

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1013

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Operator's Signature

*Deanna Ballantyne*

Date

10/30/03

2003 HOUSE APPROPRIATIONS

HB 1013

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Deanna G. Ballantyne  
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10/30/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1013

House Appropriations Committee  
Government Operations Division

☐ Conference Committee

Hearing Date January 15, 2003

Tape Number	Side A	Side B	Meter #
1	x	x	
2	x	x	
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes:

**Chairman Carlisle** called the hearing to order, and roll was taken, all Rep. were present. Rep. Carlisle, Rep. Carson, Rep. Skarphol, Rep. Thoreson, Rep. Koppelman, Rep. Warner, Rep. Kroeber, Rep. Glassheim, and Rep. Tim.

**Gary Preszler, State Land Commissioner, State Land Department** shared his written testimony in support of HB 1013.

**Rep. Glassheim** asked how the money is distributed throughout the state.

**Gary Preszler** responded, the farm pool program. Lenders are more competitive with rates therefore, levels are decreasing.

**Chairman Carlisle** asked were the additional \$37,000 in the IT line was attributed to.

**Gary Preszler** responded replacement of equipment.

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*10/30/03*  
Date

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Hearing Date January 15, 2003

**Gary Preszler** in a response to a question from Rep. Koppleman, 14 million is currently being held in the unclaimed property pool.

**Rep. Koppleman** asked about the recovery efforts of his department regarding unclaimed property.

**Gary Preszler** responded a listing is run in the local and county newspapers. A notice will also be sent to the last address listed, occasionally, it's a book keeping issue and the department may not accept the money as being theirs.

**Rep. Koppelman** commented...There are several people that have no idea this exists. It's noble for the state to be the keeper of these funds, however, we have a responsibility to look for the folks and connect them to their funds.

**Rep. Skarphol** recommended an amendment to the agency budget that if a state agency does not claim those funds within a 12 month period, the funds should be put into the general fund.

**Gary Preszler** In some cases the agency doesn't claim the funds yet, it sits because of a book error with the company involved.

**Rep. Koppelman** commented on the high price of the unclaimed property software, and asked if the department has contact <sup>ITD</sup> ID to try and duplicate the software at a lesser cost.

**Gary Preszler** responded his department has not worked the IT department on this project.

In response to a questions from Rep. Skarphol a plan was given to the IT department regarding the interfacing issues. No final decision has been made.

**Rep. Tim** asked what was the balance in the common schools fund.

**Gary Preszler** 92% of total investments of trusts 475 million, it has some growth potential with the tobacco money and unclaimed property.

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Government Operations Division  
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Hearing Date January 15, 2003

**Rep. Carson** requested for a spreadsheet of the trusts managed by the department and what moneys are sent to the General Fund.

**Gary Preszler** written response will be provided

**Rep. Carson** asked when tracking tobacco money, numbers are not matching estimates.

**Gary Preszler** to date that amount is 38.4 million

**Chairman Carlisle** requested from OMB the change in estimated funds from the Land and Mineral trust to the general fund. A written response is found in the testimony.

**Rick Larson, Director, Energy Development Impact Office**, shared written testimony in support of HB1013.

**Vicky Stelner, Exec. Director ND Association of Oil & Gas Producing Counties**. Shared written testimony in support of HB 1013, and a hand out "Needs Assessment Survey"

**Ward Koerzer, Mayor, Williston, ND** spoke in support of HB 1013. The city of Williston, ND ended with an increase in special assessments when the oil boom was depleted. Help with the oil impact grants and an increase in sales taxes helped to resolve the challenges facing the city. He thanked the committee for their assistance in meeting the needs of the city.

**Rep. Tim** asked what the city has done so the city will put some controls on the expansions should there be another boom.

**Ward Koerzer** responded the city as put some practices in place to allow them to set some money aside. They have learned from their past and are working to diversify the community.

**Warren Larson, Superintendent of Schools, Williston, ND** shared written testimony with the committee in support of HB 1013. He shared they have one of the highest levies in the state, yet

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Government Operations Division  
Bill/Resolution Number HB1013  
Hearing Date January 15, 2003

are a frugal district, they are unable to maintain a large fund balance and are taxing to the utmost, yet are unable to bring in enough funds to meet the needs.

**Chairman Carlisle** asked is the district had a plan for the future.

**Ward Koeser, Mayor** responded the greatest asset of the city of Williston is it's water resources, they are working to increase irrigation, value added AG and tourism. They have yet to "land" a big manufacturer but are working.

**Dan Brosz, Bowman County Engineer**, shared written testimony with the committee in support of HB 1013. He was accompanied by County Commissioners Eugene Miller, Ken Steiner, and Eldon "Bus" Patterson. He shared the effects of the drilling in the county and the challenges and cooperative efforts being placed on Bowman Co.

**Rep. Tim** asked if a company invested in the road going into their plant.

**Dan Brosz**, they participate by paying a 5% tax. They may do maintenance, and they build the small entrance road. A partnership was established to build the Little Missouri bridge, that investment saved many miles of travel on county roads. Their biggest challenge of the county are the resurfacing of roads. Energy Impact has made a lot possible in the county. The oil companies are good partners with other needs i.e.: law enforcement, fire etc.

Hearing no further testimony on HB1013 the hearing was closed.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1013

House Appropriations Committee  
Government Operations Division

☐ Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
1	xx	xx	
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: COMMITTEE WORK

In attendance: Rep. Skarphol, Rep. Koppelman, Rep. Carlisle, Rep. Kroeber, Rep. Warner, and Rep. Thoreson.

**Linda Fisher, Land Dept.** Provided an agency written amendment regarding unclaimed property, see attached. Rep. Skarphol had also drafted an amendment, it was determined an amendment would be drafted by Legislative Council including both and signed by Rep. Koppelman.

**Lynn Helms, Oil & Gas Division** his proposed budget will give up 2 FTE's, he voiced a concern over the loss of 2, he felt his department could manage better with the loss of 1 FTE. A new web based program will be used to make the auditor position easier, as producers will submit their own data. His department currently has 2 FTE's services are adequate and reasonable. However, he felt there were unfair and unreasonable charges to every wall jack. His

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*Deanna Geller*  
Operator's Signature

10/30/03  
Date

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Government Operations Division

Bill/Resolution Number HB1013

Hearing Date January 28, 2003

department pays \$800/month to ITD for T1 charges to 3 field offices, they had requested DSL service to the offices and had been told no by ITD because this was outside the standard fire wall, his department has investigated moving the field offices into the homes of the employees so they can use DSL at approx. 30/month to save money. There are currently 3 field offices in Dickinson (5 FTE), Williston (3 FTE) and Minot (4 FTE). He has been advised by his staff they have been pushed to fit a "square into a circle" where there needs are concerned. Radio equipment has been changed to Cellular One service to save money. They discovered its more effective to add another phone to the pool than to increase the minute use. That phone may just sit, but the additional minutes are available through the state contract with the Central Procurement Dept. Gary Preszler, Commissioner, ND State Land Department indicated some small ITD items will be replaced. His dept. Has 2 ITD people. They will be replacing 2 servers and are currently on a 3 yr. Replacement schedule. The contractual services line includes \$17,000 in maintenance agreements.

Have no further discussion the committee adjourned.

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Operator's Signature

10/30/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

House Appropriations Committee  
Government Operations Division

☐ Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
1	x		
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: COMMITTEE WORK

Rep. Carlisle called the meeting to order, roll was taken with the following present: Rep. Carlisle, Rep. Koppelman, Rep. Skarphol, Rep. Thoreson, Rep. Timm, Rep. Glassheim, Rep. Kroeber, Rep. Warner, Rep. Carlson was absent.

**REP. KOPPELMAN MOTIONED TO ACCEPT AMENDMENT 38013.0105,**

**SECONDED BY REP. SKARPHOL,** the purpose of the amendment is to change the notification on unclaimed property, this would include 1 legal notice, and a 2nd notice which would be a display advertisement and a referral to a website. **MOTION CARRIED WITH 8 YEAS, 0 NAYS, AND REP. CARLSON ABSENT AND NOT VOTING.**

**REP. KOPPELMAN MOTIONED TO ACCEPT AMENDMENT 38013.0106, SECOND BY REP. THORESON,** explanation of the amendment was given by Legislative Council, (see

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*Donna Ball*  
Operator's Signature

10/30/03  
Date

Page 2  
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Bill/Resolution Number HB 1013  
Hearing Date February 6, 2003

amendment) MOTION CARRIED WITH 7 YEAHS, 0 NAYS, AND REP. TIMM AND  
REP. GLASSHEIM ABSENT AND NOT VOTING.

REP. KOPPELMAN MOTIONED TO PASS HB 1013 AS AMENDED, SECOND BY  
REP.. SKARPHOL, HEARING NO DISCUSSION THE ROLL WAS TAKEN. MOTION  
CARRIED 7 YEAHS, 0 NAYS WITH REP. TIMM AND GLASSHEIM ABSENT AND  
NOT VOTING.

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Operator's Signature

10/30/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

House Appropriations Committee  
Government Operations Division

☐ Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
1	xx		
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: **COMMITTEE WORK**

**Chairman Carlisle**, explained to the committee there had been an error on the amendment previously passed on HB 1013.

**A MOTION WAS MADE BY REP. KOPPELMAN, SECOND BY REP. WARNER TO RECONSIDER HB 1013, THE MOTION CARRIED BY VOICE VOTE.**

**Rep. Koppelman** introduced amendment 38013.0107 which would replace the previously approved amendments 38013.0105 & 38013.0106. The biennium in effect was listed incorrectly, this applies to the 03-05 amendment, this also addresses the salary issues.

**Rep. Kroeber** voiced concerned regarding the decrease in salaries.

**REP. KROEBER MOTIONED TO FURTHER AMEND .0107 TO REMOVE INFORMATION RELATIVE TO THE SALARY DECREASE IN THE STATEMENT**

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*Deanna G. Schmitt*  
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*10/30/03*  
Date

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Hearing Date February 10, 2003

**AND PURPOSE PORTION OF THE BILL AND CHANGE LINES 10 AND 15 TO THE  
ORIGINAL FIGURES.**

**ROLL CALL VOTE WAS TAKEN, WITH REP'S CARLISLE, CARLSON,  
KOPPELMAN, SKARPHOL, THORESON, AND TIMM VOTING NAY AND REP'S  
GLASSHEIM, WARNER AND KROBER VOTING YEAH, AMENDMENT DIES.  
REP. KOPPELMAN MADE A MOTION TO DO PASS ON AMENDMENT 38013.0107  
AND REMOVE AMENDMENTS 38013.0105 AND 38013.0106, SECOND BY REP.  
SKARPHOL. MOTION CARRIED 9 YEAHS, 0 NAYS, AND 0 ABSENT AND NOT  
VOTING.**

**A MOTION WAS MADE BY REP. KOPPELMAN TO DO PASS HB 1013 AS AMENDED  
SECOND BY REP. THORESON, MOTION CARRIES WITH 9 YEAHS, 0 NAYS, AND 0  
ABSENT AND NOT VOTING.**

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*Deanna Ballantyne*  
Operator's Signature

*10/30/03*  
Date



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

House Appropriations Committee

☐ Conference Committee

Hearing Date 02-11-03

Tape Number	Side A	Side B	Meter #
3	X		40
		X	0.0-3.0
Committee Clerk Signature <i>Chris E. Nyberg</i>			

Minutes:

**Chairman Svedjan** Opened HB 1013 for discussion.

**Rep. Koppleman** The Land Department is totally a specially funded agency. The amendment does 2 things. The amounts listed for various schools and other state institutions reflects a minor reduction in those amounts. Also, it defines issues dealing with unclaimed property, it tries to locate the owner. Now legal ads will be run back to back, 1 week apart to notify them. I move amendments .0108 to HB 1013 and 2nd by Rep. Brusegaard.

**Rep. Kerzman** What do the newspapers say about not publishing the legals anymore?

**Rep. Koppleman** We didn't ask them, but they shouldn't reject it.

**Motion Carries**

**Rep. Koppleman** I move Do Pass As Amended. 2nd by Rep. Carlisle. Motion Carries.

**Rep. Koppleman** will carry the bill to the floor.

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*Deanna Ball*  
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10/30/03  
Date

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1013

Page 1, line 2, replace the period with a semicolon and insert "to create and enact a new subsection to section 47-30.1-18 of the North Dakota Century Code, relating to unclaimed property notice to state agencies."

Page 2, after line 5, insert:

**"SECTION \_\_\_\_.** A new subsection to section 47-30.1-18 of the North Dakota Century Code is created and enacted as follows:

The administrator is not required to publish in the notice any property clearly identified as that belonging to a North Dakota State Agency. The administrator shall, within one year of receipt of State Agency property, notify the agency by certified mail. If a claim application for the property is not made within six months of the date of the certified mail receipt, the agency's right to recovery is relinquished. Property presumed to be state agency property that cannot be clearly identified as belonging to a specific agency is also exempt from public notice requirements."

Renumber accordingly

replaced w/  
ammendment  
38013.0101

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10/30/03

38013.0101  
Title.

Prepared by the Legislative Council staff for  
Representative Skarphol  
January 17, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1013

Page 1, line 2, after "lands" insert "; and to create and enact a new section to chapter 47-30.1 and a new subsection to section 47-30.1-18 of the North Dakota Century Code, relating to property unclaimed by state agencies"

Page 2, after line 5, insert:

**"SECTION 5.** A new subsection to section 47-30.1-18 of the North Dakota Century Code is created and enacted as follows:

The administrator may not publish in the notice any property clearly identified as belonging to a state agency.

**SECTION 6.** A new section to chapter 47-30.1 of the North Dakota Century Code is created and enacted as follows:

**Claims by state agencies.** A state agency shall claim unclaimed property within one year after the administrator receives the property. If the state agency does not claim the property within one year, the property is forfeited to the common schools trust fund and the administrator may not allow a claim for that abandoned property by that agency."

Renumber accordingly

*Changed to include  
annual report to Approp.  
budget section.*

38013.0102  
Title.

Prepared by the Legislative Council staff for  
Representative Koppelman  
January 28, 2003

**PROPOSED AMENDMENTS TO HOUSE BILL NO. 1013**

Page 1, line 2, after "lands" insert "; to provide for a report to the budget section; and to create and enact a new section to chapter 47-30.1 and a new subsection to section 47-30.1-18 of the North Dakota Century Code, relating to property unclaimed by state agencies"

Page 2, after line 5, insert:

**"SECTION 5. REPORT TO THE BUDGET SECTION.** The commissioner of university and school lands shall present a status report to the budget section of the legislative council annually regarding state agencies with unclaimed property.

**SECTION 6.** A new subsection to section 47-30.1-18 of the North Dakota Century Code is created and enacted as follows:

The administrator may not publish in the notice any property clearly identified as belonging to a state agency. Property presumed to be state agency property that cannot be clearly identified as belonging to a specific agency is also exempt from public notice requirements.

**SECTION 7.** A new section to chapter 47-30.1 of the North Dakota Century Code is created and enacted as follows:

**Claims by state agencies.** The administrator shall, within one year of receipt of state agency property, notify the agency by certified mail. If a claim application for the property is not made within one year of the date of the certified mail receipt, the agency's right to recover is relinquished."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 226 - Land Department**

**HOUSE -** Adds a section requiring the Land Department to report to the Budget Section annually on state agencies with unclaimed property, adds a section exempting state agencies from the public notice requirements for unclaimed property, and adds a section to notify state agencies by certified mail of unclaimed property and to relinquish the state agency's right to recover the unclaimed property if not claimed within one year of certified mail receipt.

Page No. 1

38013.0102

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10/30/03  
Date

38013.0105  
Title.

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

February 5, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1013

Page 1, line 2, after "lands" insert "; to create and enact a new section to chapter 47-30.1 and a new subsection to section 47-30.1-18 of the North Dakota Century Code, relating to property unclaimed by state agencies; to amend and reenact section 4 of chapter 38 of the 2001 Session Laws, relating to distribution amounts from permanent funds; and to declare an emergency"

Page 2, after line 5, insert:

**"SECTION 5.** A new subsection to section 47-30.1-18 of the North Dakota Century Code is created and enacted as follows:

The administrator may not publish in the notice any property clearly identified as belonging to a state agency. Property presumed to be state agency property that cannot be clearly identified as belonging to a specific agency also is exempt from public notice requirements.

**SECTION 6.** A new section to chapter 47-30.1 of the North Dakota Century Code is created and enacted as follows:

**Claims by state agencies - Budget section approval and report.** Within one year of receipt of state agency property, the administrator shall notify the agency by certified mail. The commissioner of university and school lands shall present a report to the budget section of the legislative council identifying every state agency that has not submitted a claim for property belonging to that agency within one year of the receipt of the date of the certified mail receipt. Upon approval of the budget section of the legislative council, the agency relinquishes its right to recover its property.

**SECTION 7. AMENDMENT.** Section 4 of chapter 38 of the 2001 Session Laws is amended and reenacted as follows:

**SECTION 4. DISTRIBUTIONS TO STATE INSTITUTIONS.** Notwithstanding section 15-03-05.2, during the biennium beginning July 1, 2001, and ending June 30, 2003, the board of university and school lands shall distribute the following amounts, or so much income as may be available, from the permanent funds managed for the benefit of the following entities:

North Dakota state university	\$1,330,974	\$1,132,000
University of North Dakota	995,044	946,000
Youth correctional center	502,823	396,000
School for the deaf	465,000	322,000
North Dakota state college of science	392,094	339,200
State hospital	374,856	325,200
Veterans' home	320,000	269,200
Valley City state university	310,100	268,000
School for the blind	290,000	247,200
Mayville state university	247,804	186,000
Minot state university - Bottineau	98,000	33,200
Dickinson state university	98,864	33,200

Minot state university  
Total

~~38,800~~ 33,200  
\$5,346,362 \$4,530,400

**SECTION 8. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 226 - Commissioner of University and School Lands**

HOUSE - Adds a section exempting state agencies from the public notice requirements for unclaimed property, adds a section to notify state agencies by certified mail of unclaimed property and, upon approval of the Budget Section, to relinquish the state agency's right to recover the unclaimed property if not claimed within one year of certified mail receipt, amends a section of the 2001 Session Laws to change the amounts distributed from the permanent funds during the 2001-03 biennium, and provides an emergency measure.

Date:02-06-03  
Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1013**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38013.0105

Action Taken To pass amendment 38013.0105

Motion Made By Rep. Koppelman Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson					
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm	X				
Rep. Glassheim	X				
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 8 No 0

Absent 1

Floor Assignment N/A

If the vote is on an amendment, briefly indicate intent:  
See attached amendment

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Deanna Ballantyne  
Operator's signature

10/30/03  
Date

38013.0106  
Title.

Prepared by the Legislative Council staff for  
Representative Koppelman  
February 6, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1013

Page 1, line 2, after "lands" insert "; and to amend and reenact section 47-30.1-18 of the North Dakota Century Code, relating to notice of abandoned property"

Page 2, after line 5, insert:

**"SECTION 5. AMENDMENT.** Section 47-30.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-18. Notice and publication of lists of abandoned property.**

1. The administrator shall cause a notice to be published not later than October first of the year immediately following the report required by section 47-30.1-17 at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.
2. ~~The published notice~~ One of the annual notices must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:
  - a. The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection 1.
  - b. A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator.
3. One of the annual notices must be a display advertisement that contains information on abandoned property and contact information for making an inquiry. The cost of this advertisement may not exceed the cost of the notice in subsection 2.
4. The administrator is not required to publish in the notice any items of less than fifty dollars unless the administrator considers their publication to be in the public interest.
4. 5. This section is not applicable to sums payable on traveler's checks, money orders, and other written instruments for which the holder is not required to report the name of the apparent owner."

Renumber accordingly



Date:02-06-03  
Roll Call Vote #: 2

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1013**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38013.0106

Action Taken To pass amendment 38013.0106

Motion Made By Rep. Koppelman Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson	X				
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm					
Rep. Glassheim					
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 7 No 0

Absent 2

Floor Assignment N/A

If the vote is on an amendment, briefly indicate intent:  
See attached amendment

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Operator's Signature

Date

Date:02-06-03  
Roll Call Vote #: 3

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1013

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38013.0106  
38013.0105

Action Taken DO PASS HB 1013 AS AMENDED

Motion Made By Rep. Koppelman Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson	X				
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm					
Rep. Glassheim					
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 7 No 0

Absent 2

Floor Assignment N/A

If the vote is on an amendment, briefly indicate intent:  
See attached amendment

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/30/03  
Date

Date: 02-10-03  
Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1013**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Reconsider HB 1013

Motion Made By Rep. Koppelman Seconded By Rep. Warner

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle					
Vice Chairman Carlson					
Rep. Koppelman					
Rep. Skarphol					
Rep. Thoreson					
Rep. Timm					
Rep. Glassheim					
Rep. Kroeber					
Rep. Warner					
VOICE VOTE.....					
MOTION CARRIED					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_ 0

Floor Assignment N/A

If the vote is on an amendment, briefly indicate intent:  
See attached amendment

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Operator's Signature

Date

10/30/03

38013.0107  
Title.  
Fiscal No. 1

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

February 7, 2003

*House*  
PROPOSED AMENDMENTS TO ~~SENATE~~ BILL NO. 1013  
*to be corrected.*

Page 1, line 2, after "lands" insert "; to provide for distribution amounts from permanent funds; to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to property unclaimed by state agencies; and to amend and reenact section 47-30.1-18 of the North Dakota Century Code, relating to notice of abandoned property"

Page 1, line 10, replace "1,898,164" with "1,878,020"

Page 1, line 15, replace "7,735,836" with "7,715,692"

Page 2, after line 5, insert:

**"SECTION 5. DISTRIBUTIONS TO STATE INSTITUTIONS.** Notwithstanding section 15-03-05.2, during the biennium beginning July 1, 2003, and ending June 30, 2005, the board of university and school lands shall distribute the following amounts, or so much income as may be available, from the permanent funds managed for the benefit of the following entities:

North Dakota state university	\$1,132,000
University of North Dakota	946,000
Youth correctional center	396,000
School for the deaf	322,000
North Dakota state college of science	339,200
State hospital	325,200
Veterans' home	269,200
Valley City state university	268,000
North Dakota vision services - School for the blind	247,200
Mayville state university	186,000
Minot state university - Bottineau	33,200
Dickinson state university	33,200
Minot state university	33,200
Total	\$4,530,400

**SECTION 6.** A new section to chapter 47-30.1 of the North Dakota Century Code is created and enacted as follows:

Claims by state agencies - Budget section approval and report. Within one year of receipt of state agency property, the administrator shall notify the agency by certified mail. The commissioner of university and school lands shall present a report to the budget section of the legislative council identifying every state agency that has not submitted a claim for property belonging to that agency within one year of the receipt of the date of the certified mail receipt. Upon approval of the budget section of the legislative council, the agency relinquishes its right to recover its property.

**SECTION 7. AMENDMENT.** Section 47-30.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-18. Notice and publication of lists of abandoned property.**

Page No. 1

38013.0107

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna G. Hall*  
Operator's Signature

*10/30/03*  
Date

1. The administrator shall cause a notice to be published not later than October first of the year immediately following the report required by section 47-30.1-17 at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.
2. ~~The published notice~~ One of the annual notices must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:
  - a. The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection 1.
  - b. A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator.
3. One of the annual notices must be a display advertisement or advertisements that contains information on abandoned property and contact information for making an inquiry. The cost of this advertisement may not exceed the cost of the notice in subsection 2.
4. The administrator is not required to publish in the notice any items of less than fifty dollars unless the administrator considers their publication to be in the public interest.
4. 5. This section is not applicable to sums payable on traveler's checks, money orders, and other written instruments for which the holder is not required to report the name of the apparent owner.
6. The administrator may not publish in the notice any property clearly identified as belonging to a state agency. Property presumed to be state agency property that cannot be clearly identified as belonging to a specific agency also is exempt from public notice requirements.

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1013 - Land Department - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,898,164	(\$20,144)	\$1,878,020
Operating expenses	812,572		812,572
Capital assets	37,000		37,000
Grants	4,888,100		4,888,100
Contingencies	100,000		100,000
Total all funds	\$7,735,836	(\$20,144)	\$7,715,692
Less estimated income	7,735,836	(20,144)	7,715,692
General fund	\$0	\$0	\$0
FTE	17.75	0.00	17.75

**Dept. 226 - Land Department - Detail of House Changes**

	REMOVES RECOMMENDED SALARY INCREASE 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$20,144)	(\$20,144)
Operating expenses		
Capital assets		
Grants		
Contingencies		
Total all funds	(\$20,144)	(\$20,144)
Less estimated income	(20,144)	(20,144)
General fund	\$0	\$0
FTE	0.00	0.00

1 This amendment removes the Governor's recommendation for state employee increases and retains the recommended state payment for health insurance premiums.

This amendment adds a section to notify state agencies by certified mail or unclaimed property and, upon approval of the Budget Section, to relinquish the state agency's right to recover the unclaimed property if not claimed within one year of certified mail receipt, and lists the amounts to be distributed from the permanent funds during the 2003-05 biennium. This amendment also amends Section 47-30.1-18 regarding notice and publication of lists of abandoned property and exempting state agencies from the public notice requirements for unclaimed property.

Date:02-10-03  
Roll Call Vote #: 2

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1013**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken To Further amend .0107; to remove information relative to the salary decrease in the statement and purpose portion of the amendment and change Lines 10 & 15 to the original figures.

Motion Made By Rep. Glassheim Seconded By Rep. Kroeber

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle		X			
Vice Chairman Carlson		X			
Rep. Koppelman		X			
Rep. Skarphol		X			
Rep. Thoreson		X			
Rep. Timm		X			
Rep. Glassheim	X				
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 3 No 6

Absent 0

Floor Assignment N/A

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Deanna Bell  
Operator's Signature

10/30/03  
Date

Date:02-10-03  
Roll Call Vote #: 3

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1013**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38013.0107

Action Taken Do Pass on Amendment 38013.0107 and remove amendments 38013.0105 & 38013.0106

Motion Made By Rep. Koppelman Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson	X				
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm	X				
Rep. Glassheim	X				
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 9 No 0

Absent 0

Floor Assignment N/A

If the vote is on an amendment, briefly indicate intent:  
See attached amendment

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Donna Ballantyne  
Operator's Signature

10/30/03  
Date



Date:02-10-03  
Roll Call Vote #: 4

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1013**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38013.0107

Action Taken DO PASS AS AMENDED

Motion Made By Rep. Koppelman Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	X				
Vice Chairman Carlson	X				
Rep. Koppelman	X				
Rep. Skarphol	X				
Rep. Thoreson	X				
Rep. Timm	X				
Rep. Glassheim	X				
Rep. Kroeber	X				
Rep. Warner	X				

Total (Yes) 9 No 0

Absent 0

Floor Assignment N/A

If the vote is on an amendment, briefly indicate intent:  
See attached amendment

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Deanna G. Hall  
Operator's Signature

10/30/03  
Date

38013.0108  
Title.0200  
Fiscal No. 1

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

February 10, 2003

VR  
2/18/03  
10/3

HOUSE AMENDMENTS TO HOUSE BILL NO. 1013 APP 2-19-03

Page 1, line 2, after "lands" insert "; to provide for distribution amounts from permanent funds; to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to property unclaimed by state agencies; and to amend and reenact section 47-30.1-18 of the North Dakota Century Code, relating to notice of abandoned property"

Page 1, line 10, replace "1,898,164" with "1,878,020"

Page 1, line 15, replace "7,735,836" with "7,715,692"

HOUSE AMENDMENTS TO HB 1013

APP 2-19-03

Page 2, after line 5, insert:

**"SECTION 5. DISTRIBUTIONS TO STATE INSTITUTIONS.** Notwithstanding section 15-03-05.2, during the biennium beginning July 1, 2003, and ending June 30, 2005, the board of university and school lands shall distribute the following amounts, or so much income as may be available, from the permanent funds managed for the benefit of the following entities:

North Dakota state university	\$1,132,000
University of North Dakota	946,000
Youth correctional center	396,000
School for the deaf	322,000
North Dakota state college of science	339,200
State hospital	325,200
Veterans' home	269,200
Valley City state university	268,000
North Dakota vision services - School for the blind	247,200
Mayville state university	186,000
Minot state university - Bottineau	33,200
Dickinson state university	33,200
Minot state university	33,200

Total \$4,530,400

**SECTION 6.** A new section to chapter 47-30.1 of the North Dakota Century Code is created and enacted as follows:

Claims by state agencies - Budget section approval and report. Within one year of receipt of state agency property, the administrator shall notify the agency by certified mail. The commissioner of university and school lands shall present a report to the budget section of the legislative council identifying every state agency that has not submitted a claim for property belonging to that agency within one year of the receipt of the date of the certified mail receipt. Upon approval of the budget section of the legislative council, the agency relinquishes its right to recover its property.

**SECTION 7. AMENDMENT.** Section 47-30.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-18. Notice and publication of lists of abandoned property.**

Page No. 1

38013.0108

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Operator's Signature

Date

10/30/03

1. The administrator shall cause a notice to be published not later than October first of the year immediately following the report required by section 47-30.1-17 at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.
2. ~~The published notice~~ One of the annual notices must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:
  - a. The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection 1.
  - b. A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator.
3. One of the annual notices must be a display advertisement that contains information on abandoned property and contact information for making an inquiry. The cost of this advertisement may not exceed the cost of the notice in subsection 2.
4. The administrator is not required to publish in the notice any items of less than fifty dollars unless the administrator considers their publication to be in the public interest.
5. This section is not applicable to sums payable on traveler's checks, money orders, and other written instruments for which the holder is not required to report the name of the apparent owner.
6. The administrator may not publish in the notice any property clearly identified as belonging to a state agency. Property presumed to be state agency property that cannot be clearly identified as belonging to a specific agency, also is exempt from public notice requirements.

