

## **CHAPTER 54-17.8 OUTDOOR HERITAGE FUND**

### **54-17.8-01. Definitions.**

1. "Advisory board" means the North Dakota outdoor heritage advisory board.
2. "Commission" means the industrial commission.
3. "Fund" means the North Dakota outdoor heritage fund.

### **54-17.8-02. North Dakota outdoor heritage fund - Continuing appropriation.**

There is created a North Dakota outdoor heritage fund that is governed by the commission. Any money deposited in the fund is appropriated on a continuing basis to the commission for the purposes of this chapter. Interest earned by the fund must be credited to the fund. The commission shall keep accurate records of all financial transactions performed under this chapter.

### **54-17.8-03. North Dakota outdoor heritage fund purposes.**

1. The commission shall use the fund to provide grants to state agencies, tribal governments, political subdivisions, and nonprofit organizations, with higher priority given to enhance conservation practices in this state by:
  - a. Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;
  - b. Improving, maintaining, and restoring water quality, soil conditions, plant diversity, animal systems, and by supporting other practices of stewardship to enhance farming and ranching;
  - c. Developing, enhancing, conserving, and restoring wildlife and fish habitat on private and public lands; and
  - d. Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.
2. The commission or grantee may not use the fund, in any manner, to finance:
  - a. Litigation;
  - b. Lobbying activities;
  - c. Any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development;
  - d. The acquisition of land or to encumber any land for a term longer than twenty years; or
  - e. Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of this chapter.
3. The commission or a grantee may not use grant funds, except after a finding of exceptional circumstances by the commission, to finance:
  - a. A completed project or project commenced before the grant application;
  - b. A feasibility or research study;
  - c. Maintenance costs;
  - d. A paving project for a road or parking lot;
  - e. A swimming pool or aquatic park;
  - f. Personal property that is not affixed to the land;
  - g. Playground equipment, except that grant funds may be provided for up to twenty-five percent of the cost of the equipment not exceeding ten thousand dollars per project and all playground equipment grants may not exceed five percent of the total grants per year;
  - h. A building, except for a building that is included as part of a comprehensive conservation plan for a new or expanded recreational project; or
  - i. A project in which the applicant is not directly involved in execution and completion of the project.

**54-17.8-04. Commission to staff advisory board.**

The commission shall operate, manage, and control the outdoor heritage fund and provide staffing for the meetings.

**54-17.8-05. Powers and duties of commission.**

The commission is granted all the powers necessary or appropriate to carry out and effectuate the purposes of this chapter, including the power to:

1. Make grants to a state agency, a tribal government, a political subdivision, or a nonprofit organization;
2. Place conditions on an offer or a grant including a limit on the duration of an offer, a requirement of matching funds, and limit the source of the matching funds, and the commission shall exclude any money appropriated from the general fund from use as matching funds unless the legislative assembly authorizes the use of general fund money as matching funds;
3. Approve expenditures for staffing or an outside consultant to design and implement an approved project based on the documented need of the applicant and the expenditures may not exceed five percent of the grant to a grantee if the grant exceeds two hundred fifty thousand dollars and expenditures may not exceed ten percent of the grant to a grantee if the grant is two hundred fifty thousand dollars or less;
4. Enter contracts or agreements to carry out the purposes of this chapter, including authority to contract for the administration of the fund and staffing for the advisory board;
5. Accept donations, grants, contributions, and gifts from any public or private source; and
6. Adopt policies and rules necessary to effectuate the purposes of this chapter.

**54-17.8-06. North Dakota outdoor heritage advisory board - Members.**

1. There is created a North Dakota outdoor heritage advisory board consisting of twelve members. The governor shall appoint representatives from each of the groups listed in this section based upon recommendations made by the appropriate group. The advisory board consists of:
  - a. Four members from the agriculture community. The governor shall appoint one member from the North Dakota farm bureau, North Dakota farmers union, the North Dakota stockmen's association, and the North Dakota grain growers association.
  - b. Two members from the energy industry. The governor shall appoint one member from the North Dakota petroleum council and one member from the lignite energy council.
  - c. Four members from the conservation community. The governor shall appoint the members from the conservation community at large of statewide conservation groups.
  - d. One member from the business community from the greater North Dakota chamber.
  - e. One member from the North Dakota recreation and park association.
2. The governor also shall appoint to the advisory board one representative from each of the following agencies to serve as ex officio, nonvoting technical members: the department of parks and recreation, the game and fish department, the office of the state forester, and the North Dakota association of soil conservation districts.
3. The term of office of each member of the board is four years and members may not serve more than two consecutive terms. The terms of office commence on the first day of July. The initial terms for the advisory board members must be staggered following a method determined by the board.
4. The advisory board shall select a chairman from among the members. Seven voting members is a quorum at any meeting.

5. The advisory board shall have at least two regular meetings each year and additional meetings as the chairman determines necessary at a time and place to be fixed by the chairman. Special meetings must be called by the chairman on written request of any five members.
6. The advisory board may not forward a grant application to the commission unless the application is for funding activities that fulfill the purposes of this chapter and the application receives a favorable recommendation from a majority of the advisory board members.
7. Members of the advisory board appointed by the governor serve at the pleasure of the governor.

**54-17.8-07. Report to the budget section of the legislative management.**

The advisory board shall provide a biennial report to the budget section of the legislative management.