

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 ~~lists~~ 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 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, 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	\$1,898,164	\$1,878,020	(\$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 ¹	REMOVES FUNDING FOR WEED CONTROL COSTS ²	REDUCES THE CONTINGENCY LINE ITEM ³	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

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