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1013 - Land Department - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,898,164	(\$20,144)	\$1,878,020
Operating expenses	812,572		812,572
Capital assets	37,000		37,000
Grants	4,888,100		4,888,100
Contingencies	<u>100,000</u>		<u>100,000</u>
Total all funds	\$7,735,836	(\$20,144)	\$7,715,692
Less estimated income	<u>7,735,836</u>	<u>(20,144)</u>	<u>7,715,692</u>
General fund	\$0	\$0	\$0
FTE	17.75	0.00	17.75

HOUSE AMENDMENTS TO HB 1013  
Dept. 226 - Land Department - Detail of House Changes

APP 2-19308<sup>3</sup>

	REMOVES RECOMMENDED SALARY INCREASE 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$20,144)	(\$20,144)
Operating expenses		
Capital assets		
Grants		
Contingencies		
Total all funds	(\$20,144)	(\$20,144)
Less estimated income	(20,144)	(20,144)
General fund	\$0	\$0
FTE	0.00	0.00

1 This amendment removes the Governor's recommendation for state employee increases and retains the recommended state payment for health insurance premiums.

This amendment adds a section to notify state agencies by certified mail or unclaimed property and, upon approval of the Budget Section, to relinquish the state agency's right to recover the unclaimed property if not claimed within one year of certified mail receipt, and lists the amounts to be distributed from the permanent funds during the 2003-05 biennium. This amendment also amends Section 47-30.1-18 regarding notice and publication of lists of abandoned property and exempting state agencies from the public notice requirements for unclaimed property.

REPORT OF STANDING COMMITTEE (410)  
February 19, 2003 8:13 a.m.

Module No: HR-32-3211  
Carrier: Koppelman  
Insert LC: 38013.0108 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1013: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 2, after "lands" insert "; to provide for distribution amounts from permanent funds; to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to property unclaimed by state agencies; and to amend and reenact section 47-30.1-18 of the North Dakota Century Code, relating to notice of abandoned property"

Page 1, line 10, replace "1,898,164" with "1,878,020"

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Page 2, after line 5, insert:

**"SECTION 5. DISTRIBUTIONS TO STATE INSTITUTIONS.** Notwithstanding section 15-03-05.2, during the biennium beginning July 1, 2003, and ending June 30, 2005, the board of university and school lands shall distribute the following amounts, or so much income as may be available, from the permanent funds managed for the benefit of the following entities:

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State hospital	325,200
Veterans' home	269,200
Valley City state university	268,000
North Dakota vision services - School for the blind	247,200
Mayville state university	186,000
Minot state university - Bottineau	33,200
Dickinson state university	33,200
Minot state university	33,200
Total	\$4,530,400

**SECTION 6.** A new section to chapter 47-30.1 of the North Dakota Century Code is created and enacted as follows:

Claims by state agencies - Budget section approval and report. Within one year of receipt of state agency property, the administrator shall notify the agency by certified mail. The commissioner of university and school lands shall present a report to the budget section of the legislative council identifying every state agency that has not submitted a claim for property belonging to that agency within one year of the receipt of the date of the certified mail receipt. Upon approval of the budget section of the legislative council, the agency relinquishes its right to recover its property.

**SECTION 7. AMENDMENT.** Section 47-30.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-18. Notice and publication of lists of abandoned property.**

**REPORT OF STANDING COMMITTEE (410)**  
**February 19, 2003 8:17 a.m.**

**Module No: HR-32-3211**  
**Carrier: Koppelman**  
**Insert LC: 38013.0108 Title: .0200**

1. The administrator shall cause a notice to be published not later than October first of the year immediately following the report required by section 47-30.1-17 at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.
2. ~~The published notice~~ One of the annual notices must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:
  - a. The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection 1.
  - b. A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator.
3. One of the annual notices must be a display advertisement that contains information on abandoned property and contact information for making an inquiry. The cost of this advertisement may not exceed the cost of the notice in subsection 2.
4. The administrator is not required to publish in the notice any items of less than fifty dollars unless the administrator considers their publication to be in the public interest.
4. 5. This section is not applicable to sums payable on traveler's checks, money orders, and other written instruments for which the holder is not required to report the name of the apparent owner.
6. The administrator may not publish in the notice any property clearly identified as belonging to a state agency. Property presumed to be state agency property that cannot be clearly identified as belonging to a specific agency also is exempt from public notice requirements."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,898,184	(\$20,144)	\$1,878,020
Operating expenses	812,572		812,572
Capital assets	37,000		37,000
Grants	4,888,100		4,888,100
Contingencies	<u>100,000</u>		<u>100,000</u>
Total all funds	\$7,735,836	(\$20,144)	\$7,715,692
Less estimated income	<u>7,735,836</u>	<u>(20,144)</u>	<u>7,715,692</u>
General fund	\$0	\$0	\$0

(2) DESK, (3) COMM

Page No. 2

HR-32-3211

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Operator's signature

Date

10/30/03

**REPORT OF STANDING COMMITTEE (410)**  
**February 19, 2003 8:13 a.m.**

**Module No: HR-32-3211**  
**Carrier: Koppelman**  
**Insert LC: 38013.0108 Title: .0200**

FTE 17.75 0.00 17.75

**Dept. 226 - Land Department - Detail of House Changes**

	REMOVES RECOMMENDED SALARY INCREASE 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$20,144)	(\$20,144)
Operating expenses		
Capital assets		
Grants		
Contingencies		
Total all funds	(\$20,144)	(\$20,144)
Less estimated income	(20,144)	(20,144)
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee increases and retains the recommended state payment for health insurance premiums.

This amendment adds a section to notify state agencies by certified mail or unclaimed property and, upon approval of the Budget Section, to relinquish the state agency's right to recover the unclaimed property if not claimed within one year of certified mail receipt, and lists the amounts to be distributed from the permanent funds during the 2003-05 biennium. This amendment also amends Section 47-30.1-18 regarding notice and publication of lists of abandoned property and exempting state agencies from the public notice requirements for unclaimed property.

2003 SENATE APPROPRIATIONS

HB 1013

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Deanna G. Smith  
Operator's Signature

10/30/03  
Date



# 2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 2-27-03

Tape Number	Side A	Side B	Meter #
2	X		2278-end
		X	0-777
Committee Clerk Signature <i>Sandra Dawson</i>			

Minutes: Chairman Holmberg opened the hearing to HB 1013. A bill relating to provide an appropriation for defraying the expenses of the commissioner of university and school lands; relating to notice of abandoned property. (Meter 2278) Gary Preszler, Secretary for the Board of University and School Lands, and commissioner for the State Land Department: See written testimony Exhibit 1. (Meter 4085) Senator Mathern: Why don't you offer an option? Why not move this money out of your agency and put it back into the general fund? (Meter 4172) Gary Preszler: Explained the process of what happens to the unclaimed property. The agency holds the unclaimed property for the owner or the heirs to this property forever. While holding that money, it is deposited in the common school trust fund. Part of the school district distributions are from the property we hold. Same question was asked by the House. He felt this would be a mistake because what would happen is you transfer it back to the general fund but what if a hold determines later, that they are entitled to that money, they made a mistake, then it would be paid by the common school trust fund and how would it be able to be appropriated back from the

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Operator: *D. Hall* Signature

10/30/03  
Date

Page 2  
Senate Appropriations Committee  
Bill/Resolution Number HB 1013  
Hearing Date 2-27-03

general fund. Want it to become an Owner unknown fund. (Meter 4316) Chairman Holmberg asked Gary Preszler to give an example. What are we talking about that ends up being invested or put into the common school trust fund? Gary replies that unclaimed property can be dormet bank accounts, savings accounts, checks deposited, stocks that cannot locate previous customers, safety deposit box contents, businesses who checks never cashed. (Meter 4440) Senator Robinson: Gave an example of where a father passed away, the family was of the opinion that there were two small insurance policies that were not able to locate and they thought at some point of time they would be notified (1996), would those type of policies end up at unclaimed property? Or the insurance companies sit on them? Gary stated life insurance policies are not received at the agency, but the beneficiary proceeds would come to them. Only about 205 of businesses report unclaimed property. They may not even report it. Senator Robinson continued: Explain the Board of University and School Lands compensation, how they are appointed and when do they meet? Gary explained who was appointed to that board and they meet once a month. (Meter 4637) Senator Tallackson: Does the agency have auditors out in the business world who aggressively audit uncashed checks and such? Gary replied, no, not as aggressive as he would like to see. Explained some of the amendments that the House added, specifically about the publications in the paper twice a year. He would like to see the ads as specified, one a legal notice and the other an ad, the costs are similar. It saves a lot of time and administrative effort. (Meter 5189) Senator Andrist asked What was the House's thinking? Why the House did not simplify as a display notice. More discussion occurred about the costs of advertisements. It was also mentioned that the unclaimed property list is available on the Internet and other types of notification procedures. (Meter 5577) Senator Kringstad asked if there is a lot of people

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Bill/Resolution Number HB 1013  
Hearing Date 2-27-03

contacting the agency for unclaimed property? Any walk-in claims. Some send out information to parties that they may have unclaimed property and request \$25 for this listing. Gary Preszler stated this is a rip-off because this list is free. All this fee is supplying the Unclaimed Property address. (Meter 5962) Rick Larson, Director of the Energy Development Impact Office: See written testimony Exhibit 2.

**Tape 2 Side B**

Rick Larson continued his testimony. (Meter 99) Senator Krauter: Requested a schedule since 1991 as far as where we have been with the cap of 5 million. Rick Larson did have a list for him.

(Meter 130) Ward Koeser, Mayor of Williston: Spoke in favor of this legislation and representing the energy impact from his city and counties surrounding Williston.

(Meter 292) Vicki Steiner, Executive Director of the ND Association of Oil & Gas Producing Counties and the Coal Conversion Counties Association: Supports this bill with written testimony Exhibit 4 and 4A.

(Meter 404) Dan Brosz, Bowman County: Representing Bowman County along with Bus Patterson, County Commissioners of Bowman. See written testimony Exhibit 3.

(Meter 696) Dan Kilo, Williams County: On a township level, the energy impact program is crucial to the township. This program is the only shot to recuperate some moneys.

Chairman Holmberg closed the hearing to HB 1013

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Operator's Signature

10/30/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013 Vote

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 4-3-03

Tape Number	Side A	Side B	Meter #
2	X		2150-4784
Committee Clerk Signature <i>Sandra Davis</i>			

Minutes: CHAIRMAN HOLMBERG opened the hearing to vote on HB 1013. A bill relating to provide an appropriation for defraying the expenses of the commissioner of university and school lands; relating to notice of abandoned property.

(Meter 2199) GARY PRESZLER explained the amendment (38013.0201) but needed to be updated by Legislative Council (38013.0204). He explained that the House included parts of SB 2152 that was defeated (SB 2152 was passed by the Senate and defeated in the House). SB 2152 had made changes to the unclaimed property loss. The House did not like the bill and instead of amending it, they defeated it and asked them to amendment another bill. Since HB 1013 had an amendment that came from the House that included unclaimed property, that is the one we added it too. He explained the amendments Section by Section

(Meter 3065) SENATOR BOWMAN asked why do you have to be a private investigator to locate property for someone? GARY PRESZLER replied because of the methods in which they locate people. It is a common practices and it was the Private Investigators board that proposed

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*10/30/03*  
Date

Page 2  
Senate Appropriations Committee  
Bill/Resolution Number HB 1013  
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that in HB 1159, SENATOR BOWMAN continued with the property belongs to the individual who owns it, not the private investigator. He feels all he (the private investigator) is trying to do is to make money off of them.

(Meter 3229) CHAIRMAN HOLMBERG gave an example if he was a private investigator who would in this area, and he buys the list from the State Land Department and he finds someone on that list. He searches all the records in that particular city and find that he has never been in the newspaper, no one knows who he is, then he finds something in the traffic court with information. Then as a private investigator, he would contact that person and tell them he had found some information that may enable them to claim some unclaimed property. Then does parties have to pay the private investigator a finder fee and what if the party refuses?

(Meter 3350) GARY PRESZLER replied the two parties would have an agreement and the fee is limited to no more than 25% of the total amount. The Unclaimed property division does not enforce the contract with the private investigator to collect the 25%. What typically happens, the private investigator will not tell the party where the property is unless they sign a contract agreeing to pay the 25%. There is a concern that finders will buy the list from state agencies and will fraudulently file a claim and not pay the party their money. If the rightful owner then comes in a claims his property (money), the Unclaimed Property Division will have to pay him again and try to collect the money back from the private investigator.

(Meter 3521) SENATOR M'ATHERN stated he feels they are out of bounds here. If the House killed the bill, he feels they made a mistake, the bill should have been amended. He feels that the Appropriations committee should put the Senate bill back in this bill just the way they passed it.

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Then negotiate with the House in the conference committee. He feels this is outside of the proper process.

(Meter 3614) CHAIRMAN HOLMBERG stated these are two bills that are they are talking about. The first part was SB 2152 and the House killed with directions to Mr. Preszler to put those portions of the bill that they didn't have problems with onto HB 1013. What he doesn't understand is on HB 1159 the pedigree of that. Was that killed in the House or in the Senate?

(Meter 3675) GARY PRESZLER stated it was killed in the House. It failed with a vote of 16-76.

(Meter 3691) CHAIRMAN HOLMBERG asked if that was back in HB 1013? (Meter 3694)

GARY PRESZLER stated yes, it is. The reason being when the House asked to bring in portions of SB 2152 of what they liked. What they didn't like was the dollar amount and that created the second list which created this whole finders list again that was subjected to HB 1159. If the House wanted to see the dollar amounts left in, they created this list that was eliminated in SB 2152. That is why the private investigator portion was brought back in.

(Meter 3770) CHAIRMAN HOLMBERG stated the Appropriations committee did not see HB 1159 so was there a lot more in it? GARY PRESZLER stated yes, it came from the private investigative and security board. It related to unlicensed private practice and private investigator security service to amend and reenact sections related to the jurisdiction of the private investigative and security board and to provide a penalty. What they were proposing to do under Section 1 of the bill, was to change the definition of a private investigator license was to include the need for a license for those that were investigating the location or recovery of lost or stolen property, missing persons, owners of abandon property, trust property or heirs to estates. There was a number of other changes they were doing. As he mentioned, HB 1159, that requirement to

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be licensed for locating lost property was not the concern they had. When SB 2152 took the list out, there was a question of who gets that list.

(Meter 3990) SENATOR MATHERN asked if they put SB 2152 just like it was passed in the Senate, what would needed to be added to the amendment? GARY PRESZLER stated the only change would be the amount to exempt the amount. (Meter 4075) SENATOR MATHERN asked CHAIRMAN HOLMBERG if that is what they should do and then it will go into conference committee and they can clearly make their point in the conference committee. Now in a sense, they have made their point before it goes to conference by adopting this amendment. That is the reason for conference committees.

(Meter 4150) SENATOR MATHERN made a motion to further amend HB 1013.

CHAIRMAN HOLMBERG clarified that the first part is the reduction and there is a section in there, that the language that SENATOR ANDRIST worked on with SENATOR MATHERN, on page 2. He wanted clarification of what the amendment is?

(Meter 4274) SENATOR MATHERN moved to change the amendment to reflect the full wording of SB 2152 as it left the Senate. Seconded by ? A voice vote of yeas carried the amendment.

(Meter 4325) CHAIRMAN HOLMBERG clarified the amendment, in which the Legislative Council will put together, is to amend HB 1013 for the dollar amounts what is over on page 3, lines 8 and 9, and then remove the language that is in SB 2152 and Section 15, and put in the language from SB 2152. In Section 7, 8 would come out of the bill, Section 10, 11, 12, 13, 14, and 15 would come out of the bill. And in its place would be the language from SB 2152 as passed by the Senate.

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Date

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CHAIRMAN HOLMBERG stated that SENATOR MATHERN does make a point.

(Meter 4519) CHAIRMAN HOLMBERG asked all in favor of that amendment state yea. A voice vote of yeas passed. CHAIRMAN HOLMBERG asked for a motion on the bill of a DO PASS AS AMENDED. SENATOR ANDRIST asked for clarification of publication provisions and CHAIRMAN HOLMBERG stated it was left in and not changed on page 2, lines 7, 8, & 9. (Meter 4700) SENATOR ROBINSON made a motion of DO PASS AS AMENDED and seconded by SENATOR ANDRIST. SENATOR ROBINSON will carry the bill.

CHAIRMAN HOLMBERG closed the hearing on HB 1013. (Meter 4816).

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Date



38013.0201  
Title. *redo*  
Fiscal No. 1 *by lc*

Prepared by the Legislative Council staff for  
Senator Holmberg  
March 26, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, line 4, replace "section" with "subsection 3 of section 47-30.1-12, subsection 2 of section 47-30.1-17, sections" and after "47-30.1-18" insert "and 47-30.1-19.1, subsection 7 of section 47-30.1-20, section 47-30.1-21.1, subsection 1 of section 47-30.1-22, and sections 47-30.1-24 and 47-30.1-35"

Page 1, line 5, replace "notice of abandoned" with "unclaimed"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 2, line 28, remove "approval and"

Page 3, remove lines 2 and 3

Page 3, after line 3, insert:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 47-30.1-12 of the North Dakota Century Code is amended and reenacted as follows:

3. For the purpose of this section, a person who holds property as an agent for a business association holds the property in a fiduciary capacity for that business association alone, unless the agreement between the person agent and the business association provides otherwise.

**SECTION 8. AMENDMENT.** Subsection 2 of section 47-30.1-17 of the North Dakota Century Code is amended and reenacted as follows:

2. The report must be verified and include:
  - a. Except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of fifty dollars or more presumed abandoned under this chapter.
  - b. In the case of unclaimed funds of fifty dollars or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds.
  - c. In the case of the contents of a safe deposit box or other safekeeping repository, a description of the property; and the place where it the

~~property is held, where it may be inspected by the administrator, and any amounts owing to the holder.~~

- d. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items of value under fifty dollars each may be reported in the aggregate.
- e. The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property.
- f. Other information the administrator prescribes by rule as necessary for the administration of this chapter."

Page 3, line 7, overstrike "a notice" and insert immediately thereafter "two notices"

Page 3, line 8, overstrike "at least"

Page 3, line 9, overstrike "once a week for two consecutive weeks"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 10. AMENDMENT.** Section 47-30.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-19.1. Abandoned property lists - Preparation - Contents - Confidentiality Exempt from open records.**

1. The administrator shall prepare annually two lists with information about property paid or delivered to the administrator under section 47-30.1-17.
4. a. One list must refer to all securities and unclaimed funds of valued at fifty dollars or more in the administrator's custody and must contain the:
  - (1) The name and last known address of each person appearing from the holders' report to be entitled to the property; and the
  - (2) The name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company.
2. b. ~~The second~~ One list must refer to property that has been in the administrator's custody for more than twenty-four months and must contain ~~the following information:~~
  - a. (1) The name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company;
  - b. (2) The approximate amount paid or delivered to the administrator;

Page No. 2

38013.0201

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- e. (3) The name of the person who paid or delivered the property to the administrator;
  - e. (4) A general description of the property; and
  - e. (5) Other information the administrator deems appropriate for inclusion in the list.
3. ~~The lists described in this section must be updated annually.~~
4. 2. The ~~list~~ list described in ~~this section~~ subdivision a of subsection 1 must be available for public inspection at all reasonable business hours and copies of ~~each~~ the list must be available to the public for a fee to be set by the administrator. The list described in subdivision b of subsection 1 is an exempt record but must be made available, for a fee to be set by the administrator, to individuals holding a current North Dakota private investigator's license.
5. 3. Reports filed with the administrator under section 47-30.1-17 are ~~not public records~~ exempt from the open records law under section 44-04-18 and are not open to public inspection until twenty-four months after the date payment or delivery is made.

**SECTION 11. AMENDMENT.** Subsection 7 of section 47-30.1-20 of the North Dakota Century Code is amended and reenacted as follows:

- 7. Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The administrator shall require the owner to reimburse or pay the holder out of the for any outstanding fees before claim approval on safe deposit box contents or sale proceeds remaining after deducting the administrator's selling cost from safe deposit box contents.

**SECTION 12. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator provided the total amount of cash due the owner exceeds five dollars.

**SECTION 13. AMENDMENT.** Subsection 1 of section 47-30.1-22 of the North Dakota Century Code is amended and reenacted as follows:

- 1. Except as provided in subsection 2, the administrator, ~~within~~ not less than three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever manner affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property at a public sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any public sale held under this section must be preceded by a single publication of notice, at least two weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

**SECTION 14. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.
3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property are exempt records.

**SECTION 15. AMENDMENT.** Section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-35. Agreement to locate reported property.**

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable.
2. An agreement entered into after such twenty-four-month period is enforceable only if the agreement is in writing and the aggregate fee, compensation, or commission charged is not in excess of ten percent of the amount recovered.
3. An agreement with a person not licensed as a private investigator in this state is unenforceable.

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,898,164	\$1,878,020	(\$1,858)	\$1,878,162
Operating expenses	812,572	812,572	(90,000)	722,572
Capital assets	37,000	37,000		37,000
Grants	4,888,100	4,888,100		4,888,100
Contingencies	100,000	100,000	(50,000)	50,000
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834
Less estimated income	<u>7,735,836</u>	<u>7,715,692</u>	<u>(141,858)</u>	<u>7,573,834</u>
General fund	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75

Dept. 226 - Land Department - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REMOVES FUNDING FOR WEED CONTROL COSTS <sup>2</sup>	REDUCES THE CONTINGENCY LINE ITEM <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(90,000)
Capital assets				
Grants				
Contingencies			(\$50,000)	(50,000)
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	(1,858)	(90,000)	(50,000)	(141,858)
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the recommended state employee health insurance premiums from \$493 per month to \$488.70 per month.

<sup>2</sup> This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

<sup>3</sup> This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement of Budget Section approval before a state agency's right to recover property is relinquished; changes the notice and publication of abandoned property lists from a notice to two notices; removes the requirement that the notice must be published at least once a week for two consecutive weeks; removes the requirement that the cost of the abandoned property advertisement may not exceed the cost of the notice; and adds sections from Senate Bill No. 2152 relating to unclaimed property.

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38013.0204  
Title.0300

Prepared by the Legislative Council staff for  
Senate Appropriations  
April 4, 2003

*JE*  
4-4-3  
10/4

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, line 4, replace "section" with "subsection 3 of section 47-30.1-12, sections" and after "47-30.1-18" insert "and 47-30.1-19.1, subsection 7 of section 47-30.1-20, section 47-30.1-21.1, subsection 1 of section 47-30.1-22, and sections 47-30.1-24 and 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 2, line 28, remove "approval and"

Page 3, replace lines 2 and 3 with:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 47-30.1-12 of the North Dakota Century Code is amended and reenacted as follows:

3. For the purpose of this section, a person who holds property as an agent for a business association holds the property in a fiduciary capacity for that business association alone, unless the agreement between the person agent and the business association provides otherwise."

Page 3, line 7, overstrike "a notice" and insert immediately thereafter "two notices"

Page 3, line 8, overstrike "at least"

Page 3, line 9, overstrike "once a week for two consecutive weeks"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 9. AMENDMENT.** Section 47-30.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-19.1. Abandoned property list - Preparation - Contents - Confidentiality Exempt from open records law.** The administrator shall annually prepare ~~two lists~~ a list with information about property paid or delivered to the administrator under section 47-30.1-17.

- 2 of 4
1. ~~One~~ The list must refer to all securities and unclaimed funds of valued at fifty dollars or more in the administrator's custody and must contain the name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company.
  2. ~~The second list must refer to property that has been in the administrator's custody for more than twenty-four months and must contain the following information:~~
    - a. The name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company.
    - b. ~~The amount paid or delivered to the administrator.~~
    - c. The name of the person who paid or delivered the property to the administrator.
    - d. ~~a.~~ A general description of the property.
    - e. ~~The date on which the administrator received the property.~~
    - f. Other information the administrator deems appropriate for inclusion in the list.
  3. ~~The lists described in this section must be updated annually.~~
  4. 2. The list described in this section must be available for public inspection at all reasonable business hours and copies of each list must be available to the public for a fee to be set by the administrator.
  5. 3. Reports filed with the administrator under section 47-30.1-17 are ~~not public records and are not open to public inspection until twenty-four months after the date payment or delivery is made~~ an exempt record as defined in section 44-04-17.1. With the exception of items to be included in the administrator's annual list and publication, all other owner information is exempt from section 44-04-18.

**SECTION 10. AMENDMENT.** Subsection 7 of section 47-30.1-20 of the North Dakota Century Code is amended and reenacted as follows:

7. Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The administrator shall require the owner to reimburse or pay the holder out of the for any outstanding fees prior to claim approval on safe deposit box contents or sale proceeds remaining after deducting the administrator's selling cost from safe deposit box contents.

**SECTION 11. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other

364  
increments realized or accruing on the stock for as long as the stock is held by the administrator, provided the total amount of cash due the owner exceeds five dollars.

**SECTION 12. AMENDMENT.** Subsection 1 of section 47-30.1-22 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsection 2, the administrator, within not less than three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever manner affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property at a public sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any public sale held under this section must be preceded by a single publication of notice, at least two weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

**SECTION 13. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.
3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from section 44-04-18.

**SECTION 14. AMENDMENT.** Section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-35. Agreement to locate reported property.**

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable.
2. An agreement entered late after such twenty-four-month period is enforceable only if the agreement is in writing and the aggregate fee, compensation, or commission charged is not in excess of ten percent of the amount recovered."

Renumber accordingly



4 of 4

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,896,164	\$1,876,020	(\$1,858)	\$1,876,162
Operating expenses	812,572	812,572	(90,000)	722,572
Capital assets	37,000	37,000		37,000
Grants	4,888,100	4,888,100		4,888,100
Contingencies	<u>100,000</u>	<u>100,000</u>	<u>(50,000)</u>	<u>50,000</u>
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834
Less estimated income	<u>7,735,836</u>	<u>7,715,692</u>	<u>(141,858)</u>	<u>7,573,834</u>
General fund	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75

**Dept. 226 - Land Department - Detail of Senate Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REMOVES FUNDING FOR WEED CONTROL COSTS <sup>2</sup>	REDUCES THE CONTINGENCY LINE ITEM <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(\$90,000)
Capital assets				
Grants				
Contingencies			<u>(\$50,000)</u>	<u>(50,000)</u>
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	<u>(1,858)</u>	<u>(90,000)</u>	<u>(50,000)</u>	<u>(141,858)</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the recommended state employee health insurance premiums from \$493 per month to \$488.70 per month.

<sup>2</sup> This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

<sup>3</sup> This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement of Budget Section approval before a state agency's right to recover property is relinquished; changes the notice and publication of abandoned property lists from a notice to two notices; removes the requirement that the notice must be published at least once a week for two consecutive weeks; removes the requirement that the cost of the abandoned property advertisement may not exceed the cost of the notice; and adds sections from Senate Bill No. 2152 relating to unclaimed property.

Date: 4-3-83  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1013

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38013-0201

Action Taken Do PASS further amend

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman					
Senator Bowman, Vice Chair					
Senator Grindberg, Vice Chair					
Senator Andrist					
Senator Christmann					
Senator Kilzer					
Senator Krauter					
Senator Kringstad					
Senator Lindaas					
Senator Mathern					
Senator Robinson					
Senator Schobinger					
Senator Tallackson					
Senator Thane					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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Deanna Hallmark  
Operator's Signature

10/30/03  
Date

Date: 4-3-03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1013

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 380

Action Taken Do Pass As further amended

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson					
Senator Thane	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Robinson

If the vote is on an amendment, briefly indicate intent:

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Deanna Hallmark  
Operator's Signature

10/30/03  
Date

REPORT OF STANDING COMMITTEE (410)  
April 4, 2003 3:33 p.m.

Module No: SR-61-6878  
Carrier: Robinson  
Insert LC: 38013.0204 Title: .0300

**REPORT OF STANDING COMMITTEE**

HB 1013, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "section" with "subsection 3 of section 47-30.1-12, sections" and after "47-30.1-18" insert "and 47-30.1-19.1, subsection 7 of section 47-30.1-20, section 47-30.1-21.1, subsection 1 of section 47-30.1-22, and sections 47-30.1-24 and 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 2, line 28, remove "approval and"

Page 3, replace lines 2 and 3 with:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 47-30.1-12 of the North Dakota Century Code is amended and reenacted as follows:

3. For the purpose of this section, a person who holds property as an agent for a business association holds the property in a fiduciary capacity for that business association alone, unless the agreement between the ~~person~~ agent and the business association provides otherwise."

Page 3, line 7, overstrike "a notice" and insert immediately thereafter "two notices"

Page 3, line 8, overstrike "at least"

Page 3, line 9, overstrike "once a week for two consecutive weeks"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 9. AMENDMENT.** Section 47-30.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-19.1. Abandoned property ~~list~~ list - Preparation - Contents - Confidentiality Exempt from open records law.** The administrator shall annually ~~prepare two lists~~ a list with information about property paid or delivered to the administrator under section 47-30.1-17.

1. ~~One~~ The list must refer to all securities and unclaimed funds ~~of~~ valued at fifty dollars or more in the administrator's custody and must contain the ~~name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address~~

REPORT OF STANDING COMMITTEE (410)  
April 4, 2003 3:33 p.m.

Module No: SR-61-6878  
Carrier: Robinson  
Insert LC: 38013.0204 Title: .0300

~~of each insured person or annuitant and beneficiary from the report of an insurance company.~~

2. ~~The second list must refer to property that has been in the administrator's custody for more than twenty-four months and must contain the following information:~~
  - a. The name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company.
  - b. ~~The amount paid or delivered to the administrator.~~
  - c. The name of the person who paid or delivered the property to the administrator.
  - d. ~~A general description of the property.~~
  - e. ~~The date on which the administrator received the property.~~
  - f. Other information the administrator deems appropriate for inclusion in the list.
3. ~~The lists described in this section must be updated annually.~~
4. 2. The ~~lists~~ list described in this section must be available for public inspection at all reasonable business hours and copies of each list must be available to the public for a fee to be set by the administrator.
5. 3. Reports filed with the administrator under section 47-30.1-17 are ~~not public records and are not open to public inspection until twenty-four months after the date payment or delivery is made~~ an exempt record as defined in section 44-04-17.1. With the exception of items to be included in the administrator's annual list and publication, all other owner information is exempt from section 44-04-18.

**SECTION 10. AMENDMENT.** Subsection 7 of section 47-30.1-20 of the North Dakota Century Code is amended and reenacted as follows:

7. Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The administrator shall require the owner to reimburse or pay the holder out of the for any outstanding fees prior to claim approval on safe deposit box contents or sale proceeds remaining after deducting the administrator's selling cost from safe deposit box contents.

**SECTION 11. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other

increments realized or accruing on the stock for as long as the stock is held by the administrator, provided the total amount of cash due the owner exceeds five dollars.

**SECTION 12. AMENDMENT.** Subsection 1 of section 47-30.1-22 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsection 2, the administrator, ~~within~~ not less than three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever manner affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property at a public sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any public sale held under this section must be preceded by a single publication of notice, at least two weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

**SECTION 13. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.
3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from section 44-04-18.

**SECTION 14. AMENDMENT.** Section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-35. Agreement to locate reported property.**

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable.
2. An agreement entered ~~into~~ after such twenty-four-month period is enforceable only if the agreement is in writing and the aggregate fee,

REPORT OF STANDING COMMITTEE (410)  
April 4, 2003 3:33 p.m.

Module No: SR-61-6878  
Carrier: Robinson  
Insert LC: 38013.0204 Title: .0300

compensation, or commission charged is not in excess of ten percent of the amount recovered."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1013 - Land Department - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,898,184	\$1,878,020	(\$1,858)	\$1,876,162
Operating expenses	612,572	812,572	(90,000)	722,572
Capital assets	37,000	37,000		37,000
Grants	4,888,100	4,888,100		4,888,100
Contingencies	<u>100,000</u>	<u>100,000</u>	<u>(50,000)</u>	<u>50,000</u>
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834
Less estimated income	<u>7,735,836</u>	<u>7,715,692</u>	<u>(141,858)</u>	<u>7,573,834</u>
General fund	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75

Dept. 226 - Land Department - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REMOVES FUNDING FOR WEED CONTROL COSTS <sup>2</sup>	REDUCES THE CONTINGENCY LINE ITEM <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(90,000)
Capital assets				
Grants				
Contingencies			<u>(\$50,000)</u>	<u>(50,000)</u>
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	<u>(1,858)</u>	<u>(90,000)</u>	<u>(50,000)</u>	<u>(141,858)</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the recommended state employee health insurance premiums from \$493 per month to \$488.70 per month.

<sup>2</sup> This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

<sup>3</sup> This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement of Budget Section approval before a state agency's right to recover property is relinquished; changes the notice and publication of abandoned property lists from a notice to two notices; removes the requirement that the notice must be published at least once a week for two consecutive weeks; removes the requirement that the cost of the abandoned property advertisement may not exceed the cost of the notice; and adds sections from Senate Bill No. 2152 relating to unclaimed property.

2003 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1013

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Deanna Hill  
Operator's Signature

10/30/03  
Date



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

House Appropriations Committee  
Government Operations Division

☒ Conference Committee

Hearing Date April 14, 2003

Tape Number	Side A	Side B	Meter #
1	xx		35.5-54.3
1		xx	0-19.1
Committee Clerk Signature <i>Kelly Schmitt</i>			

Minutes: Conference Committee

Rep. Koppelman called the committee to order, roll was taken with the following in attendance

Rep. Koppelman, Rep. Kroeber, Sen. Bowman, Sen. Kringstad, Sen. Robinson, absent Rep. Thoreson.

Sen. Robinson asked Land Commissioner Gary Preszler to explain the Senate Changes on HB 1013.

Gary Preszler See Pg. 53-54 of the Legislative Council Analysis of Changes to the Governors Budget for Conference Committee dated 4-10-03). The Senate also allowed concurrent ads regarding the unclaimed property division. The House version gave no ability to access the name when the property is claimed. The Senate version directed a report to Legislative Council and name would remain on the list.

Rep. Kroeber asked about the funding of \$90,000

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*Deanna Williams*  
Operator's Signature

10/30/03  
Date

Page 2  
Government Operations Division  
Bill/Resolution Number HB 1013  
Hearing Date April 14, 2003

**Gary Preszler** The \$90,000 would be paid under the Trust Asset Fund, we have several trusts, payment would be determined by the trust who owns the land. Our department is concerned with the filing of fraudulent claims, using the monetary number in the listing. We are inviting theft when we show the dollar amount, especially large numbers.

**Rep. Koppelman** asked if this has been noticed in other states?

**Gary Preszler** The state becomes liable if property has been paid to the wrong claimant. The state would then have to try to recover the funds from the fraudulent claimant. We are not aware of any here to date.

**Linda Fisher, Unclaimed Property Administrator** noted, anyone can come in and buy a list, have to give the amounts to any who asks, we are required by law. We never put dollar amounts in the newspaper.

**Rep. Kroeber** asked Mr. Preszler if he was satisfied with the Senate Amendment.

**Gary Preszler** I would prefer we do not make the dollar amounts available. I don't want to see SB 2152 killed, it contains valuable information. We just want to find some middle ground.

**Sen. Robinson** We have no issues on the budget portion of the bill

**Sen. Bowman** noted the issue at hand, no-one can charge a fee until money has changed hands and proof of ownership has been addressed.

Meeting adjourned.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

House Appropriations Committee  
Government Operations Division

☒ Conference Committee

Hearing Date April 15, 2003

Tape Number	Side A	Side B	Meter #
2		xx	
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Conference Committee

**Chairman Koppelman** called the conference committee to order, all members were present including **Rep. Koppelman, Rep. Thoreson, Rep. Kroeber, Sen. Bowman, Sen. Kringstad and Sen. Robinson.**

**Sen. Robinson** reviewed a hand out from Gary Prezler (see handout). This outlines the House and Senate effects of HB 1013

**Rep. Koppelman** noted the current law on unclaimed property, the administration publishes 2 times/annually. House changed the ad to be 1 display and 1 legal. Cost couldn't be greater. The Senate was OK with this, but want the ads to run concurrent. Most people don't read the "legals", we wanted to talk to people in the language they understand, referring to the website and the phone number.

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*Deanna Gallardo*  
Operator's Signature

10/30/03  
Date

Page 2  
Government Operations Division  
Bill/Resolution Number HB 1013  
Hearing Date April 15, 2003

**Sen. Robinson** The argument was, you don't read it one and you lose it. Sen. Andrist referenced what to be included in the ad. Let's add some meaning to our effort, in the display ad. This effectively draws attention.

**Rep. Koppelman** our differences is whether we do both ads on the same day or not.

**Sen. Robinson** is they are done on separate days, you may try to find an old paper. Internet access isn't available to everyone and we need to remain sensitive to that.

**Rep. Kroeber** noted that many folks look for there own name, along with others they may know.

**Rep. Koppelman** if aggressive efforts were being made this discussion would be unnecessary. We started seeing items like UND, Higher Education and myself. I work in the state capitol, there has to be a better way, that's why we dug into this.

**Legislative Council** advised the reporting to legislative council remains, the budget reporting has been removed.

**OMB** numerous claims are under \$100, rather than deal with small amounts, the budget section was removed.

**Sen. Robinson** we need a threshold in the Budget Section, we have been passing too much to that section in the interim.

**Sen. Bowman** should we have them report to the legislative committee rather than the budget section. I thought the biggest issue was to identify the claimant.

**Sen. Robinson** use \$500 or \$1000 as a range

**Sen. Bowman** have them bring a list when the budget presentation is done in appropriations.

**Rep. Koppelman** I feel \$500 would be a good level.

A list of unclaimed property was distributed (see handout)

Page 3

Government Operations Division

Bill/Resolution Number HB 1013

Hearing Date April 15, 2003

**Lori, OMB** noted the unclaimed money sits in the Common Schools Trust Fund earning interest.

**Rep. Koppelman** noted there was strong resistance to bringing back SB 2152. There was resistance to bring a bill back as an amendment on a budget bill. We have no evidence of Fraud occurring, if there is we are unaware. Also, open records issue strong resistance on the House side. Air finders are being eliminated from going business in North Dakota.

**Sen. Bowman** regarding the contract fee for services, the fee could be paid at the time the client is being paid. The claimant and fee finder during settlement.

**Sen. Robinson** we amended unobjectable parts of SB 2152, good government should be proactive, we need to protect our citizens, the agency is doing a good job.

**Rep. Kroeber** commented, there is a misconception on airfinders. The claimants get the money and the claimant pays the airfinder. The department has no responsibility for that payment.

**Sen. Kringstad** commented the agency is doing a good job. Several states, Colorado for example are doing business for a fee, this is another issue.

Meeting adjourned.

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*Dennis Ball*  
Operator's Signature

10/30/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1013

House Appropriations Committee  
Government Operations Division

☒ Conference Committee

Hearing Date 4-16-03

Tape Number	Side A	Side B	Meter #
ONE	A		00 TO 7.5
Committee Clerk Signature <i>Ed Elfson</i>			

Minutes: The roll was taken and all members of the Conference Committee were present.

**Representative Koppelman:** Members of the committee, since we have last met, Senator Robinson and I have had a chance to visit a little bit. I also have had an opportunity to chant with others in the House and also with the Land Commissioner about some of these issues. To give you an overview where we are and where we need to go with this I think the sense in the House is that there is some concern about amending the entire budget bill. Senator Robinson was under the impression that the Senate only amended the non controversial Part but we were told by the Land Commission that the entire bill got amended so we are dealing With the prior Bill 2152. What I think we might want to look at doing and this was Senator Robinson's suggestion that we look at amending some of the non controversial items on to Budget bill from 2152 and I have not talked with the people directly involved on the House side

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*Deanna Hall*  
Operator's Signature

*10/30/03*  
Date

Page 2

Government Operations Division

Bill/Resolution Number HB 1013

Hearing Date 4--16--03

And so what I have done is ask the legislative council to prepare an amendment. So that we can deal with this and move it forward. What the amendment dose is first of all there are two issues related to differences in the bill unrelated to Senate Bill 2152 and actually there are three issues. Those issues are number one, remove the phrase from the House version of the bill that talks about the lower cost with regard to the publication of the advertisements that we discussed and I believe that is in the amendment that references page three removal of lines 24 and 25.

**Representative Thoreson:** In looking at these amendments, which version?

**Representative Koppelman:** We are dealing with the version that was just passed out. It is the first engrossment. .0200 answer. I am told by council that is what we need to amend. So on page three lines 24 and 25 deal with the issue cost of the advertisement could not exceed the cost of ((something in subsection two)) and that was at the request of the Land Commissioner. The reason for the request is they don't want to be forced to call all of these newspaper associations overtime they place an add and a on the fact that there are twelve less names on the list this time and how much is it going to cost this time. There going to watch there dollars. We trust them to do that. That is there job. So it is not our intent to micro manage anyway. So I think it is a good idea to remove that. The second thing it would do Is it would remove the concurrent publication requirement of Senate Bill and that is the one we talked about referencing having a display added to paper and referencing something of the same paper. They would still have the freedom to do that and the commissioner talked about this Just remove the requirement, they could test the water as to what works best and do what they want to do. Giving them that latitude makes sense.

Page 3

Government Operations Division

Bill/Resolution Number HB 1013

Hearing Date 1--16--03

**Rep. Carlson:** Mr. Chairman That part is something that the Senate put on. That is not included in this engrossment.

**Representative Koppelman:** Then the other issues that we deal with are if we keep the budget Section approval in I believe that was also part of the Senate Amendments to take that out so If we don't deal with it it will remain in effect with this bill. The three things that it would do That would specifically deal with 2252 would be that it would preclude the exemption making the information exempt from open records relating to ascertaining some of the identity. So if Came to a department to claim property and you had to prove who you were and the asked you for a say drivers license copy of birth certificate. This would include that provision. It would also include the section for that bill which has to do with dividend pay outs. A five dollar minimum. They are not forced to write. A check for eighty cents. The third thing that it would do is the administrator issue section ten and that has to do with timing relative to unclaimed property from other states and I would just clarify that the clock starts running when delivery is made to the administrator not to someone in other states. That is pretty much a house cleaning amendment. The rest of provisions having to do with the confidentiality of the dollar amount Is just to hot of an issue touch this time. I visited with the commissioner about that bring it back next time. I have also visited with the Attorney General office about this and they are working with the land department and are talking about how they can tighten there provisions. At to identity of part that is making claim. At a recent meeting they have some rule making authority

So I think this would be a good compromise for the committees consideration.

**SENATOR KRINGSTAD:** Made a motion for Senate to recede and further amend as to



Page 4  
Government Operations Division  
Bill/Resolution Number HB 1013  
Hearing Date 4--16--03

38013.0206 amendment. It was seconded by Senator Bowman.

**REPRESENTATIVE KOPPELMAN:** So what this motion will do it will clear up all the differences and we can't totally pass the bill out until we have results. So the motion is the senate has recessed and the bill and the committee will remain in existence I guess pending ((something that was unclear on tape could have been funding.)) When they put an amendment on it it will just be a matter of our committee coming together looking at amendment, passing it.

The roll was taken as to the amendment. There were six yes. Motion was carried.

The only Senate amendments we want to change are the ones we talked about.

**Representative Koppleman:** The Committee will remain in recess pending the call.

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Deanna Ballarath  
Operator's Signature

10/30/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1013

House Appropriations Government Operations Committee

☐ Conference Committee

Hearing Date 4-18-03

Tape Number	Side A	Side B	Meter #
3	x		0-1.8
Committee Clerk Signature <i>Jody Nourse</i>			

Minutes: Chairman Koppelman: called the conference committee to order on HB 1013.

All committee members were present.

Representative Koppelman: the amendments have been handed out, should be the amendment we adopted the other day, with the only addition being the IT agreement that has been reached.

OMB: this special fund agency is not on the list due to the constitution.

There is a motion by Rep. Thoreson and a second by Rep. Kroeber on DO PASS AS amended.

VOTE: 6 YES and 0 NO 0 absent. Motion passed

Meeting adjourned.

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*Dorinda Ballantyne*  
Operator's Signature

10/30/03  
Date

4-15-83

**SENATOR LARRY ROBINSON  
PROPOSED AMENDMENTS TO ENGROSSED HB 1013**

The amendments respond to the Fiscal Note on HB 1103 by reducing the Land Department's budget by \$140,000. The contingency line item is reduced from \$100,000 to \$50,000 and the operating expense line is reduced by \$90,000 for weed control costs. Under HB 1103, weed control expenses will be paid directly from trust assets and the bill also removed the need to budget for some unexpected expenses that will also, if ever incurred, be paid from trust assets.

Relating to unclaimed property, the amendments remove amendments added by the House which require Legislative Budget Section approval prior to a state agency relinquishing the right to recover property considered abandoned and held in the Common Schools Trust fund. Under the House amendments, the Unclaimed Property Administrator will still notify the agency by certified mail and report any state agency's unclaimed property to the Legislative Council. The House also changed the current requirement of two consecutive legal notice publications listing all unclaimed property owners to one legal publication and one display ad. The Senate Appropriations Committee felt that the process can be made even more effective if the publications run concurrently, with the display ad directing readers to the name-specific list printed in the legal notices.

The amendments also include provisions previously contained in SB 2152. Senate Bill 2152 exempted personal owner information submitted for property claims and the dollar amount of property held for an owner from the open records law. The Bill further provided for a number of changes to the unclaimed property law pertaining to the sale of safe deposit box contents and other administrative functions. Senate Bill 2152 unanimously passed the Senate but was defeated in the House. House members were concerned about removing the dollar amounts from the public lists, but asked that the non-objectionable provisions of SB 2152 be included in another bill. The Senate Appropriations Committee felt it appropriate to include the amount exception as originally contained in SB 2152.

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*Deanna G. Ball*  
Operator's Signature

10/30/03  
Date

38013.0206  
Title.

Prepared by the Legislative Council staff for  
Representative Koppelman  
April 16, 2003

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013**

That the Senate recede from its amendments as printed on pages 1350-1353 of the House Journal and pages 1174-1177 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 4, replace "section" with "sections" and after "47-30.1-18" insert ", 47-30.1-21.1, and 47-30.1-24 and subsection 1 of section 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 8. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator, provided the total amount of cash due the owner exceeds five dollars.

**SECTION 9. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.
3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.

4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from the open records law under section 44-04-18.

**SECTION 10. AMENDMENT.** Subsection 1 of section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 270 - State Land Department**

**CONFERENCE COMMITTEE** - This amendment removes the requirement that the cost of the display advertisement may not exceed the cost of the legal advertisement and adds three sections from Senate Bill No. 2152 relating to unclaimed property.

38013.0207  
Title.  
Fiscal No. 1

Prepared by the Legislative Council staff for  
Conference Committee  
April 17, 2003

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013**

That the Senate recede from its amendments as printed on pages 1350-1353 of the House Journal and pages 1174-1177 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 4, replace "section" with "sections" and after "47-30.1-18" insert ", 47-30.1-21.1, and 47-30.1-24 and subsection 1 of section 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 8. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator, provided the total amount of cash due the owner exceeds five dollars.

**SECTION 9. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of

Page No. 1

38013.0207

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*Deanna Hall*  
Operator's Signature

*10/30/03*  
Date

denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.

3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from the open records law under section 44-04-18.

**SECTION 10. AMENDMENT.** Subsection 1 of section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$1,898,184	\$1,878,020	(\$1,858)	\$1,878,162	\$1,878,162	
Operating expenses	812,572	812,572	(90,000)	722,572	722,572	
Capital assets	37,000	37,000		37,000	37,000	
Grants	4,888,100	4,888,100		4,888,100	4,888,100	
Contingencies	<u>100,000</u>	<u>100,000</u>	<u>(50,000)</u>	<u>50,000</u>	<u>50,000</u>	
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834	\$7,573,834	\$0
Less estimated income	<u>7,735,836</u>	<u>7,715,692</u>	<u>(141,858)</u>	<u>7,573,834</u>	<u>7,573,834</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75	17.75	0.00

**Dept. 226 - Land Department - Detail of Conference Committee Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REMOVES FUNDING FOR WEED CONTROL COSTS 2	REDUCES THE CONTINGENCY LINE ITEM 3	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(90,000)
Capital assets				
Grants				
Contingencies			(\$50,000)	(50,000)
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	<u>(1,858)</u>	<u>(90,000)</u>	<u>(50,000)</u>	<u>(141,858)</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

1 This amendment reduces funding for the recommended state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

3 This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement that the cost of the display advertisement may not exceed the cost of the legal advertisement and adds three sections from Senate Bill No. 2152 relating to unclaimed property.

**REPORT OF CONFERENCE COMMITTEE (420)**  
**April 21, 2003 8:40 a.m.**

**Module No: HR-72-7959**

**Insert LC: 38013.0207**

**REPORT OF CONFERENCE COMMITTEE**

**HB 1013, as engrossed:** Your conference committee (Sens. Bowman, Kringstad, Robinson and Reps. Koppelman, Thoreson, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1350-1353, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1350-1353 of the House Journal and pages 1174-1177 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 4, replace "section" with "sections" and after "47-30.1-18" insert ", 47-30.1-21.1, and 47-30.1-24 and subsection 1 of section 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

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**SECTION 9. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.



REPORT OF CONFERENCE COMMITTEE (420)  
April 21, 2003 8:40 a.m.

Module No: HR-72-7959

Insert LC: 38013.0207

3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from the open records law under section 44-04-18.

**SECTION 10. AMENDMENT.** Subsection 1 of section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$1,898,164	\$1,878,020	(\$1,858)	\$1,878,162	\$1,878,162	
Operating expenses	812,572	812,572	(90,000)	722,572	722,572	
Capital assets	37,000	37,000		37,000	37,000	
Grants	4,888,100	4,888,100		4,888,100	4,888,100	
Contingencies	100,000	100,000	(50,000)	50,000	50,000	
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834	\$7,573,834	\$0
Less estimated income	7,735,836	7,715,692	(141,858)	7,573,834	7,573,834	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75	17.75	0.00

**Dept. 226 - Land Department - Detail of Conference Committee Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REMOVES FUNDING FOR WEED CONTROL COSTS 2	REDUCES THE CONTINGENCY LINE ITEM 3	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(90,000)
Capital assets				
Grants				
Contingencies			(\$50,000)	(50,000)
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	(1,858)	(90,000)	(50,000)	(141,858)
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the recommended state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

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**REPORT OF CONFERENCE COMMITTEE (420)**  
**April 21, 2003 8:40 a.m.**

**Module No: HR-72-7959**

**Insert LC: 38013.0207**

<sup>3</sup> This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement that the cost of the display advertisement may not exceed the cost of the legal advertisement and adds three sections from Senate Bill No. 2152 relating to unclaimed property.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

(2) DESK, (2) COMM

Page No. 3

HR-72-7959

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10/30/03  
Date

2003 TESTIMONY

HB 1013

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*10/30/03*  
Date

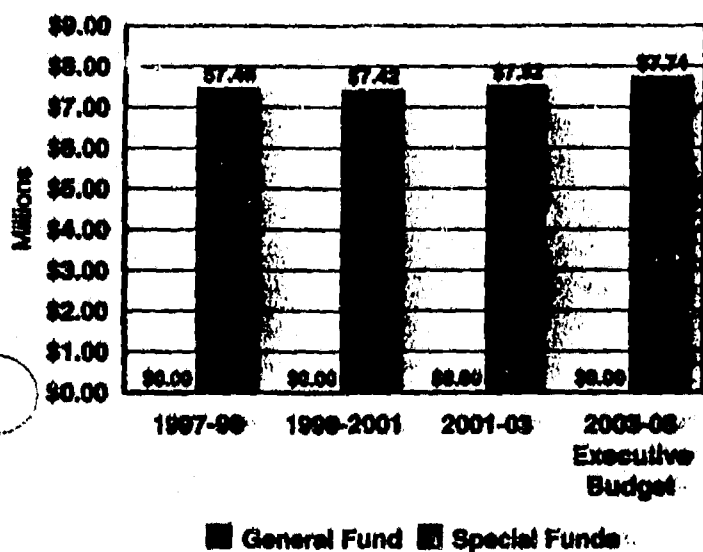
Prepared by the North Dakota Legislative Council  
staff for House Appropriations  
January 13, 2003

**Department 226 - Land Department**  
**House Bill No. 1013**

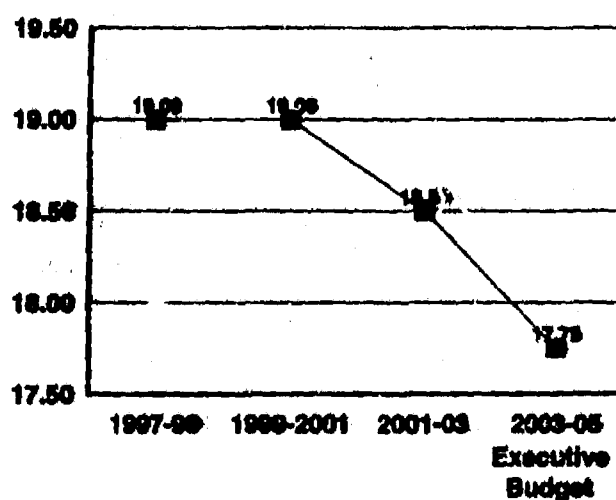
	FTE Positions	General Fund	Other Funds	Total
2003-05 Executive Budget	17.75	\$0	\$7,735,836	\$7,735,836
2001-03 Legislative Appropriations	18.50	0	7,515,303	7,515,303 <sup>1</sup>
Increase (Decrease)	(0.75)	\$0	\$220,533	\$220,533

<sup>1</sup> The 2001-03 appropriation amounts include \$6,439 from special funds for the agency's share of the \$5 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

**Agency Funding**



**FTE Positions**



**Executive Budget Highlights**

	General Fund	Other Funds	Total
1. Deletes .75 FTE administrative secretary III position		(\$62,701)	(\$62,701)
2. Provides contingency line for funding unforeseen costs on school lands		\$100,000	\$100,000
3. Provides funding in operating expenses to purchase unclaimed property software		\$85,500	\$85,500
4. Provides funding in capital assets for purchase of new information technology equipment		\$37,000	\$37,000

**Major Related Legislation**

**House Bill No. 1103** - This bill provides continuing appropriations for the payment of certain expenses of the Board of University and School Lands relating to investments and repeals North Dakota Century Code Section 15-03-01.3 relating to the apportionment of Board of University and School Lands maintenance fund balances.

**House Bill No. 1119** - This bill establishes the Indian cultural education trust for the purpose of generating income to benefit Indian culture and provides a continuing appropriation.

**House Bill No. 2094** - This bill allows the Board of University and School Lands to lend securities held by the permanent funds, using the authority to pledge a security interest in the securities in the possession of a custodian agent.

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*Deanna G. Ball*  
Operator's Signature

10/30/03  
Date

1707 North 9th Street  
PO Box 5523  
Bismarck, ND 58506-5523  
Phone: (701) 328-2800  
Fax: (701) 328-3850

[www.land.state.nd.us](http://www.land.state.nd.us)  
[www.discovernd.com](http://www.discovernd.com)



Gary D. Preszler, Commissioner

### DEPARTMENT PURPOSE

The Land Grant to the State from the federal government and the State Constitution provides that the Board of University and Schools Land shall manage the land, minerals and proceeds from the land for the exclusive benefit of the institutions for which they were granted. The income earned is to be distributed for the exclusive benefit of those trust beneficiaries.

Income is generated through prudent management of trust assets, consisting of over 714,000 surface acres, over 2.5 million mineral acres, and over \$529 million in permanent trust fund financial assets. The surface acres are leased to ranchers and farmers across the state. The 2.5 million mineral acres are offered for oil, gas, coal, gravel and scoria leasing. Revenues from all sources are deposited in trust funds and are invested in the Farm Loan Pool administered by the Bank of North Dakota, U.S. Treasury notes and bonds, and corporate bonds and stocks. The income from these investments, together with surface and mineral rentals, is distributable to schools (public grades K-12), educational and other public institutions at specified intervals throughout the biennium.

The following is a list of beneficiaries of the various trust funds administered by the Land Department pursuant to Article IX of the North Dakota Constitution:

- |                                  |                                |
|----------------------------------|--------------------------------|
| 1) Common Schools                | 8) Mayville State University   |
| 2) North Dakota State University | 9) Industrial School           |
| 3) School for the Blind          | 10) State College of Science   |
| 4) School of the Deaf            | 11) Schools of Mines           |
| 5) State Hospital                | 12) Veterans Home              |
| 6) Ellendale State College       | 13) University of North Dakota |
| 7) Valley City State University  | 14) Capitol Building           |

The largest trust administered by the Land Department is the Common Schools Trust Fund, which distributes its income to the various school districts through the Department of Public Instruction. The distribution amounts to \$280 per student in kindergarten through grade 12.

The Land Department also administers the Uniform Unclaimed Property Act (NDCC 47-30.1). In this capacity the Department collects "unclaimed property" (un-cashed checks, unused bank accounts, etc.), and verifies and pays owner claims. Property acquired via this Act is held in trust in perpetuity on behalf of the owner. The income from property which remains unclaimed is distributed to ND public schools grades K-12.

### ACHIEVEMENT MEASUREMENTS (ACCOMPLISHMENTS)

#### SURFACE DIVISION

Annually approximately \$4.4 million in leasing revenue is generated from surface grazing leases. There are approximately 4,500 leases on school trust lands and the lease term is a maximum of 5 years. Expiring leases are offered each spring and fall at public auction. Leasing success continues to be over 99%.

Noxious weed control is also an important ongoing activity in the surface management division. Each year approximately 5,000 - 6,000 acres are sprayed to control leafy spurge. We also have an active biological control program with over 500 flea beetle sites on school trust lands. These sites are used both to control leafy spurge and also for collection sites to move flea beetles to other tracts of school trust land. Where flea beetles have controlled the leafy spurge, we have been able to eliminate spraying.

*Deanna Ball*  
Operator's Signature

10/30/03  
Date

## MINERALS DIVISION

Oil and gas leasing activity for the 1999-2001 biennium was slow according to historic numbers, and minimal leasing activity continues in the first year of the 2001-2003 biennium. The leases allow the successful bidder to explore for oil and gas. As oil and gas wells are drilled under the oil and gas lease, the division monitors the collection of royalties according to the terms of the oil and gas leases. The royalty collections become part of the permanent funds of the various trusts we manage. The total royalties collected from oil and gas production were almost \$18 million.

Coal mining across state owned minerals occurs in McLean, Mercer and Oliver Counties. For the 1999-2001 biennium coal royalties were over \$4 million. In the short term, the royalties may drop because the mining companies have mined through some of the state minerals. However, the various mine plans will continue to reach state-owned minerals toward the end of the 2003-2005 biennium.

## INVESTMENTS

Continued to implement and maintain the Land Board asset allocation and distribution plans during the difficult financial markets.

- ◆ Total permanent trust financial assets as of November 30, 2002 were approximately \$529 million, a decline of 6% since the stock market peaked in March 2000.
- ◆ Distributions from the Common Schools Trust Fund will be approximately \$57.8 million during the 2001-03 biennium. This is a 21.5% increase over distributions made during the 1999-01 biennium.
- ◆ Maintained relatively stable income and cash flows for the permanent trusts despite interest rates falling to historic lows in 2002.

A consultant has been recently retained by the Board to perform an asset allocation study that involves recommendations as to the appropriate asset class mix, and other suggestions to establish various investment policy guidelines.

## UNCLAIMED PROPERTY

Unclaimed Property continues to gain exposure on a national level and the number of claims paid by our division in the past biennium was proportionately higher. A record number of claims were paid in calendar year 2002, going above 2000 claims paid for the first time in North Dakota's Unclaimed Property history.

On the compliance (Holder) side, we have implemented a data collection project that will allow us to contact every newly incorporated business at the time of incorporation, and provide follow-up reminders regarding compliance. A lot of work remains to be done on this issue. Nationally, less than 20% of active businesses comply with unclaimed property statutes in most states, including North Dakota.

## LEGISLATURE ASSISTANCE

The Board's dual fiduciary responsibility to the trusts is to distribute income that is consistent with the long-term goals of preserving the purchasing power of the trusts while maintaining income stability to the school and institution beneficiaries. The legislature can assist by recognizing this balance and to support distribution levels that preserve the long-term trust asset growth.

## PUBLIC RESULTS MEASUREMENT

The public can measure the Board meeting its responsibilities by comparing periodic trust asset value statements and the actual earnings performance to meet an ever increasing distribution amount.

Or the Unclaimed Property administration results measurement is an effective holder compliance program coupled with efficiencies of timely payment of owner claims.

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Gary D. Preszler, Commissioner

HB 1013

**TESTIMONY OF GARY D. PRESZLER  
STATE LAND COMMISSIONER  
HOUSE APPROPRIATIONS COMMITTEE  
GOVERNMENT OPERATIONS DIVISION**

**IN SUPPORT OF HB 1013**

**January 15, 2003**

Chairman Carlisle, members of the Government Operations House Appropriations Division, I am Gary D. Preszler, Secretary for the Board of University and School Lands and Commissioner for the State Land Department.

I am here to testify in support of the Land Department's requested total special funds appropriation. Within the total appropriation request is \$5,000,000 (\$4,888,100 net of \$111,900 in administrative expenses) to fund the oil and gas development impact grants under the Energy Development Impact Office (EDIO). Rick Larson, the Director of EDIO will cover the grant fund appropriation request. The remaining request of \$2,847,736 covers the administrative expenses to operate the Land Department.

**DEPARTMENT PURPOSE**

The Land Grant to the State from the federal government and the State Constitution provides that the Board of University and Schools Land shall manage the land, minerals and proceeds from the land for the exclusive benefit of the institutions for which they were granted. The income earned is to be distributed for the exclusive benefit of those trust beneficiaries.

Income is generated through prudent management of trust assets, consisting of over 714,000 surface acres, over 2.5 million mineral acres, and over \$529 million in permanent trust fund financial assets. The surface acres are leased to ranchers and farmers across the state. The 2.5 million mineral acres are offered for oil, gas, coal, gravel and scoria leasing. Revenues from all sources are deposited in trust funds and are invested in the Farm Loan Pool administered by the Bank of North Dakota, U.S. Treasury notes and bonds, and corporate bonds and stocks. The income from these investments, together with surface and mineral rentals, is distributable to schools (public grades K-12), educational and other public institutions at specified intervals throughout the biennium.

The following is a list of beneficiaries of the various trust funds administered by the Land Department pursuant to Article IX of the North Dakota Constitution:

- |                                  |                                |
|----------------------------------|--------------------------------|
| 1) Common Schools                | 8) Mayville State University   |
| 2) North Dakota State University | 9) Industrial School           |
| 3) School for the Blind          | 10) State College of Science   |
| 4) School of the Deaf            | 11) Schools of Mines           |
| 5) State Hospital                | 12) Veterans Home              |
| 6) Ellendale State College       | 13) University of North Dakota |
| 7) Valley City State University  | 14) Capitol Building           |

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Date

10/30/03

Testimony of Gary D. Preszler  
House Bill 1013 - Page 2  
January 15, 2003

The largest trust administered by the Land Department is the Common Schools Trust Fund, which distributes its income to the various school districts through the Department of Public Instruction. The distribution amounts to \$280 per student in kindergarten through grade 12.

The Land Department also administers the Uniform Unclaimed Property Act (NDCC 47-30.1). In this capacity the Department collects "unclaimed property" (un-cashed checks, unused bank accounts, etc.), and verifies and pays owner claims. Property acquired via this Act is held in trust in perpetuity on behalf of the owner. The income from property for which remains unclaimed is distributed to ND public schools grades K-12.

#### ACHIEVEMENT MEASUREMENTS (ACCOMPLISHMENTS)

##### SURFACE DIVISION

Annually approximately \$4.4 million in leasing revenue is generated from surface grazing leases. There are approximately 4,500 leases on school trust lands and the lease term is a maximum of 5 years. Expiring leases are offered each spring and fall at public auction. Leasing success continues to be over 99 percent.

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Coal mining across state owned minerals occurs in McLean, Mercer and Oliver Counties. For the 1999-2001 biennium coal royalties were over \$4 million. In the short term, the royalties may drop because the mining companies have mined through some of the state minerals. However, the various mine plans will continue to reach state-owned minerals toward the end of the 2003-2005 biennium.

##### INVESTMENTS

The Department continued to implement and maintain the Land Board asset allocation and distribution plans during the difficult financial markets.

- ◆ Total permanent trust financial assets as of November 30, 2002 were approximately \$529 million, a decline of 6% since the stock market peaked in March 2000.
- ◆ Distributions from the Common Schools Trust Fund will be approximately \$57.8 million during the 2001-03 biennium. (This is a 21.5% increase over distributions made during the 1999-01 biennium.)

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January 15, 2003

- ♦ Maintained relatively stable income and cash flows for the permanent trusts despite interest rates falling to historic lows in 2002.

A consultant has been recently retained by the Board to perform an asset allocation study that involves recommendations as to the appropriate asset class mix, and other suggestions to establish various investment policy guidelines. The study will provide guidance for future investment decisions.

#### UNCLAIMED PROPERTY

Unclaimed Property continues to gain exposure on a national level and the number of claims paid by our division in the past biennium was proportionately higher. A record number of claims were paid in calendar year 2002, going above 2000 claims paid for the first time in North Dakota's Unclaimed Property history.

On the compliance (Holder) side, we have implemented a data collection project that will allow us to contact every newly incorporated business at the time of incorporation, and provide follow-up reminders regarding compliance. A lot of work remains to be done on this issue. Nationally, less than 20% of active businesses comply with unclaimed property statutes in most states, including North Dakota.

#### LEGISLATURE ASSISTANCE

The Board's dual fiduciary responsibility to the trusts is to distribute income that is consistent with the long-term goals of preserving the purchasing power of the trusts while maintaining income stability to the school and institution beneficiaries. The legislature can assist by recognizing this balance and to support distribution levels that preserve long-term trust asset growth.

#### PUBLIC RESULTS MEASUREMENT

The public can measure the Board meeting its responsibilities by comparing periodic trust asset value statements and by reviewing actual earnings performance to determine if distribution amounts are being met.

For the Unclaimed Property administration results measurement is an effective holder compliance program coupled with efficiencies of timely payment of owner claims.

#### NEEDS

The budget request is for 17.0 FTEs, which is a reduction of a .75 FTE. This part-time position was previously for the Director of EDIO. The EDIO duties have largely been assumed by the Deputy Commissioner and to a lesser extent by various other positions.

#### HOUSE BILL 1103

Last spring a review was conducted of all paid budgeted and continuing appropriation expenses. Also reviewed was the legislative history of Section 15-03-16, the statute that grants continuing appropriation authority for the payment of fees for investments including investment management fees, and trustee or consulting fees. The State Investment Board and the Public Employees Retirement System have similar authority. Some payments fell clearly into one category or the other. Some were not as clear. The definition of "fees" versus "expenses or costs" and the definition of "investment" posed ambiguities. The Attorney General's office was asked to provide

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guidance and issued an April 2002 Memorandum. This budget request was then developed and submitted using the Memorandum's interpretations.

HB 1103 was crafted to clarify continuing appropriation authority. The Fiscal Note for HB 1103 shows a \$140,000 reduction can be made to the Department's budget request. Additional detail will be provided during the HB 1103 hearing testimony.

HB 1103 has been referred to this committee and amendments will be offered at the hearing for the bill to make the \$140,000 reduction to the budget request. It is therefore appropriate for this committee to withhold action on the Department's budget (HB 1013) until after HB 1103 is heard.

#### CONTINGENCY

The requested budget includes a \$100,000 contingency line (the Fiscal Note for HB 1103 reduces this amount to \$50,000) to cover unforeseen costs such as asset improvement, rural fire protection, maintenance costs, or litigation costs. HB 1103 moves some of these known and unknown expenses to a continuing appropriation and therefore the higher amount would no longer be necessary.

A contingency amount of \$50,000 is still needed to cover any unforeseen expenses such as legal costs. Prior to the Department submitting a performance based budget a contingency amount of \$50,000 was included in the budget request. A contingency amount is now being requested for the 2003-2005 budget request which is similarly granted for other special fund agencies.

#### UNCLAIMED PROPERTY SOFTWARE

The budget includes \$85,500 for the possible purchase and annual maintenance agreement for a software program to replace the current unclaimed property accounting system. The system is designed and maintained by Wagers and Associates, and was included in the Land Department's Information Technology Plan. *Used by 29 other states.*

Our current Unclaimed Property Management System was developed in-house, and is approximately seven years old. The system has worked well, but is in need of enhancements to accommodate electronic filing capabilities, manage safekeeping items, and to allow for more efficient transfer of property between states under reciprocity agreements. Twenty-nine other state unclaimed property offices use the Wagers system.

The Wagers system provides general accounting for owner property, holder reporting, receipts, safekeeping, securities, claims, and audit. Additionally, the software allows for the creation of holder unclaimed property reports for submission on electronic media.

The Department's preference and plans are to first look at improvements to our proprietary system. However, flexibility is needed to be able to switch to the Wager's system if our system cannot to be effectively mended to meet our needs.

#### DISTRIBUTIONS

At the March meeting the Board approved distributions for all permanent trusts for the 2003-2005 biennium. The distributions were determined based on the principles outlined in NDCC 15-03-05.2, which states that:

"The board shall distribute only that portion of a fund's income that is consistent with the long-term goals of preserving the purchasing power of the fund while maintaining income stability to the fund beneficiaries."

The table below outlines both permanent trust distributions for the 2001-03 biennium and distributions for the 2003-05 biennium. It shows total proposed distributions from the permanent trusts are approximately \$1.47 million (2.3%) greater than projected distributions for the current biennium.

Trust Fund	2001-2003 Bl. Distributions	Board 2003-2005 Bl. Distributions	Inc./Dec. in Distributions	Percentage Inc./Dec. in Distributions
COMMON	\$ 57,793,000	\$ 60,000,000	\$ 2,207,000	3.8%
NDSU	1,330,974	1,132,000	(198,974)	-14.9%
BLIND	251,151	214,000	(37,151)	-14.8%
DEAF	409,000	322,000	(87,000)	-21.3%
ST HOSP	336,008	292,000	(44,008)	-13.1%
ELLEDALE	272,013	232,400	(39,613)	-14.6%
VALLEY	310,199	268,000	(42,199)	-13.6%
MAYVILLE	217,891	188,000	(31,891)	-14.6%
INDUSTRIAL	502,823	396,000	(106,823)	-21.2%
SCIENCE	354,144	306,000	(48,144)	-13.6%
MINES	358,921	312,000	(46,921)	-13.1%
VETERANS	281,150	236,000	(45,150)	-16.1%
UND	636,090	634,000	(2,090)	-0.3%
Total	\$ 63,053,362	\$ 64,530,400	\$ 1,477,038	2.3%

To determine the distributions for the 2003-05 biennium, staff evaluated many factors including each trusts' asset balances, projected income and cash flows and expected future capital markets returns. The staff applied asset allocation and distribution principles used by many endowments and foundations. These principles include spending a portion (but not all) of capital gains earned and are designed to ensure both stable, growing distributions and increasing asset balances over the long-term. When applied consistently, these principles should allow the Board to meet the dual responsibilities outlined in NDCC 15-03-05.2 (maintaining income stability and preserving the purchasing power of the trusts). However, if these principles are not followed, or are followed inconsistently, meeting the dual responsibilities outlined in NDCC 15-03-05.2 is very difficult, if not impossible.

Distributions for 2003-2005 from the Common Schools Trust funds are \$2.21 million more (3.8%) than projected distributions for the current biennium. One reason distributions from the Common Schools Trust Fund can be increased during the 2003-05 biennium is that this trust has more sources of outside growth than the other 12 permanent trusts (e.g. tobacco lawsuit proceeds, oil extraction tax receipts, and unclaimed property). However, the primary reason this trust can increase distributions during the 2003-05 biennium is that the Board has followed a consistent, sustainable distribution policy over the past two biennia.

Distributions for 2003-2005 from the 12 other permanent trusts are approximately \$730,000 less (-13.9%) than projected distributions for the 2001-03 biennium. The reason for the decline in distributions for the 2003-05 biennium is that for the past two bienniums, distributions from these trusts have been set at levels too high to sustain if the Board is to meet its dual responsibilities under NDCC 15-03-05.2. The high distribution rates mandated for these 12 permanent trusts over the past two biennia have been a major contributor to the 6.3% decline in the total value of these trusts from July 2000 to June 2002. Even with the distribution levels these trusts could decline in value even more during the 2003-05 biennium if the current low interest environment continues.

The 2003-2005 biennium distribution projections for all trusts include spending a portion of the past capital gains earned by the trusts. Although the Board would prefer that all capital gains be retained for trust growth, the Board recognizes its responsibility to maintain distributions to current beneficiaries. Spending a portion of the capital gains during difficult financial times makes sense, but planning to spend most or all of the past capital gains does not.

*Testimony of Gary D. Preszler  
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January 15, 2003*

Looking at the current interest rate environment and the forecast for interest rate levels we were pleased that we are able to keep distributions as high as the levels currently approved. The primary source of earnings to meet distributions comes from fixed income investments. As interest rates fall, the amount of income generated by our portfolios declines. This is another reason for the Board proposes to not to spend all or most capital gains. If interest rates stay low or continue to fall, the capital gains that the Board is expecting to use for trust growth can, and will be used to help ensure that actual distributions meet the distribution amounts included in the above table.

OMB, the Legislative Council, and all trust beneficiaries have been directly informed about the approved distribution levels included in the above table. It is our understanding that all of these agencies used the distribution amounts approved by the Land Board when they prepared their budgets.

Setting distribution levels that are consistent and achievable is more important than setting levels too high and beyond the ability to actually generate that level of earnings.

#### PROPOSED AMENDMENTS

NDCC 15-03-05.2 states that no income can be retained for future distribution or added to the permanent fund if it would result in decreased distributions to the fund beneficiary from the amount distributed in the previous year. This includes all amortized capital gains.

As previously explained, the Board has approved decreasing distributions from the 12 permanent trusts (excluding common schools) from the amount distributed in the 2001-03 biennium. The proposed amendment will establish the amounts to be distributed during the 2003-05 biennium and would lower the distribution levels required under NDCC 15-03-05.2.

#### LANDS AND MINERALS TRUST

In December 2002 revised numbers provided to OMB and the Legislative Council revealed that total revenues and transfers to the Lands and Minerals Trust may not be enough to cover the \$3,000,000 projected General Fund transfer. The transfer is now estimated at \$2,000,000. Final projected numbers will be made available to OMB to be included in the March forecasts. In the meantime, we are reviewing expected oil and gas royalty estimates, the accuracy of the accounting methodology for the Developmentally Disabled loan payments, and the basis for the administrative expenses.

#### CONCLUSION

The Boards responsibility to preserve the purchasing power of the trusts and maintain income stability for the trust beneficiaries continues to be met despite a difficult investment market. Surface land is effectively managed providing for a fair market return of grazing lease income. Mineral leasing and development activity has slowed, but quarterly lease auctions continue to be held and royalty income has been influenced by declining production but also positively by recent higher well prices. Unclaimed property reported amounts continue to accumulate assets held for owners and the unclaimed property administration is efficient in the processing of a record number of claim applications.

Testimony of Gary D. Preszler  
House Bill 1013 - Page 6  
February 27, 2003

Some testimony  
pages 1-5  
given to  
Senate on 2/27/03

Looking at the current interest rate environment and the forecast for interest rate levels we were pleased that we are able to keep distributions as high as the levels currently approved. The primary source of earnings to meet distributions comes from fixed income investments. As interest rates fall, the amount of income generated by our portfolios declines. This is another reason for the Board proposes to not to spend all or most capital gains. If interest rates stay low or continue to fall, the capital gains that the Board is expecting to use for trust growth can, and will be used to help ensure that actual distributions meet the distribution amounts included in the above table.

OMB, the Legislative Council, and all trust beneficiaries have been directly informed about the approved distribution levels included in the above table. It is our understanding that all of these agencies used the distribution amounts approved by the Land Board when they prepared their individual budgets.

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As previously explained, the Board has approved decreasing distributions from the 12 permanent trusts (excluding common schools) from the amount distributed in the 2001-03 biennium. Section 5 of Engrossed HB 1013 establishes the amounts to be distributed during the 2003-05 biennium and would lower the distribution levels required under NDCC 15-03-05.2.

#### LANDS AND MINERALS TRUST

In December 2002 revised numbers provided to OMB and the Legislative Council revealed that total revenues and transfers to the Lands and Minerals Trust may not be enough to cover the \$3,000,000 projected General Fund transfer. The transfer is now estimated at \$2,000,000. Final projected numbers will be made available to OMB this week to be included in the March forecasts.

#### PROPOSED AMENDMENTS TO ENGROSSED HB 1013 (Attached)

Our proposed amendments address two unclaimed property issues: 1) State Agency Property, and 2) Advertising Requirements.

First, the House adopted amendments addressing the disposition of unclaimed property reported to our office in the names of State Agencies. Our office had prepared an amendment that, in part, would require us to contact clearly identifiable State Agencies, via certified mail, to notify them about the receipt of the property. If no claim to the property had been made by the agency within the year following the certified mail receipt date, the agencies' right to claim would be barred. Subsequent to our proposal, the House added language which would require us, not only to report to the Budget Section, but to hold off on barring claims until the Budget Section had "approved" the list.

As a matter of good public policy, we are in agreement with the basic reporting requirement, however, from an efficiency standpoint, our amendment to Engrossed HB 1013 requests that the requirement for Budget Section "approval" of the list be omitted from the bill. A basic search of our database for clearly identifiable state agencies, including property reported back to 1975, has

**Testimony of Gary D. Preszler**  
**House Bill 1013 - Page 7**  
**February 27, 2003**

yielded the results shown in the table below. Property values range from \$10 to \$8600 and total approximately \$53,000. Incidentally, individual agency contact has previously been made in the form of a claim application, phone call, or other direct mailing to the agency on at least \$41,000 of that total.

Report Year	# of Properties	Report Year	# of Properties	Report Year	# of Properties
1975	1	1989	3	1997	14
1983	1	1991	2	1998	6
1985	1	1992	4	1999	7
1986	1	1994	1	2000	12
1987	1	1995	1	2001	10
1988	1	1996	3	2002	5

Considering the scope of responsibility of the Legislative Budget Section, 74 properties in 27 years, in our opinion, does not justify the itemized level of work for the Budget Section. It should be noted that if these properties are barred from claim by individual agencies, once the 1-year claim frame has expired, the money would remain in the Common Schools Trust Fund where it would earn interest in perpetuity for the benefit of ND public education.

Second, the House approved changes to unclaimed property statutes that would change newspaper publication requirements from two weeks of legal notices to one week of legal notice that would include new owner names, and one week of display advertising that would generally alert the public to unclaimed property. The House change stipulated that the cost of the display ad could not exceed the cost of the legal notice. Again, we like the concept of two different advertising methods. However, since the cost of the legal ad will change every year based on how many names were reported per county, we are proposing to strike the "may not exceed" language in order to eliminate the administrative inefficiencies associated with contacting every paper every year to determine the lower cost. A survey sample of newspapers, using data from our 2002 advertising season, showed that display ads would cost slightly more than legal ads in smaller counties, but would be considerably less in larger counties.

#### CONCLUSION

The Boards responsibility to preserve the purchasing power of the trusts and maintain income stability for the trust beneficiaries continues to be met despite a difficult investment market. Surface land is effectively managed providing for a fair market return of grazing lease income. Mineral leasing and development activity has slowed, but quarterly lease auctions continue to be held and royalty income has been influenced by declining production but also positively by recent higher prices. Unclaimed property reported amounts continue to accumulate assets held for owners and the unclaimed property administration is efficient in the processing of a record number of claim applications.

Deanna Ballantyne  
Operator's Signature

10/30/03  
Date

STATE LAND DEPARTMENT

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 3, remove lines 2 and 3

Page 3, remove lines 24 and 25

Renumber accordingly

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Date

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1013

Page 2, after line 5, insert:

**SECTION 5. DISTRIBUTIONS TO STATE INSTITUTIONS.** Notwithstanding the provisions of section 15-03-05.2, during the 2001-2003 biennium, the board of university and school lands shall distribute a total of \$4,530,400, or so much income as may be available, to the appropriate entities from the permanent funds managed for the benefit of these institutions. The specific amounts to be distributed to each institution are:

North Dakota State University	\$1,132,000
University of North Dakota	\$946,000
Youth Correctional Center	\$396,000
School for the Deaf	\$322,000
North Dakota State College of Science	\$339,200
State Hospital	\$325,200
Veterans Home	\$269,200
Valley City State University	\$268,000
School for the Blind	\$247,200
Mayville State University	\$186,000
Minot State University - Bottineau	\$33,200
Dickinson State University	\$33,200
Minot State University	\$33,200
Total	\$4,530,400

Renumber accordingly

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Deanna Ballantyne  
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10/30/03  
Date



**TESTIMONY OF GARY D. PRESZLER  
STATE LAND COMMISSIONER  
HOUSE APPROPRIATIONS COMMITTEE  
GOVERNMENT OPERATIONS DIVISION**

**IN SUPPORT OF HB 1013**

**January 15, 2003**

*Taken from the January 15, 2003 written Testimony. Spraying costs for noxious weeds, including salt cedar, is included in operating expenses, or if HB 1103 is enacted under continuing appropriation authority.*

**CONTINGENCY**

The requested budget includes a \$100,000 contingency line (the Fiscal Note for HB 1103 reduces this amount to \$50,000) to cover unforeseen costs such as asset improvement, rural fire protection, maintenance costs, or litigation costs. HB 1103 moves some of these known and unknown expenses to a continuing appropriation and therefore the higher amount would no longer be necessary.

A contingency amount of \$50,000 is still needed to cover any unforeseen expenses such as legal costs. Prior to the Department submitting a performance based budget a contingency amount of \$50,000 was included in the budget request. A contingency amount is now being requested for the 2003-2005 budget request which is similarly granted for other special fund agencies

Gary D. Preszler, Commissioner  
ND Land Department  
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*Deanna Hall*  
Operator's Signature

10/30/03  
Date

**Land Department**  
**HB 1013**

**Unclaimed Funds located in Common Schools Trust Fund**

**47-30.1-23. Deposit of funds.**

1. Except as otherwise provided by this section, the administrator shall promptly deposit in the state treasury to the credit of the common schools trust fund all funds received under this chapter, including the proceeds from the sale of abandoned property under section 47-30.1-22. The administrator shall retain in a separate trust fund an amount not less than one hundred thousand dollars from which prompt payment of claims duly allowed must be made.

2. Before making any deposit to the credit of the common schools trust fund, the administrator may deduct:

- a. Any costs in connection with the sale of abandoned property;
- b. Costs of mailing and publication in connection with any abandoned property;
- c. Reasonable service charges; and
- d. Costs incurred in examining records of holders of property and in collecting the property from those holders.

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*Deanna G. [Signature]*  
Operator's Signature

10/30/03  
Date

**Names matching for state**

The amount you are entitled to is \$50.00 or over. Due to confidentiality concerns, we are not able to list the exact amount. Please contact the Unclaimed Property Division at 701-328-2800 for this detailed information.

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If you locate your name on this list, click here for your claim application

If you are a personal representative, administrator, executor or executrix of another persons estate (shown on this list), click here for their claim application

Last	First	Middle	Title	Last Known Address	City
STATE BANK OF FARGO				ATTN: TIM KNUTZEN	FARGO
STATE FARM INS				STEVEN & DEVVIE DENNISON	BISMARCK
STATE OF NORTH DAKOTA				STATE CAPITOL 5TH FL	BISMARCK
STATE OF NORTH DAKOTA				ROUTE 1 BOX 18	MANVEL
STATE OF NORTH DAKOTA				600 EAST BOULEVARD	BISMARCK
STATE OF NORTH DAKOTA				600 EAST BLVD	BISMARCK
STATE OF NORTH DAKOTINS				600 EAST BOULEVARD	BISMARCK
STATE TAX COMMISSIONER, OFFICE OF				600 E BOULEVARD AVE	BISMARCK
STATE TAX COMMISSION				P.O. BOX 1537	BISMARCK
STATE TAX COMMISSIONER				CAPITOL GROUNDS	BISMARCK
STATE OF NORTH DAKOTA				STATE CAPITOL	BISMARCK
STATEN	RONALD	K		103 LOCKE LN #3	MINOT AFB

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[Investments](#) | [Minerals Mgmt.](#) | [Surface Mgmt.](#) | [Unclaimed Property](#)

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*Deanna G. Sullivan*  
Operator's signature

10/30/03  
Date

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If you are a personal representative, administrator, executor or executrix of another persons estate (shown on this list), click here for their claim application

Last	First	Middle	Title	Last Known Address	City
ND LIBRARY ASSOCIATION				ATTN MICHAEL SAFRATOWICH TREASURER - UND	GRAND FORKS
ND HOLSTEIN ASSN INC				PATRICIA RODE NDSU	ADRIAN FARGO
NDAC LUTHERAN STUDENT				411 7TH AVE W	WILLISTON
ND LEAGUE FOR NURSING				438 W EDMONTON DR PO BOX 5036	BISMARCK FARGO
NDHEA CONVENTION ACCOUNT				C/O JO ANN OZBUN	FLASHER
NDSU/INDEPENDENT STUDY				608 E BOULEVARD	BISMARCK
ND EMERGENCY MANAGEMENT ASSOC				CAPITOL BUILDING	BISMARCK
ND MOTOR VEHICLE DEPARTMENT				1839 34TH ST SW #203	FARGO
ND DEPARTMENT OF HUMAN SERVICES				PO BOX 233 ATTN SHERRY STOSKOPP	FORT TOTTEN MANDAN
ND ACCADEMY OF PHY. ASSIST.				1331 S UNIVERSITY DRIVE	FARGO
ND INDIAN EDUCATION				PO BOX 7143	BISMARCK
ND AAU				1301 12TH AVE NORTH	FARGO
ND INSURANCE SVCS				4023 N STATE ST 363 15TH SE W	BISMARCK DICKINSON
ND ACAD OF PHYSICIAN ASSISTANTS				BUSINESS OFFICE ATTN LEE	DICKINSON
ND STATE UNIVERSITY					
ND WHEAT COMMISSION					
ND PHARMACEUTICAL ASSOCIATION					
ND STATE UNIVERSITY					
NDAABSE					

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Date

10/30/03

# Unclaimed Property Inquiry

Page 2 of 3

ND STATE BOARD OF  
PSYCHOLOGIST  
ND HORIZONS  
ND SCHOOL FOR THE  
BLIND

NDPERS  
ND SCHOOL FOR THE  
BLIND

NDPERS  
ND STATE BOARD OF  
PSYCHOLOGIST  
ND MOTOR CARRIERS  
ASSOCIATION  
ND DEPT OF TRANS  
ND NEWSPAPER  
ASSOCIATION  
ND MEDICAL  
ASSOCIATION  
ND DEPT OF HUMAN  
SERVICES  
ND HMPP

NDSU CONTUNUTING  
EDUCATI  
ND JAYCEES  
ND NEWSPAPER  
NDHFA ATRIMA  
NDHFA ATRIMA  
NDSU DIVISION OF IND  
STUDY  
ND DEPT OF  
ACCOUNTING DIVISION  
NDSU COLLEGE  
PHARMACY  
NDSU  
ND TOWER USE COUNCIL

ND DEPT OF MOTOR  
VEHICLES  
ND DEPT OF  
TRANSPORTATION  
ND BEEF COMMISSION  
ND STATE BOARD OF  
PHARMACY  
ND DEPT OF  
AGRICULTURE  
ND ASSN. OF ASSESSING  
OFFICER  
ND INDUSTRIAL  
ND PHARMACY INC  
ND RADIATION

ATTN CAROL  
BULLINGER  
P O BOX 2467  
DUPLICATE OF  
CHECK NO:  
7160144500

PO BOX 1214  
DUPLICATE OF  
CHECK NO:  
7428319500

PO BOX 1214  
105 EAST  
BROADWAY  
PO BOX 874

2700 STATE ST  
1435 INTERSTATE  
LOOP

600 E BOULEVARD  
AVE

DEPT A STATE  
CAPITAL BLDG

MERITCARE PUB  
REL 3174

STATE UNIVERSITY  
STA

PO BOX 972  
222 N 4TH ST

730 OAK ST

PO BOX 1535

1510 N 12TH AVE

600 BOULEVARD  
AVE

CONTINUING  
EDUCATION

DR JOHN ENZ

AG & BIDSYSYMS  
ENG DEPT

608 E BOULEVARD  
AVE

MOTOR VECHICLE  
DEPT

4023 STATE ST

PO BOX 1354

600 E BOULEVARD  
6TH FL

BOX 648

600 E BLVD  
1016 8TH AVE W

ATTN: DR. FINE

MANDAN

FARGO

GRAND FORKS

GRAND FORKS

GRAND FORKS

GRAND FORKS

BISMARCK

BISMARCK

BISMARCK

BISMARCK

BISMARCK

BISMARCK.

