



INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum
Governor

Drew H. Wrigley
Attorney General

Doug Goehring
Agriculture Commissioner

Friday, November 18, 2022

Governor's Conference Room or Microsoft Teams – 10:00 a.m.

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 701-328-0950,,740630561#](#)

I. **North Dakota Public Finance Authority – DeAnn Ament**

- A. Presentation of loans approved by Advisory Committee: (Attachment 1)
 - i. Dakota Rural Water District – Drinking Water - \$1,000,000
 - ii. East Central Regional Water District – Drinking Water - \$1,008,000 increase, total loan \$5,133,000
 - iii. City of Glen Ullin - Drinking Water - \$1,900,000
 - iv. City of Riverdale - Drinking Water - \$600,000
 - v. Dazey – Clean Water - 1,251,000 loan forgiveness \$938,250
 - vi. City of Gardner – Clean Water - 955,000 loan forgiveness \$716,000
 - vii. Tower City – Clean Water - \$585,000
 - viii. Wahpeton – Clean Water - \$1,500,000 increase to previous \$3,000,000

B. **Consideration of the Following Clean Water State Revolving Fund Applications (Attachment 2)**

- i. **Grand Forks Storm Water Retention - \$3,167,000**
- ii. **Grand Forks Wastewater Treatment Plant - \$54,620,000**
- C. Other Public Finance Authority business

(approximately 10:15 a.m.)

II. **North Dakota Housing Finance Agency – Dave Flohr/Jennifer Henderson**

- A. Housing Finance Agency Report of Audited Financial Statements for FY ended June 30, 2022– *Mindy Piatz, Brady Martz* (Attachment 3)
- B. Housing Incentive Fund Report of Audited Financial Statements for FY ended June 30, 2022– *Mindy Piatz, Brady Martz* (Attachment 4)
- C. Report on Multi-family Application Awards – (Attachment 5)
- D. Report on 2020-2025 Housing Needs Assessment – (Attachment 6)
- E. 68th Legislative Assembly Proposals (Attachment 7)
- F. Other Housing Finance Agency Business

(approximately 10:30 a.m.)

III. North Dakota Mill and Elevator – Vance Taylor, Cathy Dub

- A. Presentation of the North Dakota Mill Audit for FY 2022 – *Robyn Hoffmann, State Auditor’s Office* (Attachment 8)
- B. 68th Legislative Assembly Proposals (Attachment 9)
- C. Other North Dakota Mill and Elevator Business

(approximately 11:00 a.m.)

IV. North Dakota Department of Mineral Resources – Lynn Helms

A. Consideration of the following cases:

- i. **Order 32053 for Case 29483** regarding an application of Grayson Mill Operating, LLC for an order amending the field rules for the Elk-Bakken Pool, McKenzie County, to create and establish two overlapping 2080-acre spacing units (Attachment 10)
- ii. **Order 31859 for Case 29290** regarding an application of Gary Hagen for an order to determine the actual costs and proper payout statements , interest due on working interest payments made more than 150 days after sales, enforcement of cost-free royalty statue and other forced pooling issues for 15 oil and gas wells operated by Whiting Oil and Gas Corp. in Banks Field, McKenzie County (Attachment 11)
- iii. **Order 32209 for Case 29672** regarding an application of Resonance Exploration (ND) LLC for an order certifying the Westhope-Spearfish/Madison Unit, Bottineau County, ND as a qualifying secondary recovery project for purposes of eligibility for tax exemptions pursuant to NDCC 57-51.1 (Attachment 12)

B. 68th Legislative Assembly Proposals (Attachment 14)

C. Update on Litigation*:

- i. Case No. 31-2020-CV-0018 - Northern Oil and Gas, Inc. vs. Continental Resources, Inc; Board of University and School Lands and ND Industrial Commission et al
- ii. Case No. 27-2022-CV-00305 - Blue Steel Oil and Gas, LLC v. North Dakota Industrial Commission, Slawson Exploration Company, Inc and White Butte Oil Operations, LLC
- iii. North Dakota Industrial Commission v. U.S. Department of Interior
- iv. Dominek v Equinor et al
- v. Spec Tech v NDIC

D. 2023 Department of Mineral Resources Hearing Schedule (Attachment 15)

- E. Other North Dakota Department of Mineral Resources business
 - * Possible Executive Session under N.D.C.C. 44-04-19.1(9) & 44-04-19.2 for attorney consultation

(approximately 11:45 a.m.)

