



# INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum  
Governor

Drew H. Wrigley  
Attorney General

Doug Goehring  
Agriculture Commissioner

Tuesday, January 24, 2023

Governor's Conference Room or Microsoft Teams – 1:00 p.m.

Join on your computer or mobile app

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Or call in (audio only)

[+1 701-328-0950,,994560262#](#)

- I. **Office of the Industrial Commission – Karen Tyler/Reice Haase**
  - A. **Consideration of December 20<sup>th</sup>, 2022 Industrial Commission meeting minutes** (Attachment 1)
  - B. Report on 68<sup>th</sup> Legislative Session Bills Tracked by the Industrial Commission (Attachment 2)
  - C. Other Office of the Industrial Commission Business

(approximately 1:30 p.m.)

- II. **North Dakota Public Finance Authority – DeAnn Ament**
  - A. Presentation of Drinking Water State Revolving Fund loan approved by Advisory Committee: (Attachment 3)
    - i. Agassiz Water Users Association - \$1,530,000
  - B. **Consideration of loan approval with change of pledge of security for the following Clean Water State Revolving Fund Application (Attachment 4)**
    - i. **City of Grand Forks Storm Water Retention - \$3,167,000**
  - C. Public Finance Authority Legislative Update (Attachment 5)
  - D. Report on Impact of Congressional Earmarks on North Dakota State Revolving Fund Programs (Attachment 6)
  - E. Other Public Finance Authority business

(approximately 1:50 p.m.)

- III. **North Dakota Housing Finance Agency – Dave Flohr/Jennifer Henderson/Karen Tyler**
  - A. **Consideration of Appointment of Public Hearing Officer for the 2024 Low Income Housing Tax Credit Qualified Allocation Plan, 2023 Housing Incentive Fund Allocation Plan, 2023 HOME Allocation Plan, and the 2023 Housing Trust Fund Allocation Plan (Attachment 7)**

- B. Housing Finance Agency Legislative Update (Attachment 8)
- C. **Consideration of Resolution Authorizing Carryforward Procedures for the North Dakota Housing Finance Agency (Attachment 8B)**
- D. Other Housing Finance Agency Business

(approximately 2:00 p.m.)

**IV. North Dakota Transmission Authority – John Weeda**

- A. Report on Transmission Authority activities (Attachment 9)
- B. Transmission Authority Legislative Discussion
- C. Other Transmission Authority Business

(approximately 2:40 p.m.)

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

- A. Natural Gas Pipeline Grant Program Update
- B. Pipeline Authority Legislative Update (Attachment 10)
- C. Other Pipeline Authority Business

(approximately 3:00 p.m.)

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

- A. **Consideration of the following cases:**
  - i. **Order 32250 for Case 29450** regarding an application of Dakota Gasification Company for geologic storage of carbon dioxide from the Great Plains Synfuels Plant in Mercer County, ND (Attachment 11)
  - ii. **Order 32251 for Case 29451** regarding an application of Dakota Gasification Company for the amalgamation of storage reservoir pore space located in Mercer County, ND (Attachment 12)
  - iii. **Order 32252 for Case 29452** regarding an application of Dakota Gasification Company for an order determining the amount of financial responsibility for the geologic storage of carbon dioxide from the Great Plains Synfuels Plant in Mercer County, ND (Attachment 13)
  - iv. **Order 32054 for Case 29484** regarding an application of Grayson Mill Operating, LLC for an order creating overlapping spacing units in the Rosebud and Hardscrabble Fields, Williams and McKenzie Counties, ND and authorizing the drilling of a horizontal well on or near the section line (Attachment 14)
  - v. **Order 32180 for Case 29608** regarding a motion of the Commission to consider the establishment or altering of spacing units in the Hardscrabble or Indian Hill Bakken Pools in Sections 1,

12, 13, 24, 25, and 36, T.153N., R.102W., McKenzie and Williams Counties, ND, and such other relief as is appropriate (Attachment 15)

- B. 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
  - vi. Industrial Commission Order 31792 – Liberty Resources vs. NDIC et al
- C. **Consideration of Public Comments: Environmental Protection Agency: “Supplemental Proposal to Reduce Climate and Health-Harming Pollution from Oil and Natural Gas Operations”; public comment period ending February 13, 2023** (Attachment 16)
- D. **Consideration of Public Comments: Bureau of Land Management Venting and Flaring Rule; public comment period ending January 30, 2023** (Attachment 17)
- E. Department of Mineral Resources Legislative Update (Attachment 18)
- F. 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 4:00 p.m.)

## **VII. Bank of North Dakota – Todd Steinwand**

- A. Bank of North Dakota Legislative Update (Attachment 19)
- B. **Consideration of 2023 Bank of North Dakota Annual Budget** – Rob Pfennig (Attachment 20)
- C. **Consideration of Amendments to General Loan Policy** – Todd Steinwand (Attachment 21)
- D. Report on Fourth Quarter 2022 Performance Highlights – Todd Steinwand (Attachment 22)
- E. Non-confidential Advisory Board Minutes – October 13<sup>th</sup> and November 17<sup>th</sup>, 2022 (Attachment 23)

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

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(approximately 4:30 p.m.)

### **VIII. Bank of North Dakota Executive Session – Todd Steinwand**

- A. **Consideration of 2 loan applications** (Confidential Attachments 24)
  
- B. Report on loans approved by the Bank of North Dakota Advisory Board:
  - i. Lindskov Ranch Partnership (November 2022) – Craig Hanson (Confidential Attachment 25)
  - ii. ND Energy Services Management, Inc. (December 2022) – Craig Hanson (Confidential Attachment 26)
  
- C. **Consideration of Bank of North Dakota De Minimus Cap Resolution – Todd Steinwand** (Confidential Attachment 27)
  
- D. Non-Accrual Loans Quarterly Report (Confidential Attachment 28)
  
- E. Problem Loans-Adversely Classified Quarterly Report (Confidential Attachment 29)
  
- F. Report on Loan Charge-Offs and Recoveries Year-to-Date – December 31, 2022 (Confidential Attachment 30)
  
- G. Determination of Uncollectable Loans (Confidential Attachment 31)
  
- H. Off-Balance Sheet Risk Quarterly Report (Confidential Attachment 32)
  
- I. Confidential Advisory Board Minutes – October 13<sup>th</sup> and November 17<sup>th</sup>, 2022 (Confidential Attachment 33)
  
- J. Other Bank of North Dakota confidential business (as defined under N.D.C.C. 6-09-35)

## **Meeting Returns to Public Session**

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### **IX. Remaining Administrative Business**

Next Meeting – Wednesday, February 22<sup>nd</sup>, 2023  
Governor's Conference Room, Bismarck, ND