FARGO

FARGO

MANDAN

BISMARCK

GRAND FORKS

BISMARCK

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WILLISTON

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# Unclaimed Property Inquiry

Page 3 of 3

ONCOLOGY  
ND STATE BAR BOARD

600 E BOULEVARD  
AVE BISMARCK

NDHFA ATRIMA  
NDSCS ELECTRICAL CLUB  
NO RIGHT TO WORK  
COMMITTEE

119 3RD AVE N WAHPETON  
800 N 6TH ST WAHPETON  
PO BOX 2732 FARGO

NO CITIZENS FOR RIGHT  
TO WORK

C/O  
QUENTIN  
SEVERSON  
TREAS

NONE MINOT

ND  
NDSU

DEBARGHYA BHANDARY  
VARSITY  
MART

3531 1ST ST N FARGO  
PO BOX 5476 FARGO

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**Names matching for north dakota**

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If you are a personal representative, administrator, executor or executrix of another persons estate (shown on this list), click here for their claim application

Last	First	Middle	Title	Last Known Address	City
NORTH DAKOTA ASSN OF TEL COOP				PO BOX 1144	MANDAN
NORTH DAKOTA COLUMBIA SHEEP BRRR				RR 1 BOX 113	
NORTH DAKOTA COMMISSIONER				STATE OF NORTH DAKOTA STATE CAP	BISMARCK
NORTH DAKOTA COMMISSIONER				STATE OF NORTH DAKOTA	BISMARCK
NORTH DAKOTA CONCRETE COUNCIL				419 CALEDONIA AVE E	HILLSBORO
NORTH DAKOTA CONCRETE PRD				PO BOX 814	BISMARCK
NORTH DAKOTA DEPARTMENT OF MOTOR VEHICLE				608 E BOULEVARD AVE	BISMARCK
NORTH DAKOTA ELIGIBILTY WRKS				1511 S REBI DR	BISMARCK
NORTH DAKOTA NEWSPAPER				1435 INTERSTATE	BISMARCK
NORTH DAKOTA NURSES ASSN				1005 VALLEY VIEW DR	MINOT
NORTH DAKOTA SCHOOL FOR THE BL				500 STANFORD ROAD	GRAND FORKS
NORTH DAKOTA SCHOOL FOR THE BL				500 STANFORD ROAD	GRAND FORKS
NORTH DAKOTA SCHOOL FOR THE BL				500 STANFORD ROAD	GRAND FORKS
NORTH DAKOTA STATE				800 NORTH 6TH STREET	WAHPETON
NORTH DAKOTA STATE BOARD OF PHARMACY				PO BOX 1354	BISMARCK
NORTH DAKOTA STATE DEPAT OF AGRICULTURE				600 E BOULEVARD AVE	BISMARCK
NORTH DAKOTA STATE FAIR				BOX 1796	MINOT

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# Unclaimed Property Inquiry

Page 2 of 2

NORTH DAKOTA STATE TAX COMMISSIONER	600 E BOULEVARD AVENUE	BISMARCK
NORTH DAKOTA STATE U	PO BOX 5461	FARGO
NORTH DAKOTA STATE UNIVERSITY	CHIWON LEE	FARGO
NORTH DAKOTA STOCKMENS ASSOC	C/O DAN SHERMAN	CARRINGTON
NORTH DAKOTA TELEPHONE CO	PO BOX 180	DEVILS LAKE
NORTH DAKOTA JAYCEES	32ND ST NW #7	FARGO
NORTH DAKOTA LIFE & HEALTH	P.O. BOX 2756	BISMARCK
NORTH DAKOTA ADVERTISING SERVICE	1435 INTERSTATE LOOP	BISMARCK
NORTH DAKOTA AGRICULTURAL COLLEGE	HD STOCKMAN	FARGO
NORTH DAKOTA MOTOR VEHICLE	314 3RD AVE W	DICKINSON
NORTH DAKOTANS DRUG FREE YOUTH	101 19TH AVE N	FARGO
NORTH DAKOTA HIGHWAY DEPT	STATE CAPITOL BLDG	BISMARCK
NORTH DAKOTA HOUSING FINA	905 1ST ST NW	MANDAN
NORTH DAKOTA HOUSING FNCL	885 25TH ST W	DICKINSON
NORTH DAKOTA HSG FINANCE AGENCY	PO BOX 1535	BISMARCK
NORTH DAKOTA HSG FINANCE AGENCY	PO BOX 1535	BISMARCK
NORTH DAKOTA HSG FINANCE AGENCY	PO BOX 1535	BISMARCK
NORTH DAKOTA MUTUAL PROTECTIVE	%P A. STARR BOX 161	BISMARCK
SOCIETY		

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10/30/03  
Date



# OFFICE OF MANAGEMENT AND BUDGET

600 East Boulevard Ave, Dept 110 • Bismarck, North Dakota 58505-0400  
FAX - (701) 328-3230

TO: Representative Carlisle and Members of the  
Government Operations Subcommittee of  
House Appropriations

FROM: Pam Sharp *Pam Sharp*  
Interim Director, OMB

DATE: January 15, 2003

SUBJECT: Land and Minerals Trust Fund

When the revenue forecast was prepared in November 2002, the Land Department projected the transfer from the Land and Minerals Trust Fund to the general fund would be \$3 million. During the last week of December 2002, this office was notified by the Land Department that they had revised their projection downward from \$3 million to \$2 million as a result of decreased mineral royalties and also due to a prepayment of a DD loan.

An updated estimate will be used for the March revenue forecast. The Land Department is currently working to provide OMB with the most accurate projection by the time the March revenue forecast is prepared.

Director - Fourth Floor - (701) 328-4904

Fiscal Management - Fourth Floor - (701) 328-2680

State Radio - Fraine Barracks - (701) 328-8154

Risk Management - Wells Fargo Bank Bldg. Suite 613 - (701) 328-6514

Central Services - Fourteenth Floor - (701) 328-2780

Central Personnel - Fourteenth Floor - (701) 328-3290

Facility Management - Fourth Floor - (701) 328-2471

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*Deanna G. Sullivan*  
Operator's Signature

10/30/03  
Date

1707 North 9th Street  
PO Box 5523  
Bismarck, ND 58506-5523  
Phone: (701) 328-2800  
Fax: (701) 328-3650

www.land.state.nd.us  
www.discovernd.com



Gary D. Preszler, Commissioner

**TESTIMONY OF RICK D. LARSON, DIRECTOR  
ENERGY DEVELOPMENT IMPACT OFFICE**

**IN SUPPORT OF HB 1013**

**House Appropriations Committee**

**January 15, 2003**

**PURPOSE**

The Energy Development Impact Office (EDIO) was integrated into the Land Department in 1989. The mission of the EDIO is to provide financial assistance to local units of government affected by energy activity (NDCC 57-62-01). The EDIO has helped counties, schools, cities and other local units of government cope with the increased population due to energy development. Similarly, the EDIO has helped local units of government throughout the oil patch maintain roads, streets, and other facilities that have been impacted by oil-related traffic. It has also helped communities deal with the after-effects when the oil boom turned to an oil bust.

The primary purpose of the office is to ensure that local subdivisions hosting energy activity are not required to bear a disproportionate share of the costs associated with that activity (both in its "boom" and "bust" cycles). The guiding principle of the office is to ensure that the benefit to all of the people of North Dakota, from the extraction of energy resources, will not be gained at the expense of those whose lives or property are disturbed, without adequate compensation, in the process.

Since 1991, the EDIO has made grants for oil impact only. Funding for these grants is appropriated by the State Legislature from a share of the Oil & Gas Gross Production Tax, and cannot exceed \$5,000,000 per biennium. (NDCC 57-51-15). The 1999-2001 biennium oil and gas production tax collections were enough so that the \$5,000,000 maximum was reached. Projection for the 2001-2003 biennium are similar.

The Board of University and School Lands is the appeals body for applicants not satisfied with the decisions made by the director.

**MEASUREMENT OF ACHIEVEMENT**

Each year a "grant round" is held. A grant round is consists of collecting applications for grants from the many subdivisions of government in the oil and gas producing counties, meeting with each of the applicants, analyzing the information from the meetings and other sources, and allocating the available money to the deserving subdivisions. The measurement of a successful grant round is providing impacted subdivisions of government relief from the hardship they are experiencing with no appeals to the Land Board.

**LEGISLATIVE HELP**

The flexibility that this program provides in helping communities with their oil impact is what the legislature continues to provide. Through this program the legislature has provided many subdivisions of government with access to funds that they would not receive under a formula-

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*Deanna Ball*  
Operator's Signature

10/30/03  
Date

type distribution. The EDIO is able to help township supervisors with road impacts across their townships. Fire and ambulance districts can receive funding for additional training and equipment to be sure the volunteer firemen and ambulance personnel can respond to emergencies safely and professionally. Cities, schools and counties provide services and education to the cyclical oil and gas economy and sometimes transient workers and their families. This program works with those governments to provide some relief to their taxpayers. Each year we receive applications requesting more funds than are available.

#### **PUBLIC UNDERSTANDING OF PURPOSE AND EFFECTIVENESS**

Each year we report the results of the grant round. The report is posted on our website ([www.land.state.nd.us](http://www.land.state.nd.us)) and distributed to the media in the various communities. The website provides the criteria to be considered for a grant along with the appropriate application forms. In addition, the Board of University and School Lands prepares a biennial report of its activity which includes the activity of EDIO.

#### **SUMMARY OF ACTIVITY**

##### **GRANT AWARD CRITERIA**

- Each potential grantee must demonstrate the negative impact caused by either oil and gas development in their area.
- Each potential grantee must demonstrate its tax effort and a financial need.
- Funds granted must be used to help alleviate the hardship.

##### **TYPES OF PROJECTS FUNDED**

- Road Repairs
- Maintenance of property acquired by cities for non-payment of taxes following oil boom
- Fire and ambulance equipment and training
- Help with special assessment payments

##### **1999-2001 GRANT SUMMARY**

See attached chart

##### **PROPOSED BUDGET**

Total request of \$5,000,000

-Grant authorization:  
Up to \$,4888,100 (based on Oil and Gas Production Tax collections)

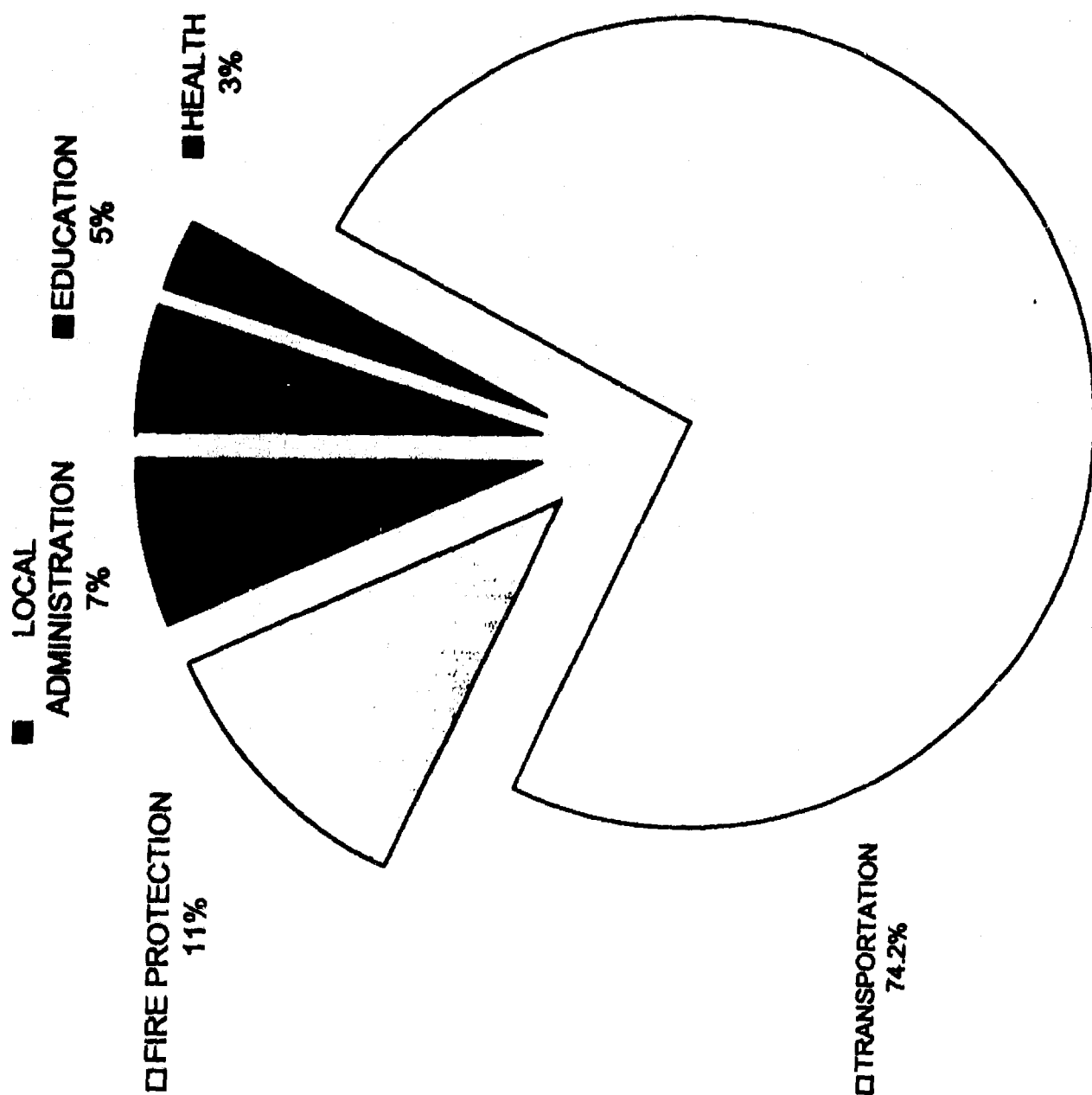
-Administrative Authorization:  
\$111,900

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*Deanna G. Hall*  
Operator's Signature

10/30/03  
Date

# 1999-2001 EDIO Grant Summary

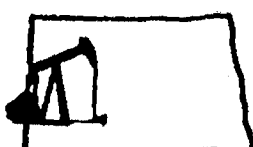


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Deanna Ballantyne  
Operator's Signature

10/30/03  
Date

A.



# North Dakota Association of Oil & Gas Producing Counties

Testimony  
10/13

## EXECUTIVE COMMITTEE

Dean Koppelman  
President  
Dickinson PSD

Brad Bekkedahl  
Williston

Roger Chinn  
President Elect  
McKenzie County

Gary Engstrom  
Kildeer PSD

Julian Gustafson  
Williams County

Verdean Kvium  
Bottineau County

Mike Ness  
Bottineau PSD

Oick Ross  
Past President  
Ray

Allen Ryberg  
Bowbelle

Jane Erickson  
Secretary/Treasurer  
Kildeer

Hearing  
January 15, 2003

House Government Operations Committee

Energy Impact Office funding - do pass recommendation

Good morning, Mr. Chairman Carlisle and members of the committee.

My name is Vicky Steiner. I'm the Executive Director of the North Dakota Association of Oil and Gas Producing Counties and the Coal Conversion Counties Association. I've also worked part-time this past year with the Montana Association of Oil, Gas and Coal Counties. The ND oil counties have 135 county, city and school district members. They all share in the 5% oil and gas gross production tax.

We support the funding for the energy impact office contained in this bill.

Our Association conducted a survey of impact needs in December and the bulk of the needs continue to be in transportation, road repair in areas of new development and in older areas, the impact fund supplements local funds for infrastructure needs.

We have a pie chart on the first page. On the second page, you can see the various needs by county and class of subdivision. On page 9, total requests were \$73 million with \$9.5 million justified by direct oil impact.

As a resident of Dickinson, I have benefited from this program. The city, school and county have received impact funds over the past years and it has been a benefit to our community. On behalf of myself and our Association members, thank you for your past support of this program.

Please give this funding a do pass vote.

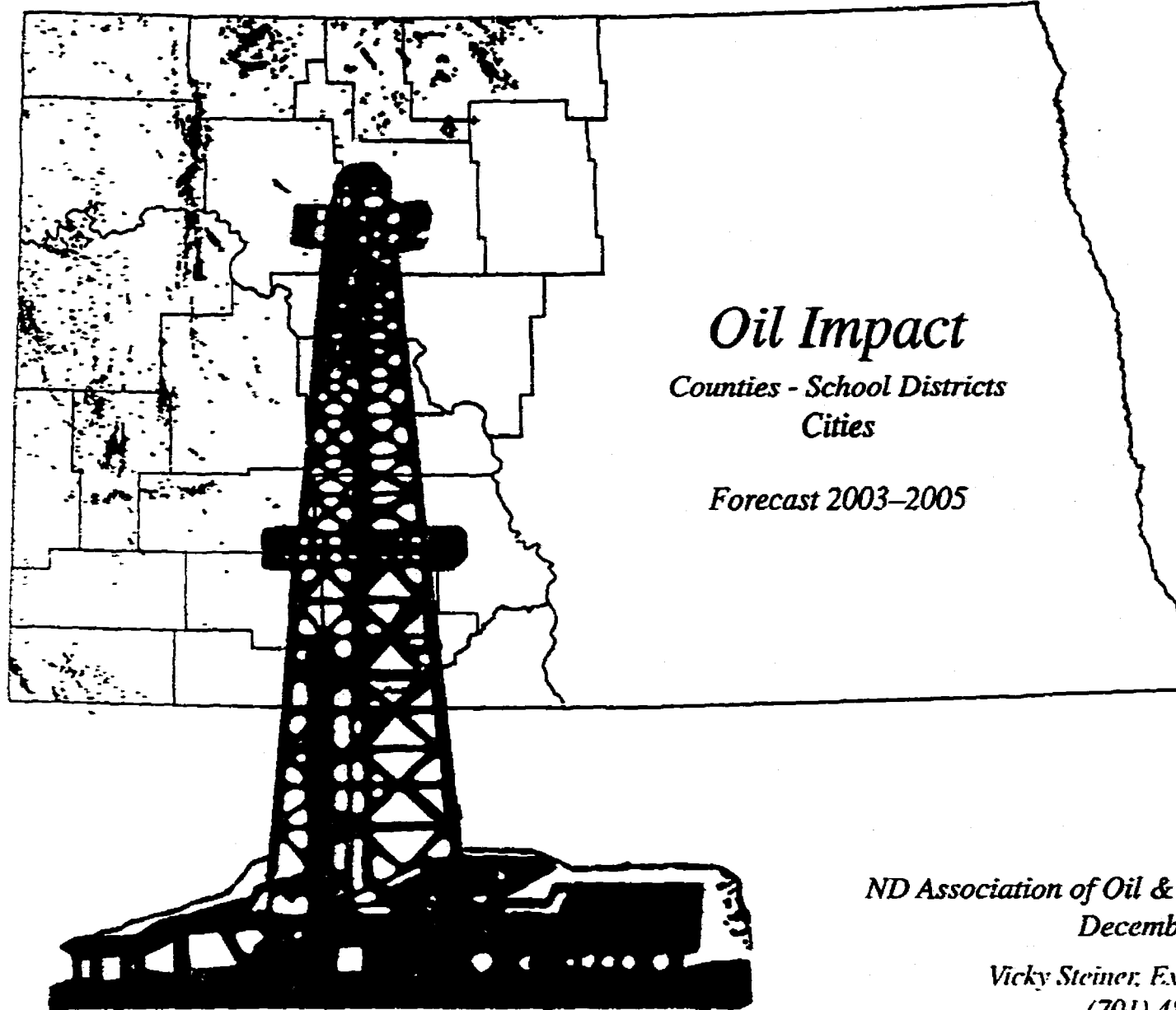
VICKY STEINER - EXECUTIVE DIRECTOR  
858 Senor Ave. - Dickinson, ND 58601-3755 - Phone: (701) 483-TEAM (8328) - Fax: (701) 483-8328 - Cellular: (701) 290-1338  
E-mail: vsteiner@ndsupernet.com - Web: www.nd-oilcounties.org  
Jane Erickson - Permit Operator  
P.O. Box 149 - Kildeer, ND 58640 - Evenings: (701) 784-6128  
E-mail: jane@pop.cicel.com

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Operator's signature

10/30/03  
Date

# Needs Assessment Survey



## Oil Impact

Counties - School Districts  
Cities

Forecast 2003-2005

ND Association of Oil & Gas Producing Counties  
December 2002

Vicky Steiner, Executive Director  
(701) 483-8326

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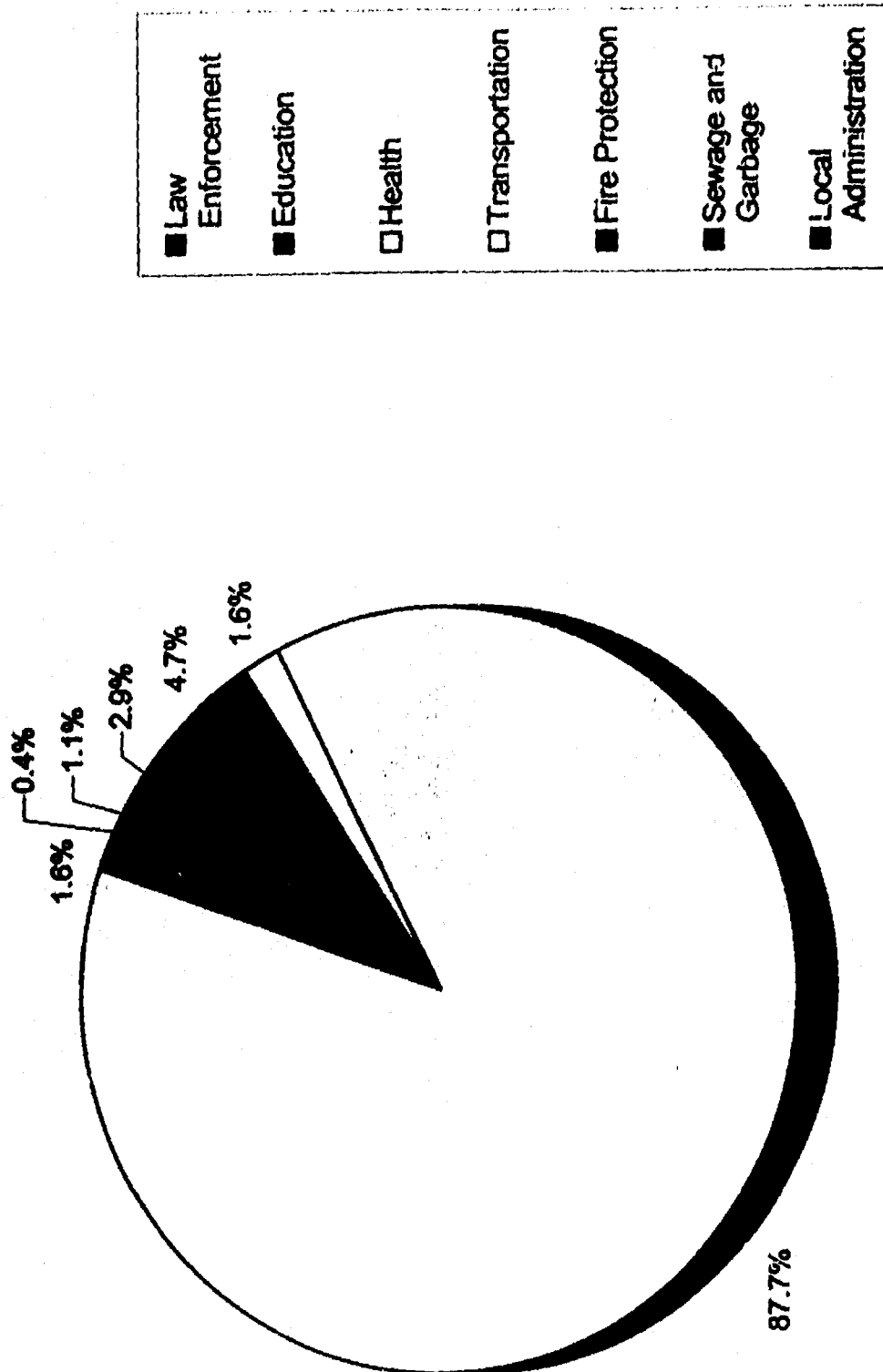
*[Handwritten Signature]*

10/30/03  
Date

11/5/03

12/31/03

## Local Needs Assessment by Function



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Date

**LOCAL NEEDS ASSESSMENT - COUNTY AND BY CLASS OF SUBDIVISION**  
**Data Collected by the ND Association of Oil and Gas Producing Counties**

	Counties	Schools	Cities	Townships	Fire/ Ambulance	TOTAL	Percent of Total
Bottineau			\$224,500			\$ 224,500	2.3%
Bowman	\$3,105,000	\$297,652		\$273,900	\$108,000	\$ 3,784,552	39.6%
Burke	\$130,000		\$30,000		\$6,500	\$ 166,500	1.7%
Divide	\$85,000					\$ 65,000	0.7%
Dunn	\$656,500		\$40,500			\$ 697,000	7.3%
Golden Valley	\$190,000					\$ 190,000	2.0%
McHenry			\$46,000			\$ 46,000	0.5%
McKenzie		\$150,000	\$304,375	\$25,500		\$ 479,875	5.0%
Mountrail	\$243,000		\$22,853			\$ 265,953	2.8%
Renville	\$2,018,500					\$ 2,018,500	21.1%
Slope	\$669,000					\$ 669,000	7.0%
Ward	\$60,000					\$ 60,000	0.6%
Williams			\$900,900			\$ 900,900	9.4%
<b>TOTAL</b>	<b>\$7,137,000</b>	<b>\$447,652</b>	<b>\$1,569,228</b>			<b>\$ 9,567,780</b>	<b>100.0%</b>

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Operator's Signature

*[Handwritten Signature]*

10/30/03  
Date



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Operator's Signature

*[Signature]*

10/30/03  
Date

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>BOTTINEAU COUNTY</b>		
<b>CITY OF ANTLER</b>		
CITY MAINTENANCE	\$4,500	\$4,500
TOTAL FOR CITY OF ANTLER	\$4,500	\$4,500
<b>CITY OF BOTTINEAU</b>		
STREET PAVING	\$2,000,000	\$200,000
WATER TREATMENT PLANT	\$8,000,000	\$0
TOTAL FOR CITY OF BOTTINEAU	\$10,000,000	\$200,000
<b>CITY OF KRAMER</b>		
SEWER AND GARBAGE ASSISTANCE	\$10,000	\$10,000
TOTAL FOR CITY OF KRAMER	\$10,000	\$10,000
<b>CITY OF LANSFORD</b>		
STREET REPAIR	\$10,000	\$10,000
TOTAL FOR CITY OF LANSFORD	\$10,000	\$10,000
TOTAL FOR BOTTINEAU COUNTY	\$10,024,500	\$224,500
<b>BOWMAN COUNTY</b>		
<b>BOWMAN COUNTY</b>		
DUFFIELD ROAD	\$250,000	\$250,000
COMMUNICATIONS FOR SHERIFF'S DEPT	\$10,000	\$10,000
BOWMAN HALEY ROAD	\$250,000	\$250,000
WALLMAN ROAD	\$215,000	\$215,000
SUNSET BUTTE-MARMARTH ROAD NORTH	\$1,100,000	\$1,100,000
MARMARTH ROAD SOUTH	\$480,000	\$480,000
EGELAND ROAD	\$375,000	\$375,000
TOTAL FOR BOWMAN COUNTY	\$2,680,000	\$2,680,000

Tuesday, December 31, 2002

Page 1 of 9

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Operator's Signature

*[Handwritten Signature]*

10/30/03  
Date

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>BOWMAN COUNTY</b>		
DIALHOUSE ROAD	\$425,000	\$425,000
TOTAL FOR BOWMAN COUNTY	\$425,000	\$425,000
<b>BOWMAN PSD</b>		
BUS STORAGE FACILITY	\$29,425	\$29,425
CONCRETE REPLACEMENT	\$32,163	\$32,163
ROOSEVELT SCHOOL SIDEWALK AND PARKING LOT REPAIR	\$19,200	\$19,200
UPGRADE PHONE SYSTEM	\$10,250	\$10,250
REPLACE GYM FLOOR	\$33,696	\$33,696
HIGH SCHOOL WINDOW REPLACEMENT	\$79,386	\$79,386
MIDDLE SCHOOL BATHROOM RENOVATION	\$51,532	\$51,532
LOADER/UTILITY TRACTOR REPLACEMENT	\$42,000	\$42,000
TOTAL FOR BOWMAN PSD	\$297,652	\$297,652
<b>ADELAIDE TOWNSHIP</b>		
BRAATEN MILLER ROAD	\$14,500	\$14,500
TOTAL FOR ADELAIDE TOWNSHIP	\$14,500	\$14,500
<b>BUENA VISTA TOWNSHIP</b>		
GRAVEL ROAD	\$16,000	\$0
TOTAL FOR BUENA VISTA TOWNSHIP	\$16,000	\$0
<b>GOLDFIELD TOWNSHIP</b>		
GRAVEL ROADS	\$8,400	\$9,400
TOTAL FOR GOLDFIELD TOWNSHIP	\$8,400	\$9,400
<b>HALEY TOWNSHIP</b>		
GRAVEL ROADS	\$7,500	\$0
TOTAL FOR HALEY TOWNSHIP	\$7,500	\$0

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>LANGBERG TOWNSHIP</b>		
ROAD REPAIR AND MAINTAINANCE	\$180,000	\$180,000
TOTAL FOR LANGBERG TOWNSHIP	\$180,000	\$180,000
<b>NEBO TOWNSHIP</b>		
ROAD GRAVELING AND MAINTAINANCE	\$40,000	\$40,000
TOTAL FOR NEBO TOWNSHIP	\$40,000	\$40,000
<b>STAR TOWNSHIP</b>		
ROAD CONSTRUCTION AND SURFACING	\$30,000	\$30,000
TOTAL FOR STAR TOWNSHIP	\$30,000	\$30,000
<b>STILLWATER TOWNSHIP</b>		
GRAVEL ROADS AND REPLACE CULVERTS	\$15,000	\$0
TOTAL FOR STILLWATER TOWNSHIP	\$15,000	\$0
<b>WHITING TOWNSHIP</b>		
CULVERTS AND GRAVEL ROADS	\$18,274	\$0
TOTAL FOR WHITING TOWNSHIP	\$18,274	\$0
<b>RHAME RURAL FIRE DIS</b>		
STORAGE BUILDING	\$38,000	\$38,000
TRUCK AND EQUIPMENT	\$40,000	\$40,000
TOTAL FOR RHAME RURAL FIRE DIS	\$78,000	\$78,000
<b>SCRANTON FIRE DISTRI</b>		
WATER TANKER	\$30,000	\$30,000
TOTAL FOR SCRANTON FIRE DISTRI	\$30,000	\$30,000
<b>TOTAL FOR BOWMAN COUNTY</b>	<b>\$3,842,326</b>	<b>\$3,784,532</b>

Tuesday, December 31, 2002

Page 3 of 9

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Operator's Signature

*[Handwritten Signature]*

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Date

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>BURKE COUNTY</b>		
<i>BURKE COUNTY</i>		
PATROL VEHICLE	\$10,000	\$10,000
GRAVEL	\$100,000	\$100,000
RIGHT OF WAY ACQUISITION	\$20,000	\$20,000
TOTAL FOR BURKE COUNTY	\$130,000	\$130,000
<b>CITY OF BOWBELLS</b>		
<i>CITY OF BOWBELLS</i>		
STREET REPAIR	\$30,000	\$30,000
TOTAL FOR CITY OF BOWBELLS	\$30,000	\$30,000
<b>BOWBELLS FIRE DISTRI</b>		
<i>BOWBELLS FIRE DISTRI</i>		
TANKER TRUCK	\$6,500	\$6,500
TOTAL FOR BOWBELLS FIRE DISTRI	\$6,500	\$6,500
TOTAL FOR BURKE COUNTY	\$166,500	\$166,500
<b>DIVIDE COUNTY</b>		
<i>DIVIDE COUNTY</i>		
LAW ENFORCEMENT PERSONNEL AND VEHICLE	\$65,000	\$65,000
TOTAL FOR DIVIDE COUNTY	\$65,000	\$65,000
TOTAL FOR DIVIDE COUNTY	\$65,000	\$65,000
<b>DUNN COUNTY</b>		
<i>DUNN COUNTY</i>		
ROAD CONSTRUCTION, BRIDGE REPAIR, GRAVEL	\$656,500	\$656,500
TOTAL FOR DUNN COUNTY	\$656,500	\$656,500

Tuesday, December 31, 2002

Page 4 of 9

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Operator's signature

*[Signature]*

10/30/03  
Date

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>CITY OF HALLIDAY</b>		
STREET REPAIR	\$35,000	\$35,000
TOTAL FOR CITY OF HALLIDAY	\$35,000	\$35,000
<b>CITY OF KILLDEER</b>		
PARAMEDIC TRAINING	\$5,500	\$5,500
TOTAL FOR CITY OF KILLDEER	\$5,500	\$5,500
TOTAL FOR DUNN COUNTY	\$697,000	\$697,000
<b>GOLDEN VALLEY COUNTY</b>		
<b>GOLDEN VALLEY COUNT</b>		
ROAD EQUIPMENT	\$190,000	\$190,000
TOTAL FOR GOLDEN VALLEY COUN	\$190,000	\$190,000
TOTAL FOR GOLDEN VALLEY COUNTY	\$190,000	\$190,000
<b>MCHENRY COUNTY</b>		
<b>CITY OF VELVA</b>		
CITY HALL ROOF REPAIR	\$46,000	\$46,000
TOTAL FOR CITY OF VELVA	\$46,000	\$46,000
TOTAL FOR MCHENRY COUNTY	\$46,000	\$46,000
<b>MCKENZIE COUNTY</b>		
<b>ALEXANDER PSD #2</b>		
PARKING LOT REPAIR	\$150,000	\$150,000
TOTAL FOR ALEXANDER PSD #2	\$150,000	\$150,000
<b>CITY OF WATFORD CITY</b>		
MAIN STREET REPLACEMENT	\$2,000,000	\$200,000

Tuesday, December 31, 2002

Page 5 of 9

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
FIRE DEPARTMENT RADIOS, PAGERS, FLASHLIGHTS	\$14,375	\$14,375
PURCHASE NEW AMBULANCE	\$90,000	\$90,000
TOTAL FOR CITY OF WATFORD CITY	\$2,104,375	\$304,375
HAWKEYE VALLEY TOW		
TREE REMOVAL, CULVERT REPLACEMENT AND GRAVEL	\$25,500	\$25,500
TOTAL FOR HAWKEYE VALLEY TO	\$25,500	\$25,500
TOTAL FOR MCKENZIE COUNTY	\$2,279,875	\$479,875
MCLEAN COUNTY		
GARRISON PUBLIC SCH		
ROOF REPLACEMENT	\$122,000	\$0
TOTAL FOR GARRISON PUBLIC SCH	\$122,000	\$0
CITY OF COLEHARBOR		
SNOW REMOVAL EQUIPMENT	\$20,000	\$0
TOTAL FOR CITY OF COLEHARBOR	\$20,000	\$0
CITY OF GARRISON		
WATER TOWER REPAIR	\$60,000	\$0
WATER MAIN REPLACEMENT AND STREET PAVEMENT	\$28,550	\$0
TOTAL FOR CITY OF GARRISON	\$88,550	\$0
CITY OF WILTON		
MEMORIAL HALL EXPANSION	\$65,000	\$0
TOTAL FOR CITY OF WILTON	\$65,000	\$0
WILTON FIRE PROTECTI		
AMBULANCE	\$100,000	\$0
TOTAL FOR WILTON FIRE PROTECTI	\$100,000	\$0

Tuesday, December 31, 2002

Page 6 of 9

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Operator's Signature Deanna Bullard Date 10/30/03

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>TOTAL FOR MCLEAN COUNTY</b>	<b>\$395,550</b>	<b>\$0</b>
<b>MOUNTRAIL COUNTY</b>		
MOUNTRAIL COUNTY		
SHERIFF PATROL 4X4 VEHICLE	\$25,000	\$25,000
MOTOR FOR TAR WAGON	\$3,000	\$3,000
TRACTOR	\$25,000	\$25,000
ROAD CONSTRUCTION	\$190,000	\$190,000
<b>TOTAL FOR MOUNTRAIL COUNTY</b>	<b>\$243,000</b>	<b>\$243,000</b>
<b>CITY OF NEW TOWN</b>		
HIRE POLICE OFFICER	\$22,953	\$22,953
<b>TOTAL FOR CITY OF NEW TOWN</b>	<b>\$22,953</b>	<b>\$22,953</b>
<b>TOTAL FOR MOUNTRAIL COUNTY</b>	<b>\$265,953</b>	<b>\$265,953</b>
<b>RENVILLE COUNTY</b>		
RENVILLE COUNTY		
GIS/GPS EQUIPMENT	\$90,000	\$90,000
ENI-PAVEMENT-LIKE ROAD SURFACE N OF TOLLEY	\$150,000	\$150,000
SEAL COAT 21.5 MILES	\$258,000	\$258,000
MOTOR GRADER	\$305,000	\$305,000
ROAD DEPT PICKUP TRUCK	\$28,000	\$28,000
FIRST RESPONDER EQUIPMENT	\$2,500	\$2,500
GRAVEL FOR OIL TRANSPORT ROUTES	\$10,000	\$10,000
GIS DATA COLLECTION	\$55,000	\$55,000
16 MILES OF OVERLAY	\$1,120,000	\$1,120,000
<b>TOTAL FOR RENVILLE COUNTY</b>	<b>\$2,018,500</b>	<b>\$2,018,300</b>
<b>TOTAL FOR RENVILLE COUNTY</b>	<b>\$2,018,500</b>	<b>\$2,018,500</b>

Tuesday, December 31, 2002

Page 7 of 9

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Operator's Signature

D. J. [Signature]

10/30/03  
Date

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Operator's Signature

*[Signature]*

10/30/03  
Date

## ND Association of Oil Gas Producing Counties Needs Assessment List

PROJECT	COST	IMPACT
<b>SLOPE COUNTY</b>		
<b>SLOPE COUNTY</b>		
MOTOR GRADER	\$190,000	\$190,000
COUNTY SHOP	\$80,000	\$80,000
HIRE DEPUTY	\$40,000	\$40,000
PATROL VEHICLE	\$38,000	\$38,000
RADIO TOWER	\$25,000	\$25,000
GPS MAPPING EQUIPMENT	\$50,000	\$50,000
LAW ENFORCEMENT RADIO EQUIPMENT	\$20,000	\$20,000
EMERGENCY EQUIPMENT	\$50,000	\$50,000
MAINTAIN AND RESURFACE ROAD	\$150,000	\$150,000
ROAD MULCHER	\$26,000	\$26,000
TOTAL FOR SLOPE COUNTY	\$669,000	\$669,000
TOTAL FOR SLOPE COUNTY	\$669,000	\$669,000
<b>WARD COUNTY</b>		
<b>WARD COUNTY</b>		
ROAD GRAVELING	\$60,000	\$60,000
TOTAL FOR WARD COUNTY	\$60,000	\$60,000
TOTAL FOR WARD COUNTY	\$60,000	\$60,000
<b>WILLIAMS COUNTY</b>		
<b>CITY OF WILLISTON</b>		
STREET LIGHTING	\$400,000	\$0
CEMETARIES	\$130,000	\$0
LANDFILL	\$300,000	\$30,000
ROAD AND STREETS	\$8,709,000	\$870,900

Tuesday, December 31, 2002

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# **ND Association of Oil Gas Producing Counties Needs Assessment List**

PROJECT	COST	IMPACT
STORM SEWER	\$25,000	\$0
SANITARY SEWER	\$750,000	\$0
WATER TREATMENT PLANT	\$29,800,000	\$0
WATER DISTRIBUTION	\$12,885,000	\$0
TOTAL FOR CITY OF WILLISTON	\$53,040,000	\$800,900
TOTAL FOR WILLIAMS COUNTY	\$53,040,000	\$800,900
GRAND TOTAL	\$73,769,204	\$8,557,780

Tuesday, December 31, 2002

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Operator's Signature

Date

10/30/03

**TESTIMONY FOR HOUSE BILL 1013**

**ENERGY IMPACT OFFICE**

**PREPARED FOR:  
HOUSE APPROPRIATIONS COMMITTEE  
GOVERNMENT OPERATIONS DIVISION  
REPRESENTATIVE RON CARLISLE, CHAIRMAN**



**PREPARED BY:  
BOWMAN COUNTY COMMISSIONERS**

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*Deanna Gellhardt*  
Operator's Signature

10/30/03  
Date

**COUNTY  
COMMISSIONERS:**

**EUGENE MILLER**  
HCR 2 Box 29  
Rhome, ND 58651  
701-279-8837

**KENNETH STEINER**  
8708 127<sup>th</sup> Ave SW  
Rosedale, ND 58649  
701-275-8789

**ELDON (BUS) PATTERSON**  
PO Box 63  
Bowman, ND 58623  
701-523-3487

**OFFICE OF THE AUDITOR**

**COUNTY OF BOWMAN**  
**STATE OF NORTH DAKOTA**

PO BOX 439, BOWMAN, ND 58623  
PHONE: 701-523-3130  
FAX: 701-523-5443

**COUNTY AUDITOR:**  
**JAN STEBBINS**

PO BOX 439  
BOWMAN ND 58623

**DEPUTY:**  
**LINDA MARTIN**

House Appropriations Committee  
Government Operation Division  
Rep. Ron Carlisle

The Bowman County Commission would like to thank you for this opportunity to provide some information as to the importance of the Office of Energy Impact. The office of Energy Impact has been of great assistance to the citizens of Bowman County, especially the past few years.

Horizontal drilling technology has greatly changed the oil and gas activity in the Bowman County area. It has opened up the largest oil field in the lower 48 states in the past 25 years. It has also enhanced production in old vertical wells that are at or are near the end of their life cycle.

The activity covers most of the area west of Highway 85 and South of Highway 12 plus an area near the Bowman Haley Dam. The area of oil production covers nearly 60 percent of the County.

We would like to present the following for your information to express the need for the Impact Office and continued findings. Your support is urgently needed.

Thank you for your favorable consideration.

Bowman County Commission

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*Deanna G. Ball*  
Operator's Signature

10/30/03  
Date

## BOWMAN COUNTY OILFIELDS

### CEDAR HILLS-RED RIVER B UNIT 180 sq. miles.

- WELLS COMPLETED 220
- WELLS TO BE DRILLED 100-150
- RIGS PRESENTLY WORKING 8
- PIPELINES 600+ MILES
- WATER & AIR PLANTS 8

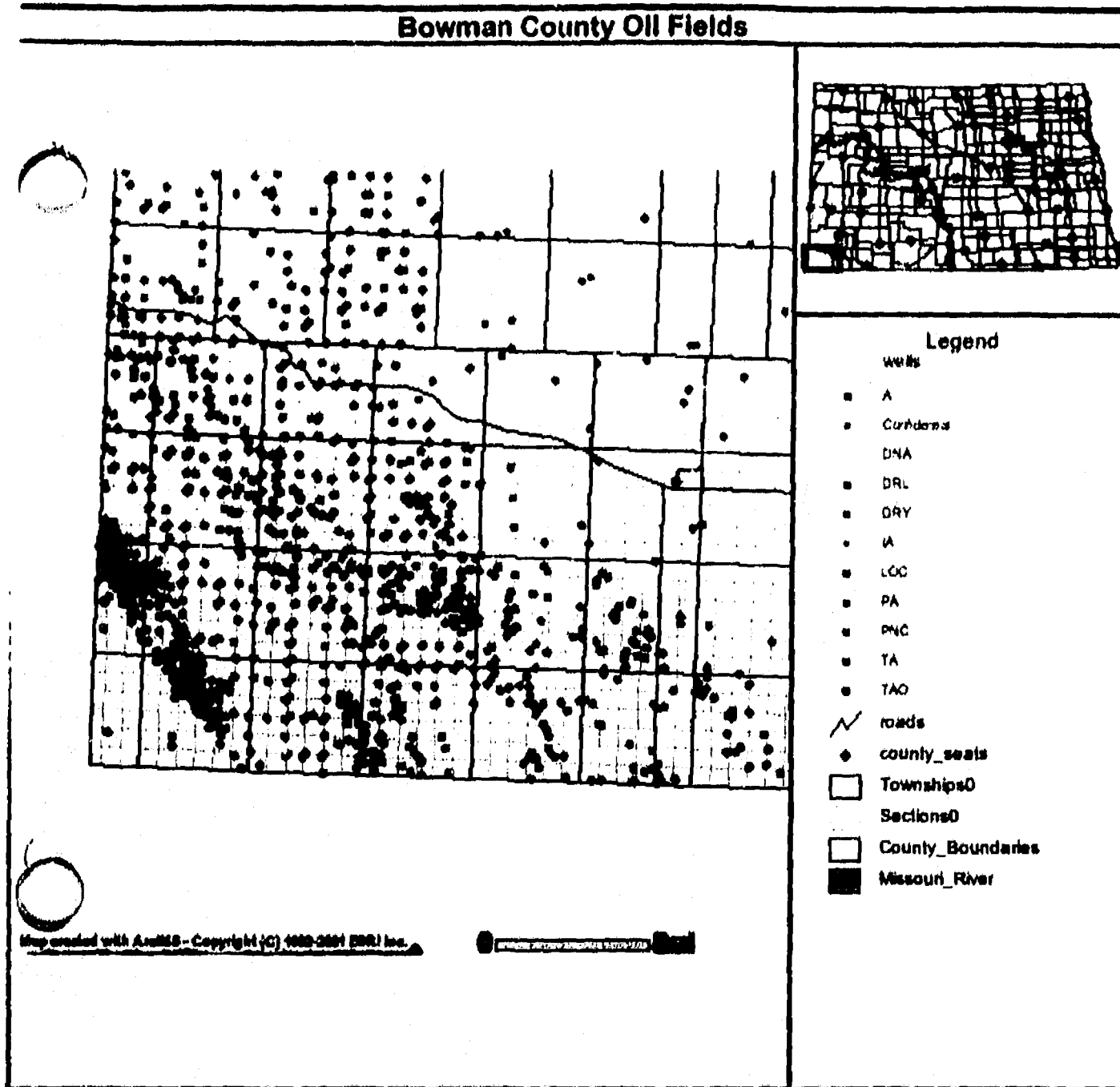
### OUTSIDE CEDAR HILLS

- WELLS COMPLETED 140
- WELLS TO BE DRILLED N/A

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Deanna G. Ball  
Operator's Signature

10/30/03  
Date



<http://ogdmaps.ndic.state.nd.us/servlet/com.esri.esrimap.Esrimap?ServiceName=Basemap1&ClientVersion=...> 1/14/2003

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*Deanna Gallardo*  
Operator's Signature

10/30/03  
Date

## **BOWMAN COUNTY ROAD SYSTEM**

### **OIL & GAS IMPACTS**

- MILES OF COUNTY MAJOR COLLECTOR ROADS IMPACTED 85
- MILES OF COUNTY MINOR COLLECTOR ROADS IMPACTED 50
- MILES OF TOWNSHIP ROADS IMPACTED 85

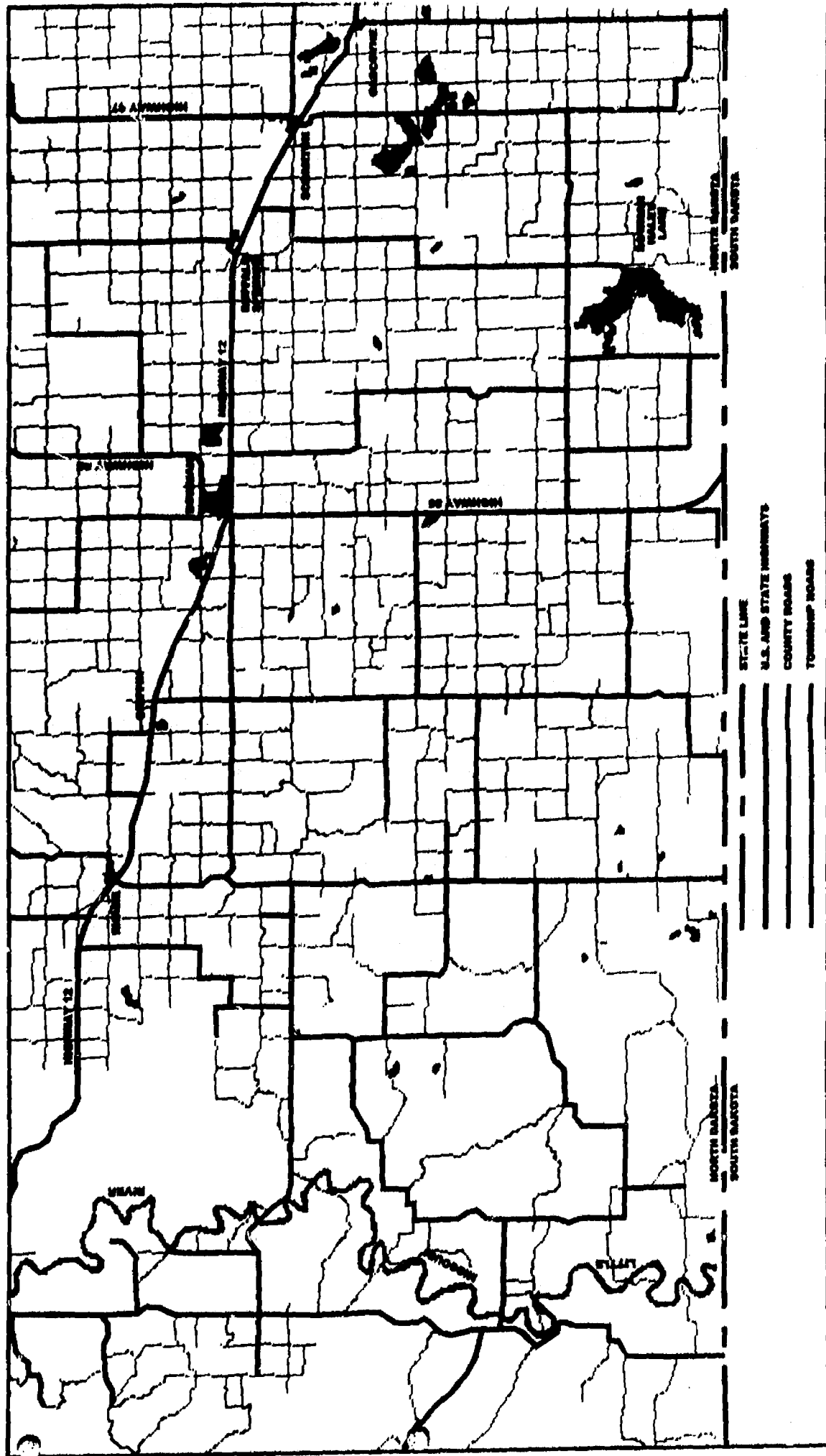
### **BOWMAN COUNTY ROADS & BRIDGE EXPENSE**

- AVERAGE PER YEAR 1991-1995 \$660,000
- AVERAGE PER YEAR 1996-2003 \$1,335,000
- 48 MILES OF NEW & RECONSTRUCTED \$8 MILLION
- MONEY NEEDED IN 2003 & 2004 \$3 MILLION
- MONEY NEEDED 2005 TO 2008 \$6 MILLION

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Deanna Ballantyne  
Operator's Signature

10/30/03  
Date

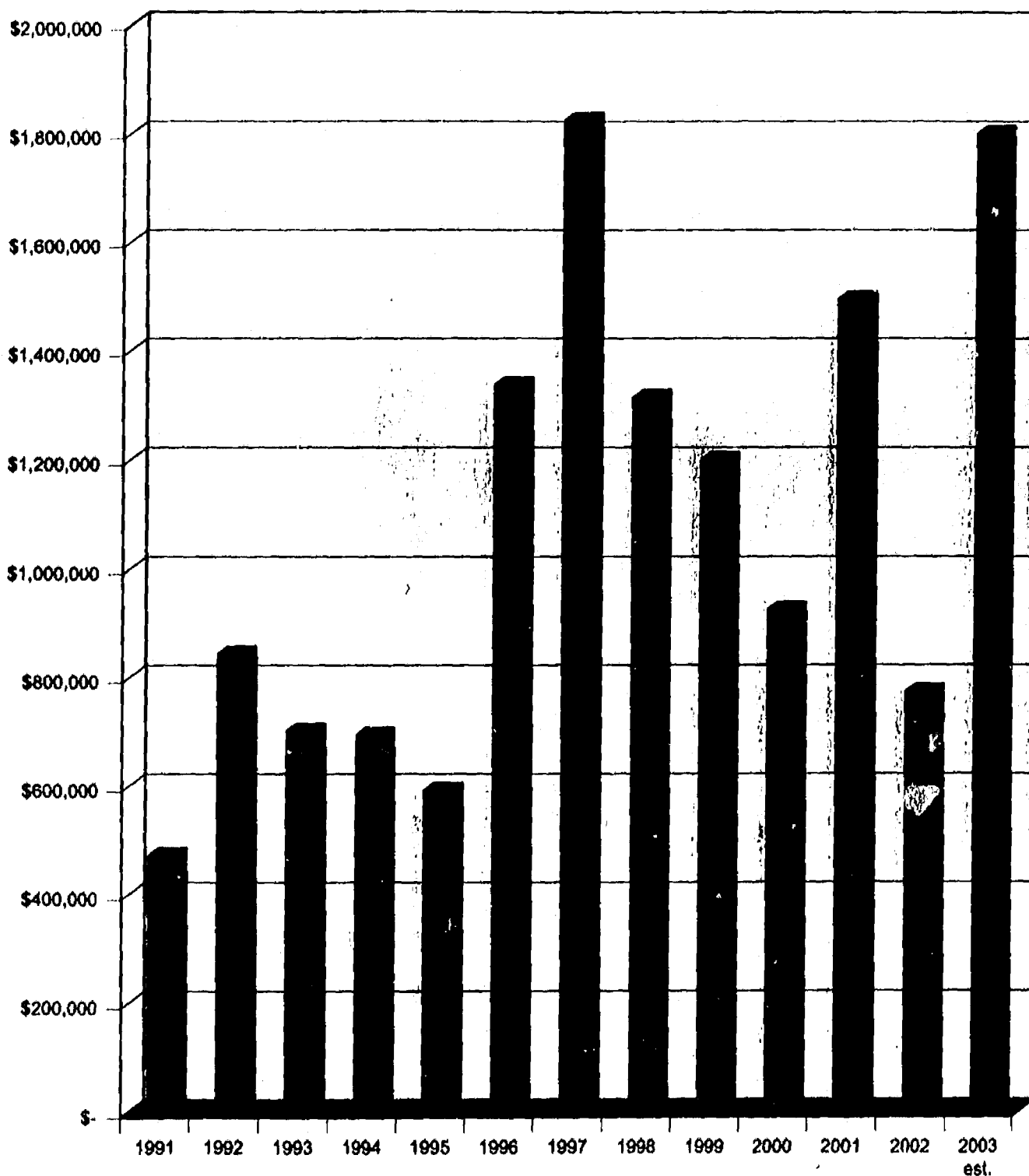


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*Deanna G. Galt*  
Operator's Signature

10/30/03  
Date

# **Bowman County Road and Bridge Expenses**



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*Deanna O'Sullivan*  
Operator's Signature

10/30/03  
Date



## OTHER ENTITIES

### TOWNSHIPS

- NO ACCESS TO OIL PRODUCTION TAXES
- BOWMAN COUNTY TO TOWNSHIPS \$351,000

### LAW ENFORCEMENT & EMERGENCY SERVICES

- SHERIFF DEPARTMENT
- AMBULANCE
- FIRE DEPARTMENTS

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Deanna Ballantyne  
Operator's Signature

10/30/03  
Date

Exhibit 3

# TESTIMONY FOR HOUSE BILL 1013

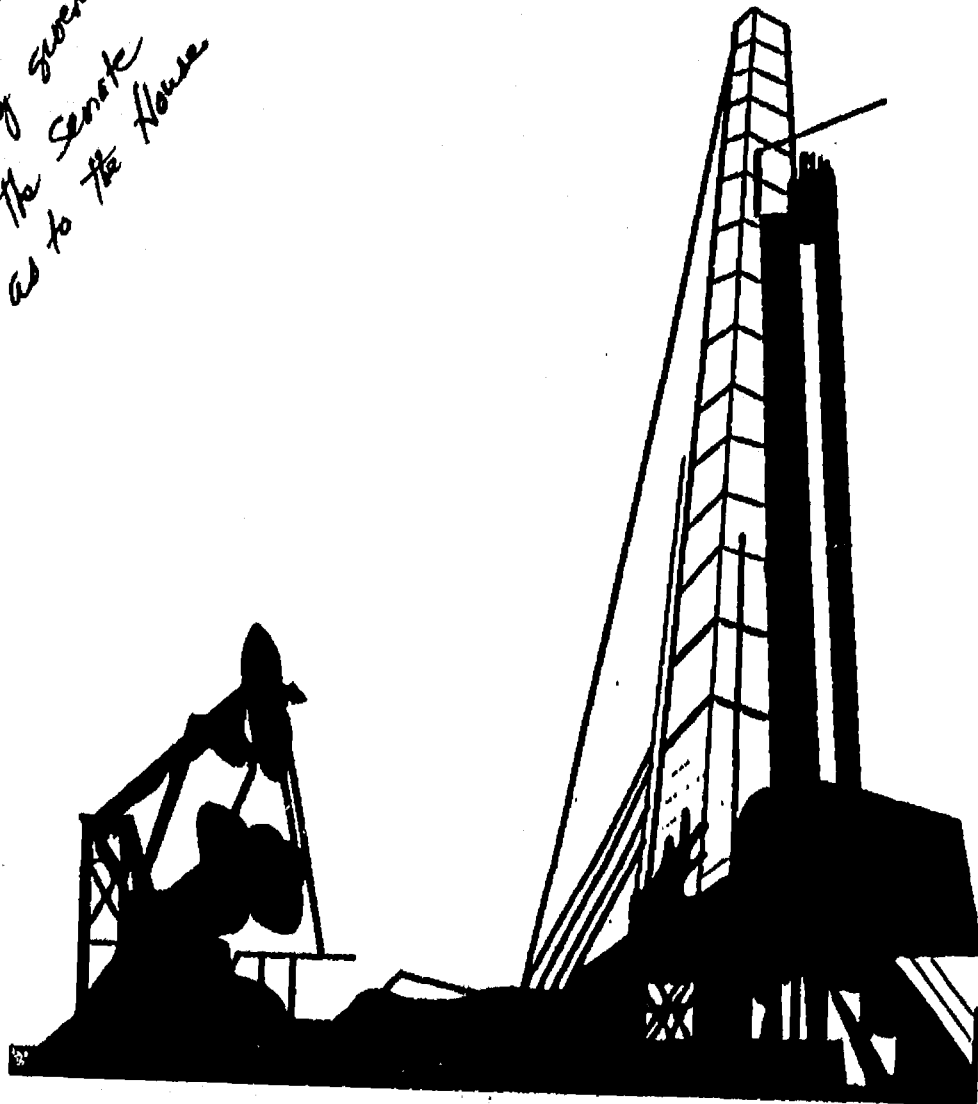
## ENERGY IMPACT OFFICE

PREPARED FOR:

SENATE APPROPRIATIONS COMMITTEE

SENATOR RAY HOLMBERG, CHAIRMAN

*With the  
exception  
of these  
pages, same  
testimony given  
to the Senate  
as to the House*



PREPARED BY:

BOWMAN COUNTY COMMISSIONERS

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*Deanna Ballantyne*  
Operator's Signature

10/30/03  
Date

**BOWMAN COUNTY  
Consolidated Tax Levi**

Year	Valuation	Levi	Tax Call
2002	\$ 8,393,401	86.83 \$	728,799
2001	\$ 8,129,527	83.26 \$	676,864
2000	\$ 8,429,849	86.25 \$	727,074
1999	\$ 7,895,787	87.61 \$	691,750
1998	\$ 7,822,766	87.38 \$	686,077
1997	\$ 6,976,289	88.94 \$	620,471
1996	\$ 6,613,540	92.00 \$	608,446
1995	\$ 6,358,352	105.40 \$	670,170
1994	\$ 6,266,427	104.26 \$	653,338

Per the Tax Director, the increase in Valuation is mainly due to increased Agricultural Lands values in the County.  
Listed below is the increases that have been mandated by the State the past few years per the State formula.

