

TITLE 85
BOARD OF UNIVERSITY AND SCHOOL LANDS

85-01 General Administration
85-02 Energy Infrastructure and Impact Grants
85-03 Unclaimed Property

ARTICLE 85-01
GENERAL ADMINISTRATION

Chapter
85-01-01 Definitions and General Provisions

CHAPTER 85-01-01
DEFINITIONS AND GENERAL PROVISIONS

Section
85-01-01-01 Definitions
85-01-01-02 Exceptions

85-01-01-01. Definitions. The following definitions, in addition to the definitions in North Dakota Century Code chapters 15-05, 15-06, 15-07, 47-30.1, and 57-62, apply to this article:

1. "Board" means the board of university and school lands.
2. "Commissioner" means the commissioner of university and school lands.
3. "Department" means the department of trust lands and the office of the commissioner of university and school lands. The department is the responsibility of the commissioner of university and school lands.
4. "Trust lands" means any property owned by the state of North Dakota and managed by the board of university and school lands.

History: Effective
General Authority: NDCC 28-32-02
Law Implemented: NDCC 15-01

85-01-01-02. Exceptions. The board may grant exceptions to this title, after due notice and hearing, when such exceptions will result in a benefit or positive return to the permanent funds managed by the board.

History: Effective
General Authority: NDCC 28-32-02
Law Implemented: NDCC 15-01-02

ARTICLE 85-02
ENERGY INFRASTRUCTURE AND IMPACT GRANTS

<u>Chapter</u>	
<u>85-02-01</u>	<u>Definitions</u>
<u>85-02-02</u>	<u>Grant Processing</u>
<u>85-02-03</u>	<u>Grant Award</u>
<u>85-02-04</u>	<u>Aged Grants</u>

CHAPTER 85-02-01
DEFINITIONS

<u>Section</u>	
<u>85-02-01-01</u>	<u>Definitions</u>

85-02-01-01. Definitions. The following definitions, in addition to the definitions in North Dakota Century Code chapter 57-62, apply to this article:

1. "Advisory committee" means the committee selected by the board to review grant applications and make recommendations to the board. Committee members shall possess expertise and experience within a particular sector relevant to the grants being awarded.
2. "Aged grant" means a grant that has not been fully expended, is past the expected completion date, and does not have written approval to extend the completion date.
3. "Director" means the director of the energy infrastructure and impact office or director's designee.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 57-62-05

CHAPTER 85-02-02
GRANT PROCESSING

Section

<u>85-02-02-01</u>	<u>Grant Announcement</u>
<u>85-02-02-02</u>	<u>Applications</u>
<u>85-02-02-03</u>	<u>Signatures</u>
<u>85-02-02-04</u>	<u>Scoring</u>
<u>85-02-02-05</u>	<u>Assignment of Funds</u>
<u>85-02-02-06</u>	<u>Supplement</u>
<u>85-02-02-07</u>	<u>Advisory Committee Recommendations</u>

85-02-02-01. Grant announcement. All grant announcements must be posted on the energy impact webpage. Grant announcements may be sent either electronically or by postal mail to:

1. Media contacts;
2. Members of the North Dakota legislature;
3. North Dakota league of cities or association of counties, whichever applies;
4. Other associations representing targeted grant sectors;
5. Board members;
6. All department contacts for the targeted grant sector; and
7. Anyone who requests a copy.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-02-02. Applications.

1. An applicant shall complete and submit a grant application prescribed by the director along with supporting documentation including project cost estimates, vendor quotes, most recent audited financial statements, established budget for the political subdivision, mill levy and taxable valuation used to determine the mill levy, and any other supplemental information requested by the director.
2. A grant application must be received by the energy infrastructure and impact office before the deadline listed in the grant announcement. For good cause shown, a grant application received after the deadline may be considered at the discretion of the advisory committee, board or director.

History: Effective _____
General Authority: NDCC 28-32-02
Law Implemented: NDCC 57-62-05

85-02-02-03. Signatures.

1. For political subdivisions, a grant application must be signed by an appointed or elected government official and the primary fiscal officer assigned the duties of managing grant communications, reports, and reimbursement requests.
2. For an entity exempted from statutory political subdivision requirements, a grant application must be signed by the primary executive and the primary fiscal officer assigned the duties of managing grant communications, reports, and reimbursement requests.
3. An electronic signature is permissible.

History: Effective _____
General Authority: NDCC 28-32-02
Law Implemented: NDCC 57-62-05, 57-62-06

85-02-02-04. Scoring. In reviewing a grant application, the following may be considered:

1. Objective;
2. Project readiness and timeline for completion;
3. Impact of energy activity;
4. Health, welfare, and safety of citizens where the project contributes to sustained economic development or activity;
5. Budget and other available funding;
6. Completeness of the application; and
7. Any other criteria deemed relevant by the advisory committee, board or director.

History: Effective _____
General Authority: NDCC 28-32-02
Law Implemented: NDCC 57-62-05, 57-62-06

85-02-02-05. Assignment of funds. If an advisory committee is appointed, it shall review each application and assign a recommended amount to each grantee, the aggregate not to exceed that authorized by the board.

History: Effective _____
General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 57-62-05

85-02-02-06. Supplement. If approved in advance by the director, an applicant may supplement its application.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-02-07. Advisory committee recommendations. The advisory committee, if appointed, shall submit to the director its recommendations for funding, as well as a list of the applications not recommended for funding. The director shall submit the recommendations for the board's consideration and approval. The director may also submit the director's recommendations, if different from the advisory committee, for board consideration and approval.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 57-62-05

CHAPTER 85-02-03
GRANT AWARD

Section

<u>85-02-03-01</u>	<u>Authority</u>
<u>85-02-03-02</u>	<u>Signatures</u>
<u>85-02-03-03</u>	<u>Acceptance of Grant</u>
<u>85-02-03-04</u>	<u>Vendor Registry</u>
<u>85-02-03-05</u>	<u>Grant Period</u>
<u>85-02-03-06</u>	<u>Progress Report</u>
<u>85-02-03-07</u>	<u>Payment of Grant</u>
<u>85-02-03-08</u>	<u>Grant Extension or Retirement</u>
<u>85-02-03-09</u>	<u>Changes to Scope of Project</u>

85-02-03-01. Authority. The board retains final authority to award grant funds.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02

85-02-03-02. Signatures. All correspondence, grant extension requests, grant allocation change requests or other presentations must be signed by the following:

1. A political subdivision - an appointed or elected government official.
2. An entity exempted from statutory political subdivision requirements - the primary executive or the primary fiscal officer assigned the duties of managing grant communications, reports, and reimbursement requests.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05, 57-62-06

85-02-03-03. Acceptance of grant. A grant recipient shall receive written notification of the grant awarded by the board from the director. The grant recipient shall acknowledge and return, within thirty days of the date of the notice, the recipient's acceptance or declination of funds on a form provided by the director. If a recipient fails to acknowledge acceptance of the grant funds within the thirty days, the board may declare the grant award null and void.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 57-62-05

85-02-03-04. Vendor registry. A grant recipient shall be registered with the office of management and budget as an active participant to receive electronic payment transactions.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-03-05. Grant period. The length of a grant period is three years, unless otherwise adjusted by the board.

History: Effective

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-03-06. Progress report.

1. Grantee shall submit to the director a biannual progress report, prescribed by the energy infrastructure and impact office. The biannual progress report must be received by the energy infrastructure and impact office by the twentieth day of June and December of every year of the project.
2. The director may conduct onsite project status visits to review and document utilization of the grant. The director shall provide advance notice to the grantee of any project status visits. The grantee shall provide the director with any project documentation upon request by the director; assist with inspection of equipment purchased, completed construction, or review of any other project expenditures; and provide a description of the remaining budget and timeline for the project.
3. If a grantee is delinquent in submitting a progress report or does not comply with the project status visit, the director may delay grant reimbursements.

History: Effective

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-03-07. Payment of grant.

