

# AGENDA

Industrial Commission of North Dakota

**Monday, November 23, 2020**

**Fort Union Room – 12:30 p.m.**

Due to public health considerations to stay healthy and slow the spread of COVID-19, please attend the meeting remotely and join through Microsoft Teams at this link:

[Join Live Event](#)

The line will be muted during the meeting.

I. North Dakota Mill - *Cathy Dub*

- A. Presentation of North Dakota Mill and Elevator Association Audit – FY 2020 – *State Auditor's Office – Robyn Hoffman* (Attachment 1)
- B. Other North Dakota Mill business

(approximately 12:40 p.m.)

II. North Dakota Housing Finance Agency Business – *Dave Flohr*

- A. Presentation of the Independent North Dakota Housing Finance Agency FY2020 Audit (Attachment 2a) and Independent Housing Incentive Fund FY2020 Audit (Attachment 2b) – *Mindy Piatz, Brady Martz*
- B. Report on Multi-family bond issuance for Boulevard Apartments in Bismarck - *Jennifer Henderson* (Attachment 3)
- C. Report on 2020 Housing Finance Agency Home Mortgage Program Series B bond issue sale – *Pat Nagel* (Attachment 4)
- D. Other North Dakota Housing Finance Agency business

(approximately 12:55 p.m.)

III. North Dakota Outdoor Heritage Fund business – *Bob Kuylen, Andrea Pfennig*

- A. Presentation of Outdoor Heritage Fund Financial Report (Attachment 5) – *Karlene Fine*
- B. Presentation of all Grant Round 17 Applications List totaling \$12,490,534 (Attach. 6) and **Consideration of the OHF Advisory Board recommendations for funding of the following Grant Round 17 applications in the total amount of \$11,624,359:**
  - 1. (17-1) Audubon Dakota: North Dakota Conservation Forage Program, \$6,918,306 (Attachment 7)
  - 2. (17-2) Burleigh County Water Resource District: McDowell Dam Bank Stabilization, \$70,553 (Attachment 8)
  - 3. (17-5) Delta Waterfowl: Increasing Duck Production-Hen Houses, \$105,000 (Attach. 9)
  - 4. (17-7) North Dakota Game and Fish Department: Red River Basin Wildlife and Water Quality Enhancement Pilot Program, \$270,000 (Attachment 10)
  - 5. (17-8) North Dakota Natural Resources Trust: Bakken Development and Working Lands Program II, \$3,308,100 (Attachment 11)
  - 6. (17-9) North Dakota Natural Resources Trust: North Dakota Partners For Wildlife Project, \$716,500 (Attachment 12)
  - 7. (17-10) Pheasants Forever: Community Pollinator Project, \$12,000 (Attachment 13)
  - 8. (17-11) Pheasants Forever: Southwest Grazing Lands Improvement Project - Phase II, \$223,900 (Attachment 14)
- C. Other Outdoor Heritage Fund business

(approximately 1:10 p.m.)

IV. Renewable Energy Program – *Andrea Pfennig*

- A. **Consideration of a request for a special grant round** (Attachment 15)
- B. Other Renewable Energy Program business

(approximately 1:15 p.m.)

V. North Dakota Pipeline Authority Business – *Justin Kringstad*

- A. Presentation of North Dakota Pipeline Authority FY2020 Annual Report and industry update (Attachment 16)
- B. Presentation of Pipeline Authority FY2020 financial report – *Karlene Fine* (Attach. 17)
- C. Other North Dakota Pipeline Authority business

(approximately 1:35 p.m.)

VI. North Dakota Department of Mineral Resources Business – *Lynn Helms*

- A. **Consideration of Order 31126 for Case 28583 related to confiscation of the Peterson 43-4 R well** (Attachment 18)
- B. **Consideration of the proposed 2021 Oil and Gas Hearings Schedule** (Attachment 19)
- C. **Consideration of proposed legislation for prefilings** (Attachment 20)
- D. Presentation of the following reports:
  - 1. Bakken Restart Plugging and Reclamation (Attachment 21)
  - 2. Bakken Restart DUC well Completion Grants (Attachment 22)
- E. Geological Survey Quarterly Report – *Ed Murphy* and Paleo Program – *Clint Boyd* (Attachment 23)
- F. Other North Dakota Department of Mineral Resources business

(approximately 2:25 p.m.)

VII. Lignite Research, Development & Marketing Program Business – *Jason Bohrer, Mike Holmes*

- A. Presentation of the Lignite Research Fund financial report as of September 30, 2020 (Attachment 24) – *Karlene Fine*
- B. **Consideration of the Lignite Research Council recommendations on the following Grant Round XCIV (94) applications:**
  - 1. **LRC-XCIV (94) A – “Systematically Applied Research to Develop High Value Products from Coal;” Submitted by: Semoplastics EHC LLC and Affiliates; Recommended Funding of \$300,000; Total Project Costs: \$3,279,756; Project Duration: 24 months.** (Attachment 25)
  - 2. **LRC-XCIV (94) C – “Lignite-Derived Carbon Materials for Lithium Ion Battery Anodes;” Submitted by: Institute for Energy Studies, University of North Dakota; Recommended Funding of \$75,000; Total Project Costs: \$667,465; Project Duration: 9 months** (Attachment 26)
  - 3. **LRC-XCIV (94) E – “Electrostatic Filtration of Large Lubricant Reservoirs;” Submitted by: Institute for Energy Studies, University of North Dakota; Recommended Funding of \$151,494; Total Project Costs: \$350,948 Project Duration: 12 months** (Attachment 27)

