

**SPECIAL MEETING OF THE EMERGENCY COMMISSION
TUESDAY, MAY 12, 2020 - 11:00 A.M.
STATE CAPITOL – SHEYENNE RIVER ROOM**

MINUTES

A meeting of the Emergency Commission was held on Tuesday, May 12, 2020, in the Sheyenne River Room. Members present in the room were Governor Doug Burgum and Secretary of State Al Jaeger. Members present via Teams were Senator Rich Wardner, Representative Chet Pollert, Senator Ray Holmberg, and Representative Jeff Delzer. Governor Burgum called the meeting to order at 11:15 a.m.

1. Office of the Attorney General * (Request # 1965)

Request increased spending authority of \$2,082,871 to accept federal funds from the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, (CARES) for grants line (\$1,309,584), salaries and wages line (\$46,268), operating line (\$527,019) and capital assets line (\$200,000) for expenses incurred by local jurisdictions and by the agency for overtime, operating, and equipment for preventing, preparing, and responding to COVID-19 issues.

Senator Holmberg moved to approve the request. Representative Pollert seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

2. Office of the Attorney General * (Request # 1969)

Request increased spending authority of \$750,000 to accept federal funds from the U. S. Department of Justice, Community Oriented Policing Services (COPS), COPS Anti-Methamphetamine Program (CAMP), for operating line (\$41,650), capital assets line (\$401,420), and grants line (\$306,930) to investigate illicit activities related to the manufacture and distribution of methamphetamine.

Representative Pollert moved to approve the request. Senator Wardner seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

3. North Dakota Council on the Arts * (Request # 1971)

Request increased spending authority of \$421,700 to accept federal funds from the National Endowment for the Arts (NEA) for the salaries line (\$32,000), operating line (\$18,000), and grants line (\$371,700) to provide short-term financial relief to arts, cultural and creative industries impacted by COVID-19.

Senator Holmberg moved to approve the request. Representative Delzer seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

4. North Dakota Department of Health (Request # 1972)

Request increased spending authority of \$50,000 to accept federal funds from the Department of Health and Human Services, Ryan White HIV/AIDS program, for COVID-19 Response line (\$50,000) to contain and mitigate spread of COVID-19 through provider contracts who support individuals with HIV.

Senator Wardner moved to approve the request. Secretary Jaeger seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

5. North Dakota Department of Health * (Request # 1973)

Request increased spending authority of \$475,000 to accept federal funds from the Department of Health and Human Services, Hospital Preparedness program, for COVID-19 line (\$475,000) to provide fit testing kits of N95 masks for the state's medical cache and for instructor training to provide fit testing to providers.

Representative Pollert moved to approve the request. Senator Wardner seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

6. North Dakota Department of Health * (Request # 1974)

Request increased spending authority of \$201,000 to accept federal funds from the Department of Health and Human Services, Family Violence Prevention and Services Program, for COVID-19 line (\$201,000) to contain and mitigate spread of COVID-19 through provider contracts associated with domestic violence and rape crisis issues.

Senator Wardner moved to approve the request. Senator Holmberg seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

7. North Dakota Department of Health * (Request # 1975)

Request increased spending authority of \$5,075,000 to accept federal funds from the Centers for Disease Control and Prevention, Epidemiology and Lab Capacity program, for COVID-19 line (\$5,075,000) to contain and mitigate spread of COVID-19 for tracing and case investigation, lab technicians, lab supplies and equipment.

Senator Wardner moved to approve the request. Secretary Jaeger seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

8. North Dakota Department of Health * (Request # 1976)

Request approval to modify Request # 1958 as approved by the Emergency Commission on March 10, 2020, by moving line items; salaries (\$700,000), operating (\$3,200,000), capital assets (\$200,000), and grant (\$1,900,000) to a new COVID-19 line (\$6,000,000) to specifically track COVID-19 related expenditures separate from the agency's regular appropriated budget.

Senator Wardner moved to approve the request. Representative Pollert seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

9. North Dakota Office of the Adjutant General – