

REVISED AGENDA

Industrial Commission of North Dakota

Tuesday, April 17, 2018

Coteau Room/Governor's Conference Room - 11:00 a.m.

(Meeting to begin in the Coteau Room, Judicial Wing)

- I. North Dakota Department of Mineral Resources Business – *Lynn Helms*
 - A. Presentation of Ordinary High Water Mark of the Missouri River Bed Review - *Joel Toso, Wenck Associates Inc.*
 - B. **Consideration of motion directing the Department of Mineral Resources to proceed as outlined in N.D.C. C. §61-33-.1-03 (6) with the publication of a notice of the availability of the Review findings, providing an opportunity for submission of comments and holding a public hearing sixty days (tentatively scheduled for the last week of June) after the publication date.** (Attachment 1)
 - C. **Consideration of orders for the following cases:** (Attachment 2)
 - 1. Case 26103, Order 28515 - conducting of refracting operations/risk penalty
 - 2. Case 26436, Order 28862 - conducting of refracting operations/risk penalty
 - 3. Case 26446, Order 28874 - construction of a treating plant
 - 4. Case 26463, Order 28891 - operation/termination of Tracy Mountain-Tyler
 - D. Presentation on North Dakota gas capture infrastructure and outlook - *Justin Kringstad, Pipeline Authority* (Attachment 3)
 - E. **Consideration of possible modifications of North Dakota Industrial Commission Order 24665 Policy/Guidance and review of NDPC Natural Gas Capture & Infrastructure Development Task Force Findings** (Attachment 4 - to be distributed at meeting)
 - F. **Consideration of draft Comments on 43 CFR Parts 3160 and 3170 RIN 1004-AE53 BLM Waste Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision of Certain Requirements** - Comments are due by no later than April 23, 2018. (Attachment 5)
 - G. **Consideration of Welcome Letter for the 2018 Williston Basin Petroleum Conference** (Attachment 6)
 - H. Other North Dakota Department of Mineral Resources 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*******

- I. Case No. 09-2018-CV-00089/Sorum, et al v. State of North Dakota, et al

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

The Industrial Commission will take a short break and relocate to the Governor's Conference Room for the remainder of the meeting.

(approximately 1:10 p.m.)

- II. Western Area Water Supply Authority business – *Jaret Wirtz/Karlene Fine*
 - A. Presentation of Western Area Water Supply Authority March Financial Report and Debt Payment Report (Attachment 7) - *Karlene Fine / Kim Schilke to join by phone*
 - B. Update on sales and current activity - *Jaret Wirtz*
 - C. Update on 2018 Forecast (Attachment 8) - *Jaret Wirtz*
 - D. Other WAWSA business

(approximately 1:30 p.m.)

- III. Bank of North Dakota Business – *Eric Hardmeyer*
 - A. Presentation of 2017 BND Annual Report (Attachment 9)
 - B. Presentation of Independent Auditor's Report and Financial Statement - 12/31/17 (FASB) - *Katie Williams, Eide Bailly* (Attachment 10)
 - C. Presentation of Beginning Farmer Revolving Loan Fund - 12/31/17 - *Katie Williams, Eide Bailly* (Attachment 11)
 - D. Presentation of Community Water Facility Loan Fund - 12-31-17 - *Katie Williams, Eide Bailly* (Attachment 12)
 - E. **Consideration of Bank of North Dakota Advisory Board's recommended Amendments to the General Loan Policy Programs** - *Todd Steinwand* (Attachment 13)
 - F. Presentation of the First Quarter 2018 Performance Highlights (Attachment 14)
 - G. Presentation of the non-confidential Bank of North Dakota Advisory Board February 22, 2018 meeting minutes (Attachment 15)
 - H. Other Bank of North Dakota business