4. **Incremental Budget approval of Plains CO<sub>2</sub> Reduction (PCOR) Partnership – Submitted by the Energy and Environmental Research Center (EERC); Incremental Funding of \$500,000 of the previously approved \$2,000,000 award based on additional scope and receipt of matching funds; Revised Total Project Costs: \$12,504,348 (Attachment 28)**
5. **LRC-XCIV (94) D – “Annual Lignite Energy Council Education Program;” Submitted by: Lignite Energy Council; Recommended Funding of \$200,000; Total Project Costs: \$412,000; Project Duration: 24 months (Attachment 29)**
- C. Updates on Lignite Research Program ongoing activities and Enhance, Protect and Preserve North Dakota Lignite Industry Project (Attachment 30) *Mike Holmes & Jason Bohrer*
- D. Lignite Research Program legislative issues – *Jason Bohrer*
- E. Other Lignite Research, Development & Marketing Program business

(approximately 3:05 p.m.)

VIII. Bank of North Dakota Business – *Eric Hardmeyer*

- A. Presentations of the following audits by *Jared Mack (Eide Bailly)*
  1. Ag PACE Fund – June 30, 2020 – (Attachment 31)
  2. PACE Fund – June 30, 2020 – (Attachment 32)
  3. Medical Facility Infrastructure Loan Fund – June 30, 2020 (Attachment 33)
  4. Rebuilders Loan Program – June 30, 2020 (Attachment 34)
  5. Addiction Counselors Internship Loan Program – June 30, 2020 (Attachment 35)
  6. Infrastructure Revolving Loan Fund – June 30, 2020 (Attachment 36)
  7. School Construction Revolving Loan Fund – June 30, 2020 (Attachment 37)
  8. Small Employer Loan Fund – June 30, 2020 (Attachment 38)
  9. COVID-19 PACE Recovery Program – June 30, 2020 (Attachment 39)
  10. Innovation Technology Loan Fund (LIFT) – June 30, 2020 (Attachment 40)
- B. **Consideration of Bank of North Dakota proposed legislation for 2021 Legislative Session (Attachment 41) – *Eric Hardmeyer, Kelvin Hullet***
- C. COVID-19 Program Update (Attachment 42) – *Todd Steinwand*
- D. Report on S&P Global rating of the Bank of North Dakota (Attachment 43)
- E. Presentation of Bank of North Dakota Advisory Board September 17, 2020 nonconfidential meeting minutes. (Attachment 44)
- F. Other Bank of North Dakota business

**\*\*\*\*\*Consideration of a motion to close the meeting pursuant to North Dakota Century Code Section 44-04-19.1 and 44-04-19.2 for the purpose of attorney consultation\*\*\*\*\***

**\*\*\*\*\*Meeting closed pursuant to N.D.C.C. 6-09-35 to discuss items listed below on the agenda under Bank of North Dakota Confidential Business\*\*\*\*\***

(approximately 3:45 p.m.)

- IX. Bank of North Dakota Confidential Business – *Eric Hardmeyer, Todd Steinwand, Kirby Evanger*

- A. **Consideration of loan applications** (Attachments 45 & 46)
- B. Presentation of Concentrations of Credit Report as of 9/30/2020 (Attachment 47)
- C. Problem Loans
- D. Presentation of Approved CPR Loans Report – *Kirby Evanger* (Attachment 48)
- E. Presentation of Bank of North Dakota Advisory September 17, 2020 confidential meeting minutes. (Attachment 49)
- F. Other Bank of North Dakota confidential (as defined under N.D.C.C. 6-09-35) business

(approximately 4:20 p.m.)

- X. Department of Mineral Resources Confidential Business – *Lynn Helms, Bruce Hicks, David Phillips, Matthew Sagsveen*
  - A. Litigation regarding the Industrial Commission’s review findings in the Ordinary High-Water Mark Study:
    - Civil Case No. 31-2020-CV-00198 – Northern Oil and Gas, Inc. vs. Continental Resources, Inc; Board of University and School Lands and ND Industrial Commission (Attachment 50)
    - Civil Case No. 31-2020-CV-00199 - Northern Oil and Gas, Inc. vs Bruin (et al); Board of University and School Lands and ND Industrial Commission (Attach. 51)
  - B. Case No. 05-2019-cv-00085/Northwest Landowners Association vs. State of North Dakota, et al.
  - C. Consultation regarding the following complaints case:  
Case No. 27662 – NDIC v. Vast

\*\*\*\*\* Meeting returns to open session\*\*\*\*\*

- XI. Administrative Business – *Karlene Fine*
  - A. **Consideration of Industrial Commission Executive Director’s recommendation for North Dakota Mill President compensation** (Attachment 52)
  - B. **Consideration of October 22, 2020 non-confidential meeting minutes** (Attachment 53)
  - C. Other Industrial Commission Administrative business

XII. Other Industrial Commission Business/Adjournment

**Bold items require Industrial Commission action**

Any person who requires an auxiliary aid or service must contact or notify the Industrial Commission