1. Grant funds are distributed based on documentation of either expenditures for project completion or asset acquisition, as approved by the director. Reimbursement may be authorized in phases or based on the incurrence of expenditures by the grantee. A grantee shall submit a request for reimbursement on forms prescribed by the energy infrastructure and impact office in order to receive reimbursement. A request for reimbursement must include:
 - a. Vendor invoice; and
 - b. Documentation of payment or formal meeting minutes, if authority is required by a governing body, which approves payment of project expenditures.
2. The director shall transmit the reimbursement electronically, if possible.

3. For final payment, the grantee shall submit a request for reimbursement no later than twenty days after the end of the grant period.

History: Effective

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-03-08. Grant extension or retirement.

1. Extension request. The grantee may submit a written request to the director if a grant project will not be completed by expiration of the grant period. The request must be received by the director no later than seventy-five days prior to expiration of the grant period. The request must detail:
 - a. The necessity for the request and the specific reasons why the project cannot be completed by the end of the grant period;
 - b. The portion of the project completed since the grant was awarded;
 - c. The efforts the grantee has taken to complete the project prior to expiration of the grant period;
 - d. The timeline for completion of the project; and
 - e. Any additional information requested by the director.
2. Grant retirement. The grantee shall submit written notice to the director of a project's completion and any remaining unused funds prior to the expiration of the grant period. If a project is not initiated, a grantee shall submit written notice of project retirement to the director. The board may retire the grant and return the remaining balance to the originating grant fund.

History: Effective

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-03-09. Changes to scope of project. Funds must be used for the purpose proposed in the grantee's application, unless a grantee makes a written request to the director for authorization to modify the purpose or scope of the project. The grantee must provide supporting documentation detailing the proposed modifications. Authorization for a project modification may be granted, as follows:

1. Modifications that do not change the overall project goals, as originally proposed, may be approved by the director.

2. Modifications that change the overall project goals, as originally proposed, or reallocate the funding to costs not included in the grantee's application may only be approved by the board.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 57-62-05

CHAPTER 85-02-04
AGED GRANTS

Section

85-02-04-01 Aged Grants

85-02-04-02 Grant Deemed Unresponsive

85-02-04-01. Aged grants. In the event of an aged grant, the director shall notify the grantee in writing that the board intends to cancel the grant and retire the remaining balance. Within fifteen days of the postmark of the notice, the grantee shall:

1. Submit a written response to the director indicating that the grantee concurs with cancellation of the grant; or
2. Submit a request for a grant extension.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 57-62-05

85-02-04-02. Grant deemed unresponsive. A grantee that does not respond to the director's notice shall be deemed to concur with the cancellation of the grant. The board may immediately cancel the grant and retire the remaining balance to the originating grant fund. In the event an extension of an aged grant is not granted, the board may immediately cancel the grant and retire the remaining balance to the originating grant fund.

History: Effective _____

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 57-62-05

ARTICLE 85-03
UNCLAIMED PROPERTY

<u>Chapter</u>	
<u>85-03-01</u>	<u>Definitions</u>
<u>85-03-02</u>	<u>Reporting Abandoned Property</u>
<u>85-03-03</u>	<u>Claiming Property</u>

CHAPTER 85-03-01
DEFINITIONS

<u>Section</u>	
<u>85-03-01-01</u>	<u>Definitions</u>

85-03-01-01. Definitions. The following definitions, in addition to the definitions in North Dakota Century Code chapter 47-30.1, apply to this article:

1. “Claim” means the formal filing that initiates the process of returning unclaimed property to the rightful owner.
2. “Claimant” means the individual submitting the claim form for unclaimed property.
3. “Claim form” means the form prescribed by the administrator by which a claim can be initiated.
4. “Due diligence” means the holder’s efforts to contact the owner prior to remitting property to the administrator, as required under North Dakota Century Code section 47-30.1-17.
5. “Heir finder” means an individual or business that assists owners in locating unclaimed property for a fee.