*****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*****

- IV. Bank of North Dakota Confidential Business – *Eric Hardmeyer*
 - A. **Consideration of Bank of North Dakota DeMinimis Cap Resolution** (Attachment 16)
 - B. **Consideration of Bank of North Dakota loan applications** (Attachments 17 and 18)
 - C. Presentation of the following reports:
 - 1. Non-Accrual Loans Quarterly Recap/Detail (Attachment 19)
 - 2. Problem Loans - Adversely Classified Quarterly Recap (Attachment 20)
 - 3. Loan Charge-Offs and Recoveries Y.T.D. 03-31-18 (Attachment 21)
 - D. Presentation of the confidential Bank of North Dakota Advisory Board February 22, 2018 meeting minutes. (Attachment 22)
 - E. Other Bank of North Dakota confidential (as defined under N.D.C.C. 6-09-35) business

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

(approximately 2:30 p.m.)

- V. North Dakota Housing Finance Agency Business – *Jolene Kline*
 - A. Presentation of North Dakota Housing Finance Agency First Quarter 2018 Report (Attachment 23)
 - B. **Consideration of NDHFA Advisory Board recommendation for approval of the 2019 Low Income Housing Tax Credit (LIHTC) Qualified Allocation Plan** (Attachment 24)
 - C. Report on the 2018 Housing Trust Fund Allocation Plan (Attachment 25)
 - D. **Consideration of NDHFA Advisory Board recommendation for approval of the 2018 Helping HAND Awards** (Attachment 26)
 - E. **Consideration of NDHFA Advisory Board recommendation on the income limits for single family programs** (Attachment 27)
 - F. **Consideration of NDHFA Advisory Board recommendation on approving updated Acquisition Cost Limits for the FirstHome Standard, Start, HomeAccess and Downpayment Cost Assistance (DCA) programs** (Attachment 28)
 - G. **Consideration of a Resolution of Appreciation for Gerald Eid** (Attachment 29)
 - H. Report on issuance of Declaration of Intent to Issue Multifamily Revenue Bonds (Attachment 30)
 - I. Other North Dakota Housing Finance Agency business

(approximately 3:00 p.m.)

- VI. North Dakota Public Finance Authority Business – *DeAnn Ament*
 - A. **Consideration of a Series Resolution for up to \$200,000,000 North Dakota Public Finance Authority State Revolving Fund Program Bonds** (Attachment 31)
 - B. Other North Dakota Public Finance Authority business

(approximately 3:15 p.m.)

- VII. North Dakota Mill - *Vance Taylor*
 - A. Presentation of North Dakota Mill Third Quarter Report (Attachment 32)
 - B. **Consideration of a request for a capital project - Phase II Shuttle Track and Grain Storage Project** (Attachment 33)
 - C. Other North Dakota Mill business

(approximately 3:50 p.m.)

- VIII. Renewable Energy Program - *Andrea Pfennig*
 - A. Presentation of Renewable Energy Program Financial Report (Attach. 34) - *Karlene Fine*
 - B. **Consideration of the Renewable Energy Council’s recommendation regarding R-036-B “Low-Pressure Electrolytic Ammonia Production”; Submitted by UND Energy and Environmental Research Center; Total project costs: \$3,164,010; Amount requested: \$437,000** (Attachment 35)
 - C. **Consideration of Renewable Energy Council policy revision** (Attachment 36)
 - D. Other Renewable Energy Program business

(approximately 4:00 p.m.)

IX. North Dakota Building Authority Business – *Karlene Fine*

- A. **Consideration of a Resolution naming Joe Morrissette, Office of Management and Budget Director and renaming Karlene Fine, Industrial Commission Executive Director/Secretary as North Dakota Building Authority Authorized Officers**
(Attachment 37)
- B. Other North Dakota Building Authority business

(approximately 4:05 p.m.)

X. Administrative Business – *Karlene Fine*

- A. **Consideration of confidential and non-confidential meeting minutes** (Attach. 38)
- B. Other Industrial Commission Administrative business

XI. 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 Office at 328-3722 at least three (3) working days prior to the scheduled meeting.