V. Lignite Research, Development and Marketing Program – Mike Holmes

- A. Presentation of the Lignite Research, Development and Marketing Fund financial report – *Reice Haase* (Attachment 16)
- B. **Consideration of the following Lignite Research, Development and Marketing Grant Round 101 applications:**
 - i. **LCR-101A Lignite Energy Council: Enhance, Preserve and Protect the North Dakota Lignite Industry, \$3,519,189** (Attachment 17)
 - ii. **LRC-101B Microbeam Technologies, Inc.: Lignite Resource Evaluation for Advanced Utilization Opportunities, \$1,238,994.18** (Attachment 18)

**Meeting Closed to the Public for Executive Session Pursuant to NDCC
6-09-35, 44-04-18.4, 44-04-19.1, 44-04-19.2 and 54-17.5-06**

(approximately 12:00 p.m.)

- VI. Confidentiality request pursuant to NDCC 54-17.5-06** (Confidential Attachment 19)

(approximately 12:10 p.m.)

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

- A. Discussion of Commercial Information Including Marketing Strategies and Sales Plan (Confidential Attachment 20)

(approximately 12:30 p.m.)

VIII. North Dakota Department of Mineral Resources Confidential Business – Lynn Helms

- B. Case 29036 – Scout Energy complaint dated 09/29/2021 (Confidential Attachment 21)

(approximately 12:50 p.m.)

IX. Bank of North Dakota Confidential Business – Todd Steinwand

- A. Concentrations of Credit as of September 30, 2022 (Confidential Attachment 22)
- B. Confidential Bank of North Dakota Advisory Board Minutes – September 15, 2022 (Confidential Attachment 23)

- C. Other Bank of North Dakota confidential business (as defined under N.D.C.C. 6-09-35)

Meeting Returns to Public Session

(approximately 1:20 p.m.)

X. North Dakota Student Loan Trust – DeAnn Ament

- A. Presentation of June 30, 2022 Audit – *Jared Mack, Eide Bailley* (Attachment 24)

(approximately 1:30 p.m.)

XI. Bank of North Dakota – Todd Steinwand

- A. Presentation of June 30, 2022 Audits of Legislatively Mandated Programs – *Jared Mack, Eide Bailley*
 - i. Ag-Pace Fund (Attachment 25)
 - ii. Pace Fund (Attachment 26)
 - iii. Medical Facility Infrastructure Loan Fund (Attachment 27)
 - iv. Rebuilders Loan Program (Attachment 28)
 - v. Addiction Counselors Internship Loan Program (Attachment 29)
 - vi. Infrastructure Revolving Loan Fund (Attachment 30)
 - vii. School Construction Revolving Loan Fund (Attachment 31)
 - viii. COVID-19 PACE Recovery Program (Attachment 32)
 - ix. Innovation Technology Loan Program (LIFT) (Attachment 33)
 - x. Water Infrastructure Revolving Loan Fund (Attachment 34)
 - xi. Clean Sustainable Energy Authority (Attachment 35)
- B. Third Quarter 2022 Performance Highlights (Attachment 36)
- C. Non-confidential Advisory Board Minutes – September 15, 2022 (Attachment 37)
- D. 68th Legislative Assembly Proposals (Attachment 38)

(approximately 2:00 p.m.)

XII. State Energy Research Center – Tom Erickson

- A. Presentation of the Annual Report detailing activities of the State Energy Research Center (Attachment 39)
- B. **Consideration of Extension to Contract SERC 2019-01** (Attachment 40)
- C. Other State Energy Research Center business

(approximately 2:20 p.m.)

XIII. North Dakota Pipeline Authority – Justin Kringstad

- A. Presentation of North Dakota Pipeline Authority Midstream Update Report (Attachment 41)
- B. 68th Legislative Assembly Proposals (Attachment 42)

(approximately 2:50 p.m.)

XIV. Office of the Industrial Commission

- A. **Consideration of Industrial Commission meeting minutes** (Attachment 43)
- B. **Consideration of Industrial Commission Staff Designation Policies** (Attachment 44)
- C. **Consideration of 2023 North Dakota Industrial Commission Meeting Schedule** (Attachment 45)
- D. **68th Legislative Assembly Proposals (Attachment 46)**
- E. Other Industrial Commission Administrative business

Next Meeting – December 20th, 2022
Governor's Conference Room, Bismarck, ND