History: Effective _____
General Authority: NDCC 47-30.1-38
Law Implemented: NDCC 47-30.1

CHAPTER 85-03-02
REPORTING ABANDONED PROPERTY

Section

<u>85-03-02-01</u>	<u>Electronic Reporting of Abandoned Property</u>
<u>85-03-02-02</u>	<u>Information Contained in Reports</u>
<u>85-03-02-03</u>	<u>Due Diligence</u>
<u>85-03-02-04</u>	<u>Mineral Proceeds</u>
<u>85-03-02-05</u>	<u>Early Reporting</u>

85-03-02-01. Electronic reporting of abandoned property. A holder shall report abandoned property electronically to the administrator in the standard National Association of Unclaimed Property Administrators' format.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-17, 47-30.1-27

85-03-02-02. Information contained in reports. In addition to the requirements in North Dakota Century Code section 47-30.1-17, a holder shall submit the following information in the report, if available:

1. Owner social security number;
2. Identifying account or policy number;
3. Owner date of birth;
4. Payee and remitter information for all cashier's checks, money orders, and traveler's checks; and
5. For mineral proceeds, a legal land description, well number, recording information, and any other information to adequately describe the lease.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-17, 47-30.1-27

85-03-02-03. Due diligence. Holder due diligence, including written or electronic communication, must include:

1. A deadline for owner response to holder;
2. Property type;
3. Property value; and
4. Unclaimed property division contact information.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-17

85-03-02-04. Mineral proceeds. A holder shall accumulate mineral proceeds and submit an annual lump sum report to the administrator by November first for the amount due through June thirtieth.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-16.1, 47-30.1-17, 47-30.1-27

85-03-02-05. Early reporting. A holder may report property before it is deemed abandoned if the holder:

1. Has been granted prior written approval by the administrator; and
2. Demonstrates to the satisfaction of the administrator that due diligence has been performed.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-17, 47-30.1-27

CHAPTER 85-03-03
CLAIMING PROPERTY

Section

<u>85-03-03-01</u>	<u>Claims</u>
<u>85-03-03-02</u>	<u>Required Documentation</u>
<u>85-03-03-03</u>	<u>Payment of Claim</u>
<u>85-03-03-04</u>	<u>Heir Finder Requests</u>
<u>85-03-03-05</u>	<u>Claims Submitted by Heir Finders</u>

85-03-03-01. Claims. A claim must be submitted on a claim form and signed under penalty of perjury.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-24, 47-30.1-24.1, 47-30.1-25

85-03-03-02. Required documentation. A claimant shall provide adequate documentation to establish ownership of the abandoned property, including photo identification and documentation of social security number.

1. The following additional documentation is required when a claim is submitted on behalf of:
 - a. Deceased individuals: Copy of death certificate and documentation providing legal claim authority.
 - b. Business claims: Federal employer identification number and documentation providing legal claim authority.
 - c. Incapacitated individuals: Copy of documentation providing legal claim authority.
2. If there are multiple owners, all reported owners or the legal representative shall submit a claim form.
3. The administrator may request additional documentation necessary to support a claim.
4. If a claimant chooses to donate the property to the common schools trust fund, required documentation remains the same.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-24, 47-30.1-24.1, 47-30.1-25

85-03-03-03. Payment of claim. Upon approval of a claim, payment will be issued:

1. In the name of the reported owner;

2. In accordance with a court order; or
3. In the name of the rightful owner, as determined by the administrator, based on the records of the holder and other information available to the administrator.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-24, 47-30.1-25

85-03-03-04. Heir finder requests.

1. An electronic list of owners will be provided upon request. The list includes:
 - a. Property held by the Unclaimed Property Division as of the date of the request;
 - b. Owner's name;
 - c. Owner's last known address;
 - d. Holder information;
 - e. Date of last activity; and
 - f. Type of property.
2. A paper copy of the list will be provided upon request for a fee to be set by the administrator.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-19.1

85-03-03-05. Claims submitted by heir finders. An approved claim submitted by an heir finder must be paid in the name of the original owner.

History: Effective _____

General Authority: NDCC 47-30.1-38

Law Implemented: NDCC 47-30.1-24, 47-30.1-35