to a cumulative maximum amount of twenty-
23 five thousand dollars, plus twenty-five percent of the amount or value of property that
24 should have been, but was not reported, paid, or delivered as a result of the evasion
25 or failure to perform.
- 26 2. If a holder makes a fraudulent report under this chapter, the commissionerstate
27 treasurer may require the holder to pay to the administrator, in addition to interest
28 under subsection 1 of section 47-30.2-65, a civil penalty of one thousand dollars for
29 each day from the date the report was made until corrected, up to a cumulative
30 maximum of twenty-five thousand dollars, plus twenty-five percent of the amount or

1 value of any property that should have been reported, but was not included in the
2 report or was underreported.

3 **SECTION 21. AMENDMENT.** Subsection 4 of section 47-30.2-67 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 4. The ~~commissioner~~state treasurer may waive up to twenty-five thousand dollars of the
6 penalty or reduce interest. A request for a waiver or reduction of penalty in excess of
7 twenty-five thousand dollars must be presented to the ~~board, with the commissioner's~~
8 ~~recommendation,~~state treasurer for review and decision.

9 **SECTION 22. AMENDMENT.** Section 47-30.2-75 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **47-30.2-75. Enforcement - Appeals.**

12 The administrator may bring an action in a court of competent jurisdiction to enforce this
13 chapter. A person in this state aggrieved by an audit that in any form requests the payment of
14 money or a civil penalty is entitled to a hearing before the ~~board~~state treasurer. A demand for a
15 hearing must be made within thirty days of the request by the administrator. The request by the
16 administrator must contain notice of the right to a hearing. The ~~board's~~state treasurer's decision
17 is the final order of the agency and is appealable to the district court. Any amount of money
18 requested by the administrator which may increase over time is tolled at the time of filing an
19 appeal, retroactive to the date of the request.

20 **SECTION 23. AMENDMENT.** Section 54-11-13 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **54-11-13. Salary of state treasurer.**

23 The annual salary of the state treasurer is ~~one hundred thirty thousand~~one hundred
24 ~~thirty-nine thousand two hundred fifty-six~~ dollars through June 30, ~~2024~~2026, and ~~one hundred~~
25 ~~thirty-five thousand two hundred~~one hundred forty-three thousand four hundred thirty-four
26 dollars thereafter.

27 **SECTION 24. AMENDMENT.** Section 54-27-15.1 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **54-27-15.1. State treasurer's checks, warrants, and warrant-checks - Cancellation -**
2 **Deposit to common schools trust fund - Subsequent payment - Continuing**
3 **appropriation.**

4 The state treasurer, at the beginning of each fiscal year, shall prepare a list of the checks,
5 warrants, and warrant-checks drawn on various depositories which are more than two years old
6 which remain outstanding and unpaid and shall show the number, date, payee, with address of
7 payee if available, amount, and fund, if available, against which said instrument was drawn. A
8 copy of such list must then be used as an authority for writing a receipt of the total of such
9 check or checks and shall credit such amount to the common schools trust fund pursuant to
10 chapter 47-30.2. One copy of such receipt with list of instruments affected must be provided to
11 the unclaimed property administrator ~~of unclaimed properties~~. In the event such check, warrant,
12 or warrant-check is at any subsequent time presented for payment, or a claim is made by any
13 person for the amount of any such instrument, further proceedings must be conducted in
14 accordance with chapter 47-30.2. These expenditures are hereby subject to a standing and
15 continuing appropriation.

16 **SECTION 25. AMENDMENT.** Subsection 6 of section 57-38-57 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 6. Upon request, the tax commissioner may furnish to the unclaimed property ~~division of~~
19 ~~the board of university and school lands~~ administrator, a taxpayer's name, address,
20 and federal identification number for identifying the taxpayer as the owner of an
21 unclaimed voucher authorized by the tax commissioner or to locate the apparent
22 owner of unclaimed property as provided under chapter 47-30.2.

23 **SECTION 26. AMENDMENT.** Subsection 3 of section 57-39.2-23 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 25 3. The commissioner may furnish to workforce safety and insurance, the job insurance
26 division of job service North Dakota, and the secretary of state, upon request of the
27 respective agency, a list or lists of holders of permits issued under this chapter or
28 chapter 57-40.2, together with the addresses and tax department file identification
29 numbers of those permitholders. The agency may use the list or lists only for the
30 purpose of administering the duties of the agency. The commissioner may furnish to
31 the unclaimed property ~~division of the board of university and school~~

1 ~~lands~~administrator, upon its request, the name, address, and the permitholder's
2 federal identification number for the sole purpose of identifying the owner of an
3 unclaimed voucher authorized by the commissioner.