1995	5%
1996	6%
1997	2%
1998	7%
1999	2%
2000	4%
2001	3%
2002	3%

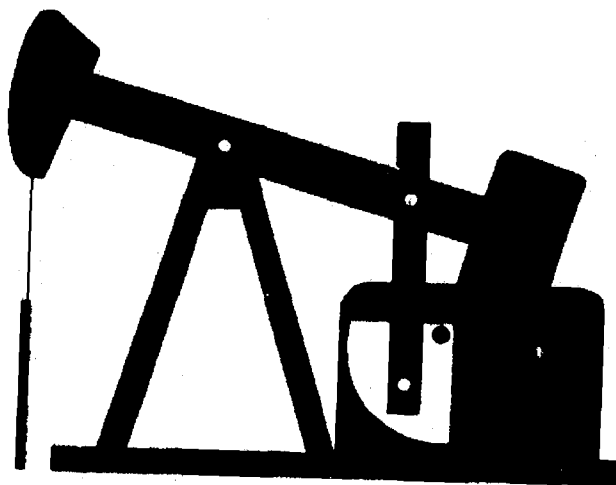
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*Deanna G. Hall*  
Operator's Signature

10/30/03  
Date

Testimony  
HB 1013  
"B"

# STATISTICAL INFORMATION SHOWING THE IMPACT



# OF THE OIL BOOM ON THE CITY OF WILLISTON

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Deanna G. Hall  
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10/30/03  
Date

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Deanna G. Galt  
Operator's Signature

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Date

EFFECTIVE TAX RATES AND MILL LEVIES FOR WILLISTON						
YEAR	WILLISTON CITY MILLS	EFFECTIVE TAX RATE RESIDENTIAL	EFFECTIVE TAX RATE COMMERCIAL	TOTAL MILLS OF TAX DISTRICT #1	EFFECTIVE TAX RATE RESIDENTIAL	EFFECTIVE TAX RATE COMMERCIAL
1978	58.19	.26	.29	235.96	1.06	1.18
1979	65.12	.29	.33	257.37	1.16	1.29
1980	67.95	.31	.34	265.56	1.20	1.33
1981	91.38	.41	.46	272.62	1.23	1.36
1982	96.88	.44	.48	280.58	1.26	1.40
1983	128.12	.58	.64	319.39	1.44	1.60
1984	132.54	.60	.66	339.46	1.53	1.7
1985	136.45	.61	.68	350.75	1.58	1.75
1986	146.30	.66	.73	373.71	1.68	1.87
1987	178.50	.80	.89	448.61	2.02	2.24
1988	202.78	.91	1.01	500.38	2.25	2.50
1989	221.21	1.00	1.10	586.92	2.64	2.93
1990	206.96	.93	1.03	572.38	2.58	2.86
1991*	146.40	.66	.73	519.76	2.34	2.60
1992 *	140.62	.63	.70	544.97	2.45	2.72

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Operator's Signature *[Signature]*

Date 10/30/03

EFFECTIVE TAX RATES AND MILL LEVIES FOR WILLISTON						
YEAR	WILLISTON CITY MILLS	EFFECTIVE TAX RATE RESIDENTIAL	EFFECTIVE TAX RATE COMMERCIAL	TOTAL MILLS OF TAX DISTRICT #1	EFFECTIVE TAX RATE RESIDENTIAL	EFFECTIVE TAX RATE COMMERCIAL
1993 *	140.62	.63	.70	575.90	** 2.59	2.88
1994 *	136.70	.62	.68	567.30	** 2.55	2.84
1995 *	129.27	.58	.65	546.51	2.46	2.73
1996 *	126.78	.57	.63	548.73	2.47	2.74
1997 *	118.07	.53	.59	524.06	2.36	2.62
1998 *	118.01	.53	.59	525.93	2.37	2.63
1999 *	122.29	.55	.61	527.42	2.37	2.64
2000 *	122.2	.55	.61	527.75	2.38	2.64
2001	121.94	.55	.61	526.96	2.37	2.64
2002	120.57	.54	.60	528.59	2.38	2.64

\* All numbers improved with local 1% sales tax reducing mill levy by some 60 mills.

\*\* It is interesting to note that the California tax revolt started with a tax rate of \$2.50 per \$100.00 value.

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Operator's Signature

*Deanna J. Johnson*

10/30/03  
Date

CITY OF WILLISTON LEVY RECAP			
COLLECTION YEAR	CITY SHARE OF LEVY	PERCENTAGE RELATED TO DEBT	TOTAL LEVY
1979	58.19	6.6%	235.98
1980	65.12	5.3%	257.37
1981	67.95	3.1%	265.56
1982	91.38	20.0%	272.62
1983	96.88	29.2%	280.58
1984	128.12	33.9%	319.39
1985	132.54	35.3%	339.46
1986	136.45	38.4%	350.75
1987	146.30	38.7%	373.71
1988	178.50	35.9%	448.61
1989	202.78	37.1%	500.38
1990	221.21	37.8%	586.92
1991	206.96	29.0%	572.38
1992	146.40	0%*	519.76
1993	140.62	0%*	544.97
1994	140.62	0%*	575.90
1995	136.70	0%*	567.30
1996	129.27	0%*	546.51
1997	126.78	0%*	548.73
1998	118.07	0%*	524.06
1999	118.01	0%*	525.93
2000	122.29	0%*	527.42
2001	121.94	0%	526.96
2002	120.57	0%	528.59

\* Debt portion of mill levy was eliminated when the local 1% sales tax went into effect. 75% of the sales tax, or approximately 60 mills, goes to property tax relief or the covering of our debt levies and infrastructure replacement.

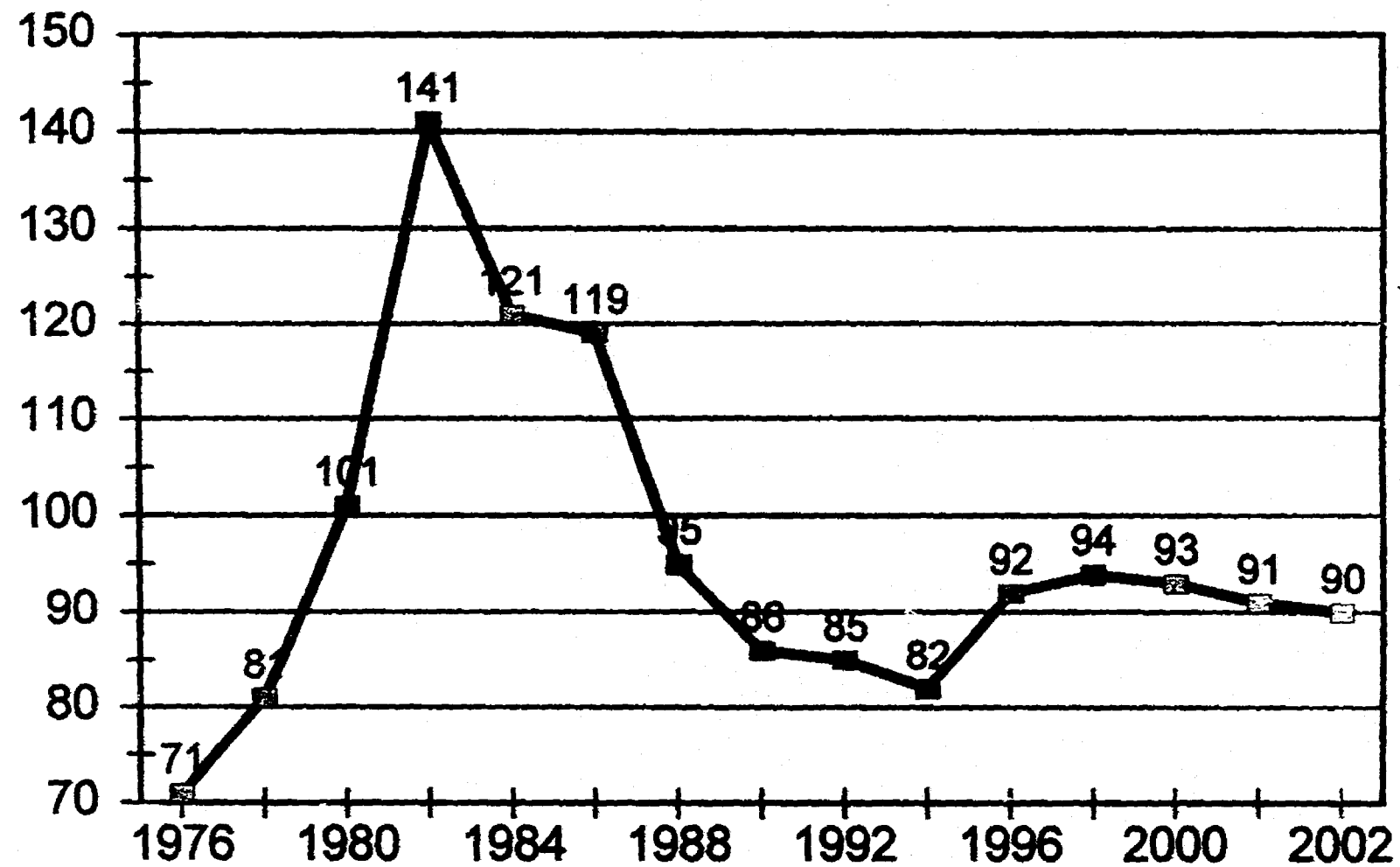
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Deanna Ballantyne  
Operator's Signature

10/30/03  
Date



# **TOTAL EMPLOYEES BY YEAR CITY OF WILLISTON**



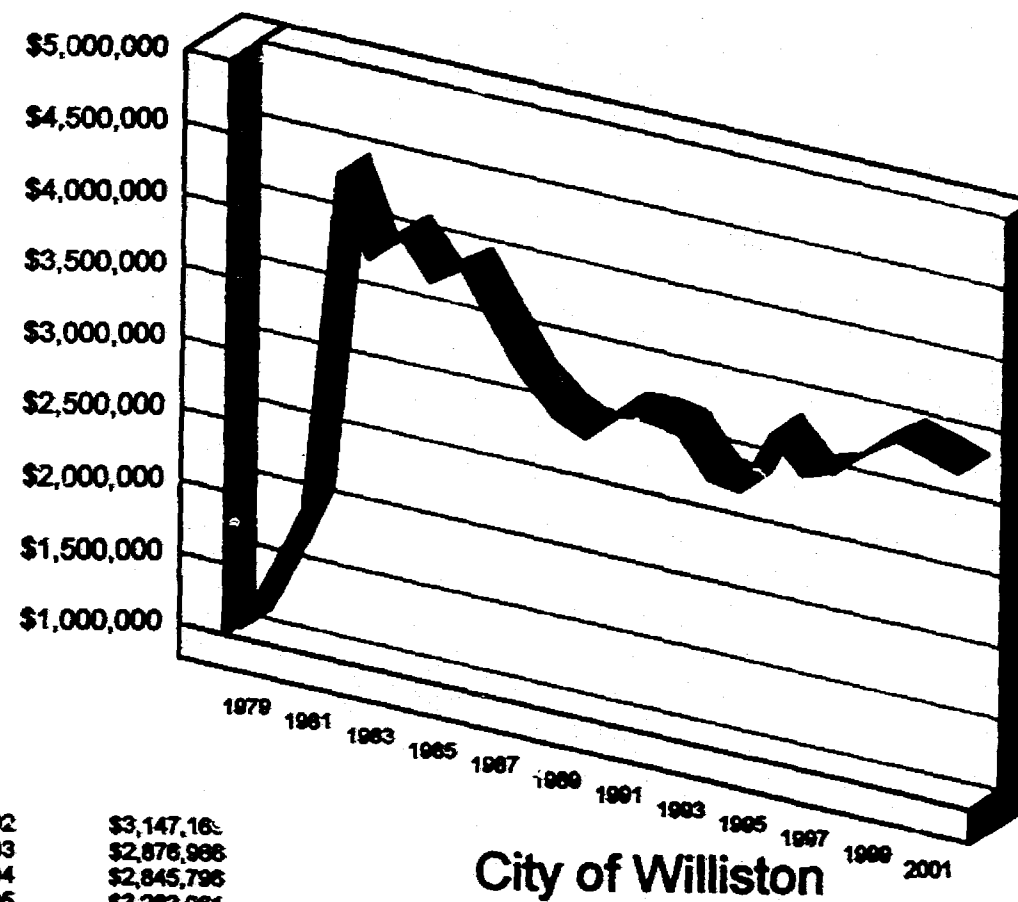
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Date

## GENERAL FUND EXPENDITURES 1978 - 2001

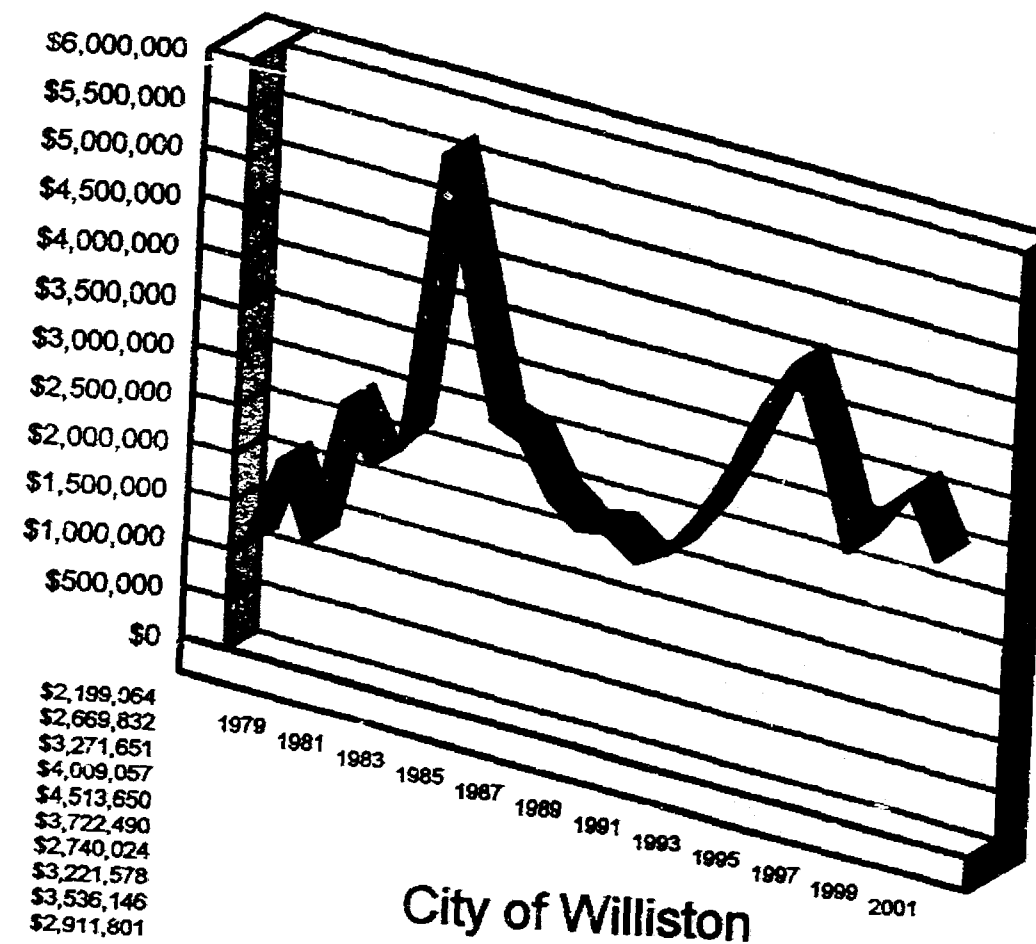


1978	\$1,070,644		
1979	\$1,515,957		
1980	\$1,999,333		
1981	\$4,387,622		
1982	\$3,846,490		
1983	\$4,070,975		
1984	\$3,797,219	1982	\$3,147,162
1985	\$3,941,133	1983	\$2,876,986
1986	\$3,599,073	1984	\$2,845,796
1987	\$3,274,554	1985	\$3,283,061
1988	\$3,064,043	1986	\$3,055,263
1989	\$3,311,550	1987	\$3,119,019
1990	\$2,961,497	1988	\$3,455,617
1991	\$3,172,162	1989	\$3,399,699
	\$3,184,068	1990	\$3,399,699
		1991	\$3,322,584

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Operator's signature [Signature] Date 10/30/03

# **SPECIAL REVENUE FUND EXPENDITURES** **1978 - 2001**



\* Reclassified which funds  
are Special Revenue versus  
Trust & Agency

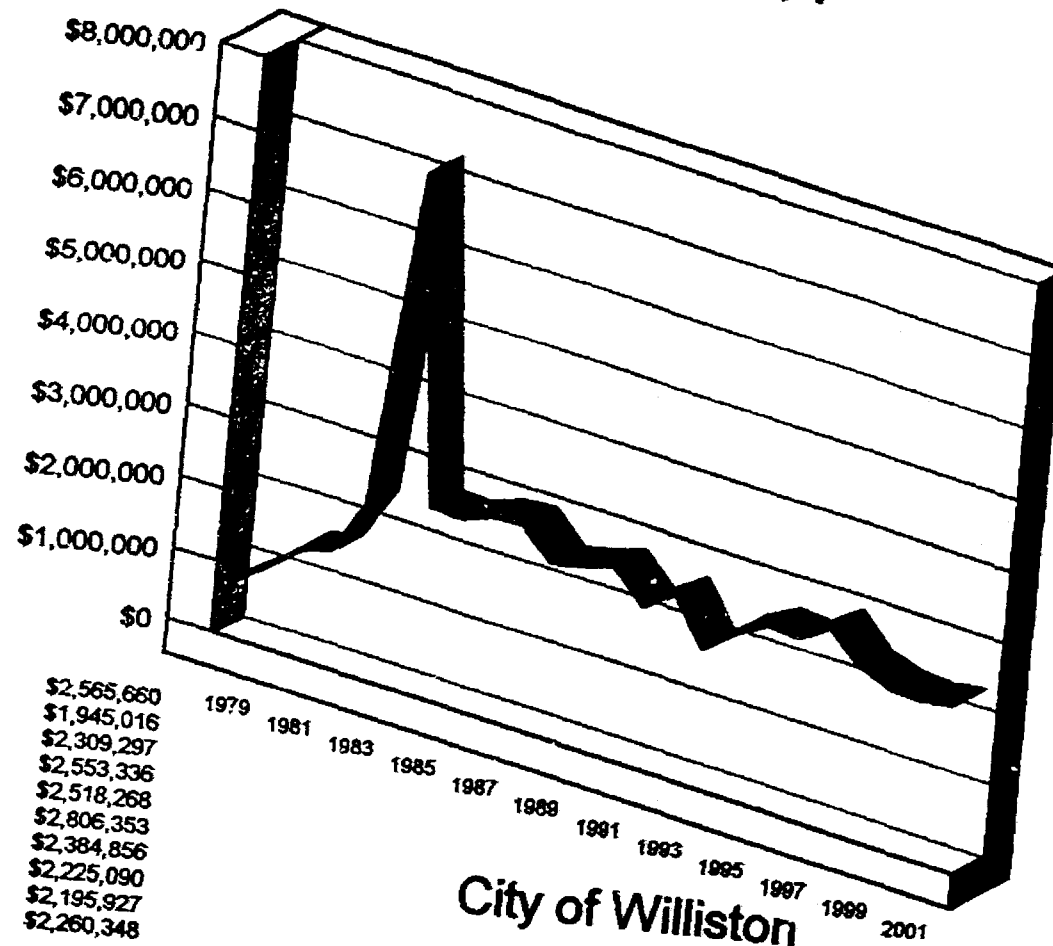
1978	\$1,109,068
1979	\$2,055,545
1980	\$1,295,237
1981	\$2,833,984
1982	\$2,263,771
1983	\$2,635,179
1984	\$5,598,361
1985	\$4,300,004
1986	\$3,069,412
1987	\$2,957,910
1988	\$2,444,873
1989	\$2,194,688
1990	\$2,243,121
1991	\$2,026,425

1992	\$2,199,064
1993	\$2,669,832
1994	\$3,271,651
1995*	\$4,009,057
1996*	\$4,513,650
1997*	\$3,722,490
1998*	\$2,740,024
1999*	\$3,221,578
2000*	\$3,536,146
2001*	\$2,911,801

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Operator's Signature Deanna S. Johnson Date 10/30/03

# ENTERPRISE FUND EXPENDITURES 1978 - 2001



City of Williston

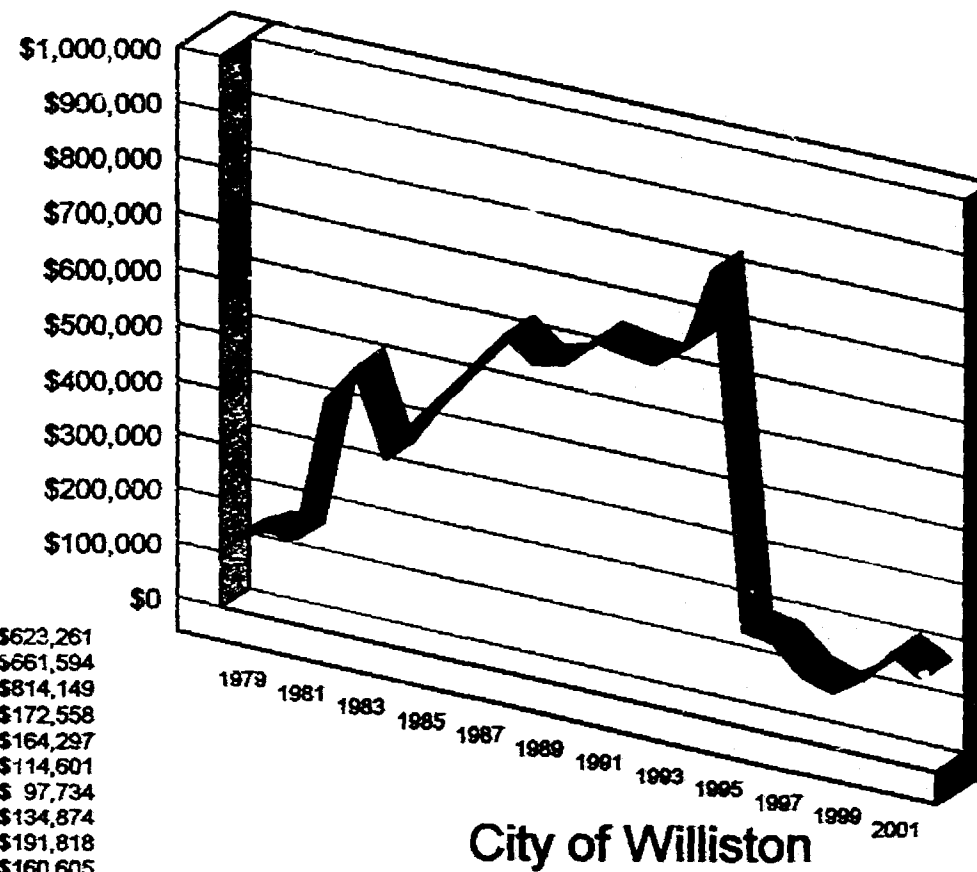
\* Reclassified which funds  
are Special Revenue versus  
Trust & Agency

1978	\$ 789,370
1979	\$1,108,883
1980	\$1,522,705
1981	\$1,653,841
1982	\$2,399,848
1983	\$7,169,597
1984	\$2,667,551
1985	\$2,645,718
1986	\$2,806,129
1987	\$2,843,212
1988	\$2,456,035
1989	\$2,546,523
1990	\$2,684,608
1991	\$2,254,582

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Operator's Signature Deanna Schubert Date 10/30/03

## TRUST & AGENCY FUND EXPENDITURES 1978 - 2001



\* Reclassified which funds  
are Trust & Agency versus  
Special Revenue

1978	\$131,164
1979	\$156,871
1980	\$153,130
1981	\$424,208
1982	\$491,780
1983	\$338,260
1984	\$421,260
1985	\$485,000
1986	\$546,746
1987	\$612,793
1988	\$572,925
1989	\$584,932
1990	\$638,716
1991	\$628,547

1992	\$623,261
1993	\$661,594
1994	\$814,149
1995*	\$172,558
1996*	\$164,297
1997*	\$114,601
1998*	\$ 97,734
1999*	\$134,874
2000*	\$191,818
2001*	\$160,605

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# **CITY OF WILLISTON CASH FLOW SCHEDULE 2001 - 2017**

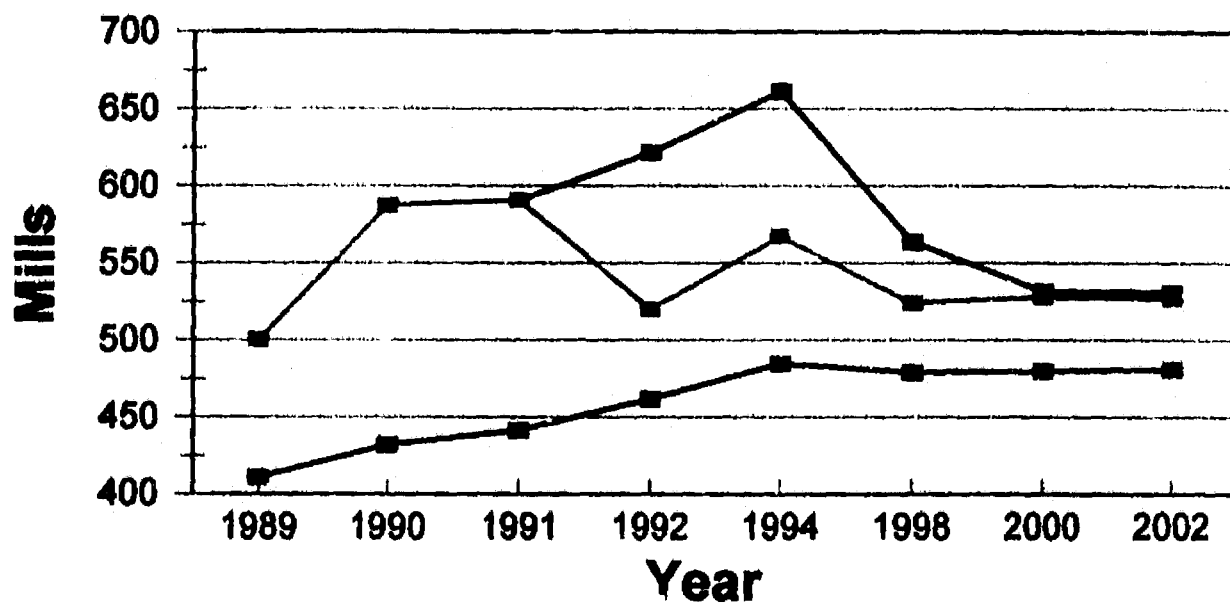
YEAR ASSESSMENTS	WATER/ MUNICIPAL HIGHWAY REVENUE	AIRPORT	TOTAL REVENUE	TOTAL DELIN- QUENCY	OTHER DELIN- QUENCIES	ANTICIPATED INCOME	REVISED PAYMENTS	ANNUAL SURPLUS	INTEREST AT 3%	CUMULATIVE BALANCE
										2,251,096
2001	94,333	21,696	80,000	196,029		196,029	1,051,735	(855,736)	67,533	1,462,923
2002	80,460	7,012	80,000	167,472		167,472	491,225	(323,753)	43,888	1,183,058
2003	73,622	6,753	80,000	160,375		160,375	377,134	(216,759)	35,492	1,001,791
2004	68,305	6,494	80,000	154,799		154,799	362,590	(207,791)	30,054	824,054
2005	58,109	6,235	80,000	144,344		144,344	345,910	(201,566)	24,722	647,210
2006	53,747	5,976	80,000	139,723		139,723	334,918	(195,195)	19,416	471,431
2007	48,216	5,717	80,000	133,933		133,933	109,183	24,750	14,143	510,324
2008	37,352	5,457		42,809		42,809	90,219	(47,410)	15,310	478,224
2009	35,308	5,198		40,506		40,506	86,568	(46,062)	14,347	446,509
2010	28,766	4,939		33,705		33,705	87,734	(54,029)	13,395	405,875
2011	27,080	4,680		31,740		31,740	78,873	(47,133)	12,176	370,918
2012	4,579	4,421		9,000		9,000	45,935	(36,935)	11,128	345,111
2013		4,162		4,162		4,162	34,050	(29,888)	10,353	325,576
2014						0	32,430	(32,430)	9,767	302,913
2015							30,810	(30,810)	9,087	281,190
2016								0	8,436	289,626
2017								0	8,689	298,315
	\$609,857	\$88,740	\$560,000	\$1,258,597		\$0	\$1,258,597	\$3,528,504		\$347,936

Includes 1991, 1988, 1993, 1985, 1996, 1997 and 2000 Refundings and Coal Severance (in the Assessments and Revised Payments)

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Operator's Signature: *[Signature]* Date: 10/30/03

## Mill Levy Comparison between the Major Cities of North Dakota and the City of Williston with and without Sales Tax



- WILLISTON WITHOUT SALES TAX, EIO GRANT
- WILLISTON WITH SALES TAX, EIO GRANT
- AVERAGE OF ELEVEN MAJOR ND CITIES

The above graph takes the average mill levies of the remaining eleven largest cities and compares their total local property tax to Williston's. From 1989 to 2002, there is a significant gap between Williston and the other cities, but without sales tax and Energy Impact Grant relief, this gap will become even more severe.

