

AGENDA
Industrial Commission of North Dakota
Tuesday, April 27, 2021
Governor's Conference Room – 12:30 p.m.

We have a responsibility to you and to each other. We are following the North Dakota Department of Health guidelines to stay healthy and slow the spread of COVID-19; Please attend the meeting remotely through Microsoft Teams at this link:

[Join live event](#)

- I. Renewable Energy Program – *James Leiman/Jonathan Russo*
 - A. Presentation of Renewable Energy Program Financial Update (Attach. 1)– *Karlene Fine*
 - B. Consideration of the following Renewable Energy Council Grant Round 46 applications:
 - 1. **R-046-B – Electrostatic Lubrication Filtration of Wind Turbine Oil Reservoirs;** Submitted by UND Institute for Energy Studies; Total Project Costs: \$584,614; Recommended Amount: \$286,234 (Attachment 2)
 - 2. **R-046-D – Geothermal Development Consortium;** Submitted by UND College of Engineering & Mines; Total Project Costs: \$865,791; Recommended Amount: \$432,895 (Attachment 3)
 - C. **Consideration of Request for a Special Grant Round** (Attachment 4)–*Andrea Pfennig*
 - D. Other Renewable Energy Program business

(approximately 12:45 p.m.)

- II. North Dakota Housing Finance Agency Business – *Dave Flohr*
 - A. **Consideration of the 2021 Series A Supplemental General Authorization Resolution** (Attachment 5)
 - B. **Consideration of the HFA Advisory Board proposed FirstHome and DCA Annual Income Limits** (Attachment 6)
 - C. **Consideration of the HFA Advisory Board proposed FirstHome Acquisition Limits** (Attachment 7)
 - D. **Consideration of the HFA Advisory Board proposed 2022 Low Income Housing Tax Credit Qualified Allocation Plan** (Attachment 8)
 - E. Report on the 2021 Housing Trust Fund Annual Allocation Plan (Attachment 9)
 - F. **Consideration of the HFA Advisory Board's recommended 2021 Helping Hand Grant Applications** (Attachment 10)
 - G. Legislative Update (Attachment 11)
 - H. Other North Dakota Housing Finance Agency business

(approximately 1:05 p.m.)

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

- A. **Consideration of a letter of support to the Federal Energy Regulatory Commission for the WBI Energy Transmission North Bakken Expansion Project** (Attachment 12)
- B. Presentation of the Pipeline Authority Update (Attachment 13)
- C. Other North Dakota Pipeline Authority business

(approximately 1:25 p.m.)

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

- A. **Consideration of Order 31269 in Case 28724 regarding a request for a variance of gas volumes flared from wells in Section 12, T.151N, R., 95W, McKenzie County.** (Attachment 14)
- B. Legislative Update (Attachment 15)
- C. Other North Dakota Department of Mineral Resources business

*******Consideration of a motion to close the meeting pursuant to:**

- **N.D.C.C. §44-04-19.1 and 44-04-19.2 for the purpose of attorney consultation;**
- **N.D.C.C. §54-17.5-06 and 44-04-19.2(1) to discuss the item listed below under Lignite Research, Development & Marketing Program Confidential Business;**
- **N.D.C.C. §44-04-18.4 to discuss North Dakota Mill commercial information including marketing strategies and sales plans;**
- **N.D.C.C. §44-04-19.1 to discuss strategy and instructions regarding upcoming union contract labor negotiations*******

(approximately 1:45 p.m.)

- D. Case No. 08-2021-CV-00026 – Armstrong vs. North Dakota Industrial Commission
- E. 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, et al.
- F. Case No. 05-2019-CV-00085 - Northwest Landowners Association vs. State of North Dakota, et al.
- G. Case No. 1:16-cv-01534-JEB Standing Rock Sioux Tribe vs United States Army Corps of Engineers

V. Lignite Research, Development & Marketing Program Business – *Karlene Fine*

- A. **Consideration of confidentiality request for a Grant Round 96 application** (Attach. 16)
- B. Other Lignite Research, Development & Marketing Program business

(approximately 2:15 p.m.)

VI. North Dakota Mill Confidential Business – *Vance Taylor, Cathy Dub*

- A. Discussion of strategy and instructions regarding upcoming union contract labor negotiations (Attachment 17)
- B. Discussion of commercial information including marketing strategies and sales plans* (Attachment 18)

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

(approximately 2:45 p.m.)

- VII. North Dakota Mill - *Vance Taylor, Cathy Dub*
 - A. Presentation of North Dakota Mill FY 2021 Third Quarter Report (Attachment 19)
 - B. Update on ongoing capital projects
 - C. Other North Dakota Mill business

(approximately 3:00 p.m.)

- VIII. North Dakota Public Finance Authority Business – *DeAnn Ament*
 - A. **Consideration of the following State Revolving Fund Program loan applications:**
 - 1. **North Prairie Regional Water District** (Drinking Water) - \$1,151,000 (Attachment 20)
 - 2. **City of Northwood** (Clean Water) - \$7,000,000 (Attachment 21)
 - B. Legislative Update (Attachment 22)
 - C. Other North Dakota Public Finance Authority business

(approximately 3:15 p.m.)

- IX. North Dakota Outdoor Heritage Fund business – *Andrea Pfennig*
 - A. Legislative Update (Attachment 23)
 - B. Other Outdoor Heritage Fund business

(approximately 3:20 p.m.)

- X. Administrative Business – *Karlene Fine*
 - A. **Consideration of March 30, 2021 non-confidential meeting minutes** (Attachment 24)
 - B. Legislative Update (Attachment 25)
 - C. Other Industrial Commission Administrative business

(approximately 3:40 p.m.)

- XI. Western Area Water Supply Authority (WAWS) business – *Tami Madsen /Karlene Fine*
 - A. Presentation of the WAWS 2021 First Quarter Financial Report and Debt Reduction Report (Attachment 26)
 - B. Presentation of 2021 First Quarter Sales Activities Report including Executive Director's Report (Attachment 27)
 - C. Other WAWSA business

(approximately 4:00 p.m.)

- XII. Bank of North Dakota Business – *Eric Hardmeyer*
 - A. Presentation of 2021 Legislative Session Update (Attachment 28)
 - B. Presentation of First Quarter 2021 Performance Highlights (Attachment 29)
 - C. **Consideration of Staff Retirement Announcements and Interim Appointment** (Attachment 30)
 - D. Presentation of Bank of North Dakota Advisory Board February 18, 2021 nonconfidential meeting minutes. (Attachment 31)
 - E. 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*****

(approximately 4:30 p.m.)

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

- A. **Consideration of a loan application** (Attachment 32)
- B. Presentation of the following quarterly reports:
 - 1. Non-Accrual Loans Quarterly Recap/Detail (Attachment 33)
 - 2. Problem Loans – Adversely Classified Quarterly Recap (Attachment 34)
 - 3. Loan Charge-Offs and Recoveries Y.T.D. 03/31/2021 (Attachment 35)
- C. Presentation of Bank of North Dakota Advisory Board February 18, 2021 confidential meeting minutes. (Attachment 36)
- D. Other Bank of North Dakota confidential (as defined under N.D.C.C. 6-09-35) business

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

XIV. Other Industrial Commission Business/Adjournment

Bold items require Industrial Commission action