4 **SECTION 27. AMENDMENT.** Subsection 8 of section 57-39.2-23 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 8. Upon request, the commissioner may furnish to the unclaimed property ~~division of the~~
7 ~~board of university and school~~landsadministrator, a taxpayer's name, address, and
8 federal identification number for identifying the owner of an unclaimed voucher
9 authorized by the commissioner or to locate the apparent owner of unclaimed property
10 as provided under chapter 47-30.2.

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - State Treasurer - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$1,605,584	\$975,431	\$2,581,015
New and vacant FTE pool		54,672	54,672
Operating expenses	265,346	804,258	1,069,604
Coal severance payments	118,000	4,000	122,000
Carbon dioxide pipeline payments		2,000,000	2,000,000
Total all funds	\$1,988,930	\$3,838,361	\$5,827,291
Less estimated income	0	1,711,352	1,711,352
General fund	\$1,988,930	\$2,127,009	\$4,115,939
FTE	7.00	4.00	11.00

Department 120 - State Treasurer - Detail of House Changes

	Adds Funding for Salary and Benefit Increases ¹	Adds Funding to Replace 2023-25 FTE Pool ²	Transfers Funding for 2025-27 New and Vacant FTE Pool ³	Transfers Funding Between Line Items ⁴	Transfers FTE Positions from Trust Lands ⁵	Transfers Unclaimed Property Operating Expenses ⁶
Salaries and wages	\$159,675	\$21,090				
New and vacant FTE pool			(\$78,103)	\$14,372	\$858,397	
Operating expenses			54,672			
Coal severance payments				(14,372)		\$687,000
Carbon dioxide pipeline payments						
Total all funds	\$159,675	\$21,090	(\$23,431)	\$0	\$858,397	\$687,000
Less estimated income	55,681	0	(7,726)	0	858,397	687,000
General fund	\$103,994	\$21,090	(\$15,705)	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	4.00	0.00

	Adds Funding for IT Rate Increases ⁷	Adds Funding for Distributions ⁸	Adds One-Time Funding Items ⁹	Total House Changes
Salaries and wages				\$975,431
New and vacant FTE pool				54,672
Operating expenses	\$13,630		\$118,000	804,258
Coal severance payments		\$4,000		4,000
Carbon dioxide pipeline payments		2,000,000		2,000,000
Total all funds	\$13,630	\$2,004,000	\$118,000	\$3,838,361
Less estimated income	0	0	118,000	1,711,352
General fund	\$13,630	\$2,004,000	\$0	\$2,127,009
FTE	0.00	0.00	0.00	4.00

¹ The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$61,957	\$31,661	\$93,618
Health insurance increase	42,037	24,020	66,057
Total	\$103,994	\$55,681	\$159,675

² Funding of \$21,090 is added from the general fund to replace 2023-25 biennium new and vacant FTE pool funding for vacant FTE positions.

³ Funding of \$78,103 for estimated savings from vacant FTE positions is removed and funding of \$54,672 is added for a 2025-27 new and vacant FTE pool line item as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Vacant FTE positions	(\$52,351)	(\$25,752)	(\$78,103)
Funding pool line item	<u>36,646</u>	<u>18,026</u>	<u>54,672</u>
Net savings	(\$15,705)	(\$7,726)	(\$23,431)

⁴ Funding of \$14,372 is transferred from the operating expenses line item to the salaries and wages line item for cost to continue 2023-25 salary increases.

⁵ The following unclaimed property FTE positions and related funding are transferred from the Department of Trust Lands to the State Treasurer:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Unclaimed property program manager position	1.00	\$0	\$282,917	\$282,917
Unclaimed property administrative services positions	3.00	<u>0</u>	<u>575,480</u>	<u>575,480</u>
Total	4.00	\$0	\$858,397	\$858,397

⁶ Funding of \$687,000 from special funds for unclaimed property operating expenses is transferred from the Department of Trust Lands to the State Treasurer.

⁷ Funding of \$13,630 from the general fund is added from the general fund for information technology rate increases.

⁸ Funding of \$2,004,000 from the general fund is added for distributions as follows:

- \$4,000 for coal severance shortfall payments to provide total funding of \$122,000.
- \$2,000,000 for carbon dioxide pipeline payments in lieu of taxes pursuant to North Dakota Century Code Section 57-06-17.2.

⁹ One-time funding is added as follows:

- \$110,000 from the strategic investment and improvements fund for information technology projects.
- \$8,000 from special funds for office furniture or equipment related to unclaimed property.

The House version:

- Adds a section regarding the use of funding in the new and vacant FTE pool line item.
- Adds a section identifying \$110,000 from the strategic investment and improvements fund for information technology projects.
- Adds sections to transfer the administration of unclaimed property from the Department of Trust Lands to the State Treasurer.
- Adds a section to provide the statutory changes necessary to increase the State Treasurer's annual salary to \$139,256 (3 percent) effective July 1, 2025, and to \$143,434 (3 percent) effective July 1, 2026.