*Deanna G. Ball*  
Operator's Signature

10/30/03  
Date

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Overall Ranking by Mill Total	City	Value of Mill & Ranking *	Total Mills	Growth of Mill 1997-2001	City Mills & Ranking *	School Mills & Ranking *	County Mills & Ranking *	Park Mills & Ranking *	Other Mills & Ranking *
1	Williston	13,733 (9)	526.96 (1)	1.8%	121.94 (7)	247.81 (4)	114.92 (3)	39.93 (5)	18.30(1)
2	Tioga	884 (15)	519.86 (2)	.34%	134.38 (3)	187.65 (15)	114.92 (3)	80.20 (1)	2.71 (7)
3	Wahpeton	9,485 (10)	511.36 (3)	1.1%	119.44 (8)	229.96 (7)	116.50 (2)	36.55 (9)	8.60 (4)
4	Grand Forks	83,368 (3)	509.76 (4)	2.67%	129.18 (4)	241.50 (5)	101.57 (9)	37.51 (8)	
5	Mandan	21,288 (6)	498.13 (5)	3.4%	116.26 (9)	210.29 (11)	122.94 (1)	42.83 (3)	5.81 (6)
6	Devils Lake	8,496 (11)	491.81 (6)	1.0%	112.27 (10)	219.66 (8)	110.58 (5)	49.30 (2)	
7	Fargo	183,845 (1)	491.44 (7)	8.3%	60.13 (16)	327.88 (1)	63.69 (13)	32.76 (11)	6.98(5)
8	Dickinson	18,652 (8)	487.15 (8)	1.0%	135.72 (2)	210.78 (9)	105.46 (7)	34.19 (10)	1.00 (8)
9	Jamestown	19,089 (7)	485.06 (9)	4.0%	137.79 (1)	204.00 (13)	102.25 (8)	41.02 (4)	
10	Valley City	6,949 (12)	484.32 (10)	1.5%	111.71 (11)	232.68 (6)	101.08 (10)	38.85 (7)	
11	Bismarck	129,431 (2)	483.72 (11)	31.8%	106.41 (12)	275.82 (2)	62.54 (14)	38.95 (6)	
12	Gladstone	107 (16)	441.48 (12)	7.0%	100.72 (13)	210.78 (10)	110.56 (6)	8.59 (16)	10.83 (2)
13	Minot	61,444 (4)	422.86 (13)	1.1%	128.24 (5)	192.29 (14)	73.05 (12)	29.28 (12)	
14	West Fargo	25,369 (5)	422.22 (14)	9.5%	72.99 (15)	249.02 (3)	63.69 (13)	27.19 (14)	9.33 (3)
15	Stanley	1,053 (14)	374.59 (15)	0.76%	124.11 (6)	208.60 (12)	112.98 (4)	28.03 (13)	.87 (9)
16	Bowman	1,876 (13)	342.06 (16)		79.47 (14)	160.79 (16)	83.26 (11)	18.54 (15)	
Average			468.30		111.92	225.59	97.50	36.50	7.16

\* All ranking from highest to lowest in category.



PROPERTIES TURNED BACK FOR TAXES - PURCHASED BY CITY OF WILLISTON			
1986	83 Parcels	Consolidated	97,533.76
		Specials	165,080.28
		Penalty & Interest	66,782.54
		TOTAL	329,396.58
1987	256 Parcels	Consolidated	100,253.90
		Specials	451,221.79
		Penalty & Interest	110,916.55
		TOTAL	662,392.24
1988	315 Parcels	Consolidated	378,908.24
		Specials	2,329,783.75
		Penalty & Interest	554,506.71
		TOTAL	3,263,198.70
1989	83 Parcels	Consolidated	138,540.30
		Specials	493,164.57
		Penalty & Interest	212,006.44
		TOTAL	843,711.31
1990	57 Parcels	Consolidated	59,348.86
		Specials	291,807.9.1
		Penalty & Interest	116,669.61
		TOTAL	467,826.37
1991	94 Parcels	Consolidated	106,616.96
		Specials	355,605.91
		Penalty & Interest	138,813.30
		TOTAL	601,036.17
1992	66 Parcels	Consolidated	62,231.08
		Specials	290,286.28
		Penalty & Interest	120,063.86
		TOTAL	472,581.22
1993	13 Parcels	Consolidated	18,880.91
		Specials	60,139.92
		Penalty & Interest	23,844.05
		TOTAL	102,864.88
1994	6 Parcels	Consolidated	13,051.77
		Specials	16,742.58
		Penalty & Interest	7,821.10
		TOTAL	37,615.45

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*Deanna G. Sullivan*  
Operator's Signature

10/30/03  
Date

PROPERTIES TURNED BACK FOR TAXES - PURCHASED BY CITY OF WILLISTON			
1995	1 Parcels	Consolidated	5.47
		Specials	735.83
		Penalty & Interest	258.81
		Miscellaneous	11.16
		TOTAL	1,011.27
1996	0 Parcels		
1997	0 Parcels		
1998	1 Parcel	Consolidated	710.41
		Specials	9,418.96
		Penalty & Interest	3,465.34
		Miscellaneous	10.31
		TOTAL	13,605.02
1999	2 Parcels	Consolidated	2,507.09
		Specials	5,347.34
		Penalty & Interest	2,460.36
		Miscellaneous	20.62
		TOTAL	10,335.41
2000	1 Parcel	Consolidated	1,031.61
		Specials	708.53
		Penalty & Interest	332.91
		Miscellaneous	9.54
		TOTAL	2,082.59
2001	0 Parcels		
2002	0 Parcels		
GRAND TOTALS 1986 - 2002	978 Parcels	Consolidated	979,620.36
		Specials	4,470,043.64
		Penalty & Interest	1,357,941.58
		Miscellaneous	51.63
		TOTAL	\$6,807,657.21

**CAPITAL IMPROVEMENT NEEDS  
WILLISTON, ND  
PROJECT SUMMARY  
December 18, 2002**

<b>WATER DISTRIBUTION</b>		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
System Connection (10 <sup>th</sup> Ave W)	\$200,000	Approx. 1,800' - 18"
System Connection (4 <sup>th</sup> Ave W)	225,000	Approx. 1,800' - 12"
System Connection (Basin Industrial Park)	110,000	Approx. 1,000' - 18"
Water Line Replacement 1 <sup>st</sup> Ave E (14 <sup>th</sup> - 16 <sup>th</sup> )	85,000	Bad 6" cast iron pipe
Water Line Replacement 2 <sup>nd</sup> Ave E (14 <sup>th</sup> - 18 <sup>th</sup> )	150,000	Bad 6" cast iron pipe
Water Line Replacement 12 <sup>th</sup> St W (6 <sup>th</sup> - 8 <sup>th</sup> )	70,000	Bad 6" cast iron pipe
Water Line Replacement 8 <sup>th</sup> Ave W (12 <sup>th</sup> - 13 <sup>th</sup> )	35,000	Bad 6" cast iron pipe
Water Line Relocation Alley to 4 <sup>th</sup> St (3 <sup>rd</sup> - 6 <sup>th</sup> Ave)	135,000	12" cast iron in alley with all utilities, numerous problems if it breaks
Water Line Replacement 4" Cast Iron Pipe (117 blks)	4,095,000	Low pressure & rusty water
Water Line Replacement 6" Cast Iron Pipe (204 blks)	7,140,000	Low pressure & rusty water
Meter & Remote Replacement	650,000	5,500 meters

<b>WATER TREATMENT PLANT</b>		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
Upgrade Water Treatment Plant	\$29,000,000	Estimate based on WTP Master Study
Lime Sludge Storage	800,000	1 additional sludge w/WTP expansion - short of space

Capital Improvement Needs  
Williston, North Dakota

14

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*Deanna G. Hall*  
Operator's Signature

10/30/03  
Date

SANITARY SEWER		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
Sewer Replacement Broadway (3 <sup>rd</sup> - 14 <sup>th</sup> Ave W)	\$550,000	Capacity problems
Line - 15" SAS (3 <sup>rd</sup> - 11 <sup>th</sup> St)	240,000	3 blk program - 1995, 8 blks remain

STORM SEWER/DRAINAGE		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
Airport/Interstate Drain Improvement Study	\$25,000	Study to determine what improvements would reduce flood hazard

ROADS & STREETS		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
11 <sup>th</sup> St W (2 <sup>nd</sup> Ave W - E Dak Pkwy)	\$210,000	Reconstruction, Federal Aid project
4 <sup>th</sup> Ave W (11 <sup>th</sup> St - 14 <sup>th</sup> )	300,000	Subgrade replacement
9 <sup>th</sup> Ave NW (11 <sup>th</sup> St - 10 <sup>th</sup> Ave)	120,000	Subgrade replacement, Fed. Aid project
Davidson Dr (11 <sup>th</sup> St - 9 <sup>th</sup> Ave NW)	325,000	Subgrade replacement, doesn't include library parking
Highland Dr (2 <sup>nd</sup> - 6 <sup>th</sup> Ave W)	390,000	Subgrade replacement
Foster Trailer Court, 6 <sup>th</sup> Ave W (19 <sup>th</sup> - 9 <sup>th</sup> Ave)	390,000	Subgrade replacement
12 <sup>th</sup> Ave E (Broadway - R/R tracks)	391,000	Widen w/curb & gutter road, south of R/R not included
Million Dollar Way (18 <sup>th</sup> - 26 <sup>th</sup> )	300,000	Program Fed. Aid, 10% local cost
Glacier Park Industrial Park (Ave R & S)	425,000	Storm sewer included
Handicap Ramps	750,000	ADA requirement for all city ≈ 1000 ramps
Seal Coats	200,000/yr	Seal coat street & alley every 10 years
Concrete Alley Replacement (downtown)	42,000/blk	

Capital Improvement Needs  
Williston, North Dakota

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ROADS & STREETS		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
Credit Union Frontage Road & 18 <sup>th</sup> St	250,000	Subgrade replacement
6 <sup>th</sup> Ave W (2 <sup>nd</sup> - 18 <sup>th</sup> )	250,000	Mill & overlay, possible Fed Aid project
9 <sup>th</sup> Ave W & Park St	300,000	Subgrade replacement
E Highland Dr (Ask Housing & E Bypass)	180,000	Include water & sewer extension
19 <sup>th</sup> St W (2 <sup>nd</sup> - 4 <sup>th</sup> )	196,000	Subgrade replacement
6 <sup>th</sup> Ave W (1 <sup>st</sup> - 2 <sup>nd</sup> )	69,000	Possible grade stabilize needed
23 <sup>rd</sup> St W (18 <sup>th</sup> - 19 <sup>th</sup> )	161,000	Platted street completion w/water/sewer
25 <sup>th</sup> St W (17 <sup>th</sup> - 19 <sup>th</sup> )	276,000	Platted street completion w/water/sewer
19 <sup>th</sup> Ave W (22½ - 26 <sup>th</sup> )	357,000	Platted street completion w/water/sewer
Sand Creek Dr (16 <sup>th</sup> - 17 <sup>th</sup> Ct)	210,000	Platted street completion w/water/sewer
16 <sup>th</sup> Court W (Sand Creek - 22 <sup>nd</sup> )	165,000	Platted street completion w/water/sewer
19 <sup>th</sup> Ave W (15 <sup>th</sup> - Bison Dr)	160,000	Platted street completion
20 <sup>th</sup> Ave W (14 <sup>th</sup> - Bison Dr)	185,000	Platted street completion
21 <sup>st</sup> Ave W (14 <sup>th</sup> - Bison Dr)	374,000	Platted Street completion w/water/sewer
22 <sup>nd</sup> Ave W (14 <sup>th</sup> - Bison Dr)	328,000	Platted Street completion w/water/sewer
16 <sup>th</sup> St W (19 <sup>th</sup> - 22 <sup>nd</sup> )	357,000	Platted Street completion w/water/sewer
24 <sup>th</sup> St W (9 <sup>th</sup> - 12½)	294,000	Platted Street completion w/water/sewer
11 <sup>th</sup> Ave W (Knoll - 25 <sup>th</sup> )	225,000	Platted Street completion w/water/sewer
12 <sup>th</sup> Ave W (22½ - 26 <sup>th</sup> )	374,000	Platted Street completion w/water/sewer
Fox Glen Temporary Street	155,000	Mill & overlay, temporary street surfacing
Nothing included for curb, gutter, sidewalks, trees and asphalt street overlays, which are needed throughout the city.		

Capital Improvement Needs  
Williston, North Dakota

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LANDFILL		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
New Landfill	\$200,000	Develop remaining cells
Old Landfill west of town	100,000	Surface water control

CEMETERY		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
Riverview - Irrigate New Site	\$5,000	G.M. Thomas - partially complete
Hillside - Irrigation	15,000	Above ground now
Riverview - Fence	50,000	Front on 9 <sup>th</sup> Ave W
Riverview - Asphalt Overlay	60,000	7,500' @ 15' wide

STREET LIGHTING		
PROJECT LOCATION/DESCRIPTION	COST ESTIMATE	REMARKS
Joan Hagan Subdivision	\$100,000	No lights (11 blks)
Fox Glen	300,000	No lights (35 blks)
Nothing considered for North Meadows or Endres at this time as sparsely developed.		

Capital Improvement Needs  
Williston, North Dakota

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Testimony HB 1013

110  
WILLISTON PUBLIC SCHOOLS

ENERGY IMPACT FUNDING

FRIEND  
OR  
FOE

JANUARY 15, 2003

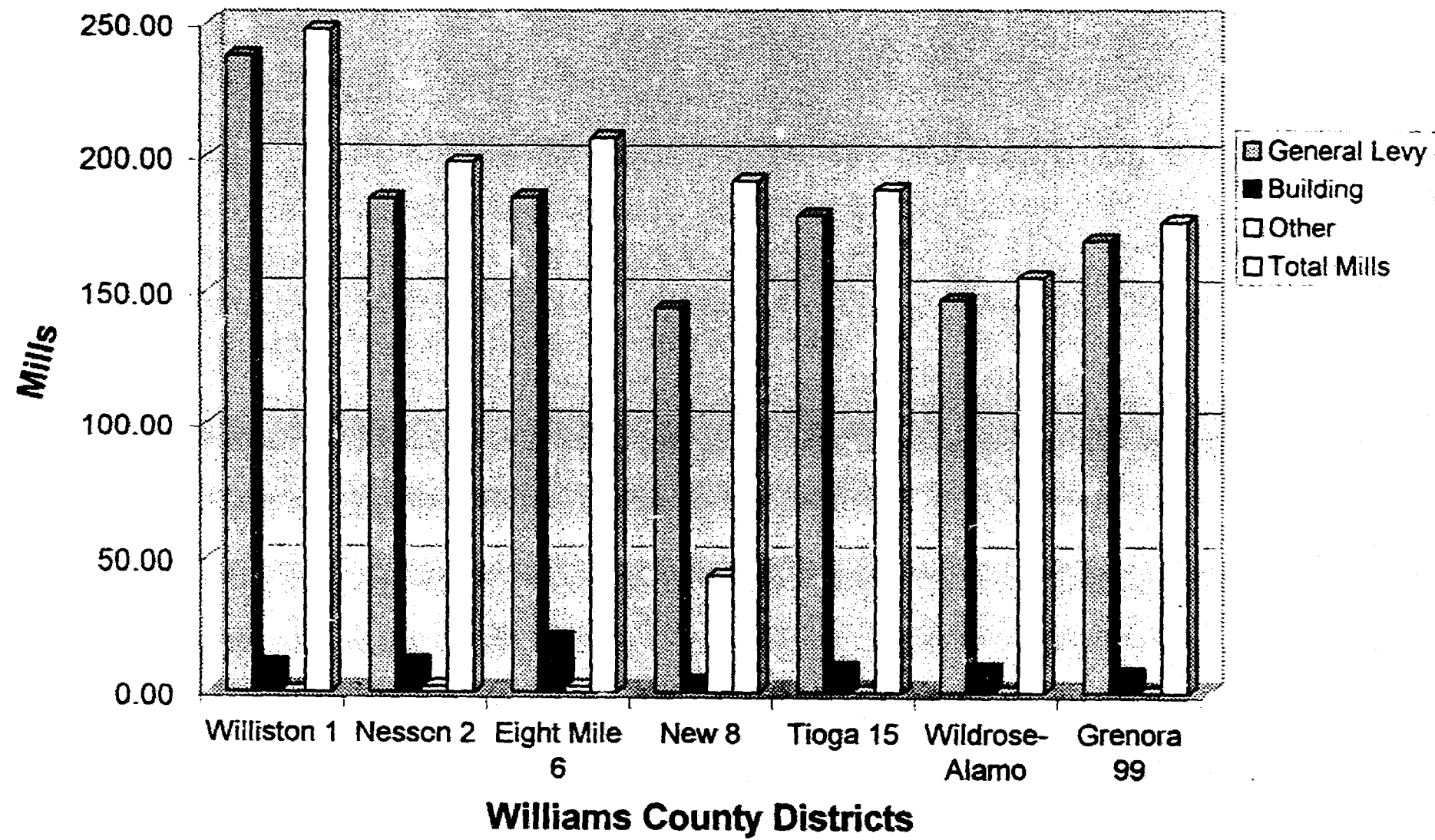
PRESENTED BY:  
WARREN D. LARSON  
SUPERINTENDENT OF SCHOOLS

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## Levy Mill Rates

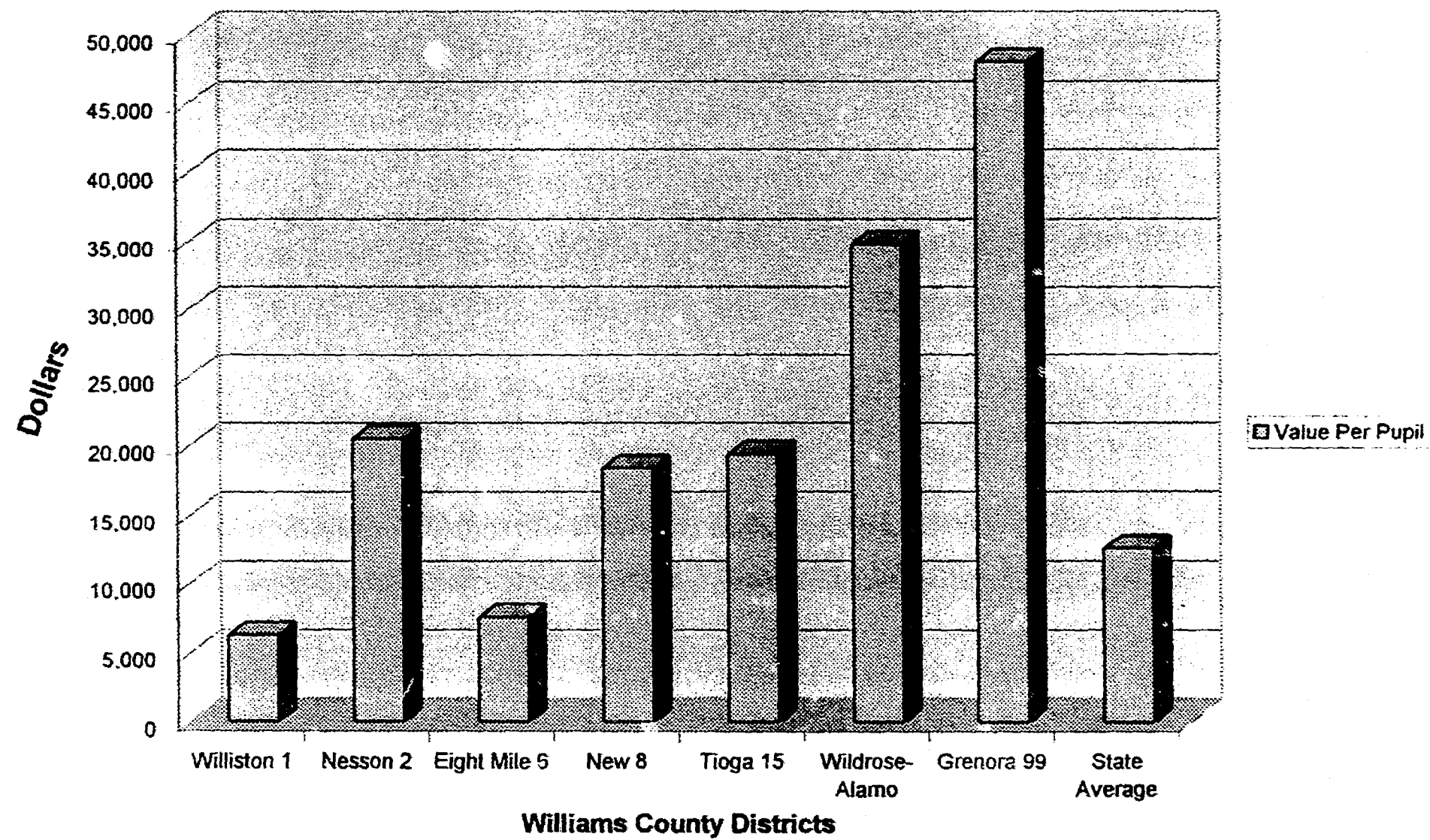


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## Taxable Value Per Pupil

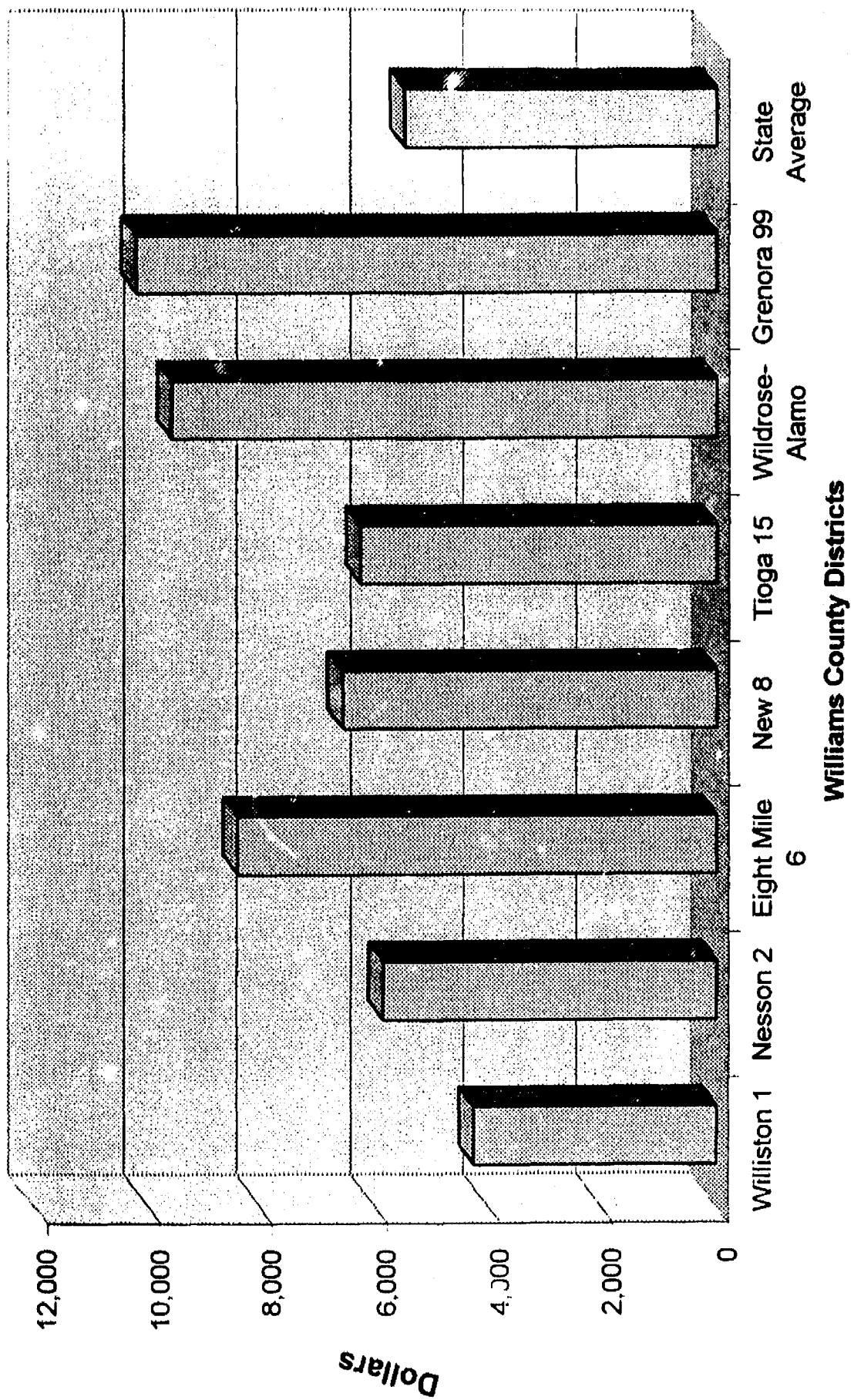


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# Cost per Pupil

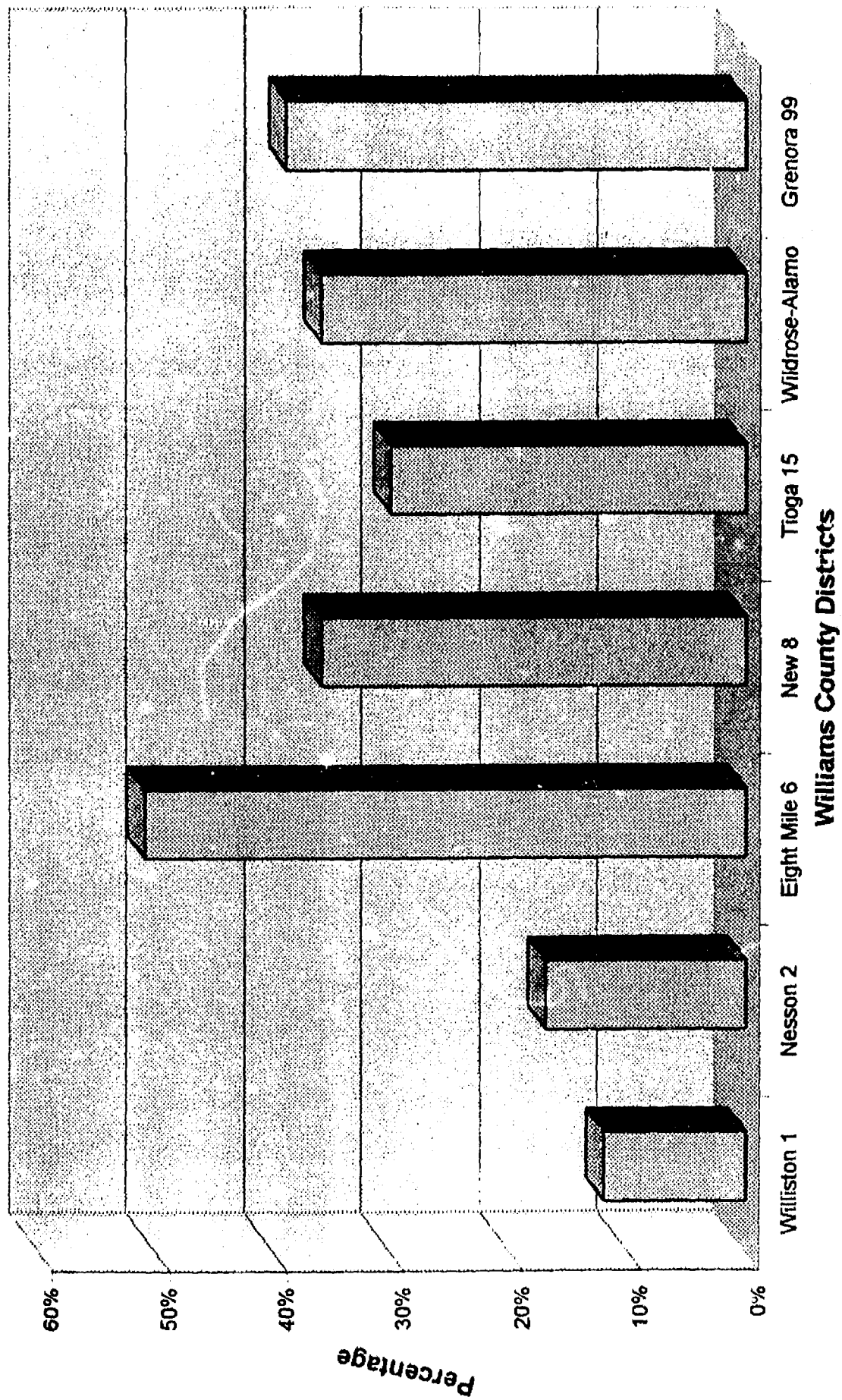


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## Fund Balance Percentage



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One mill brings in:	
Fargo	157,400
Bismarck	119,386
Grand Forks	87,659
West Fargo	67,991
Minot	64,624
Mandan	34,530
Jamestown	26,676
Dickinson	24,649
Devils Lake	15,847
Williston	15,384

Williston ranks as the 9th highest, out of 170 high school districts, in mill levy rates.

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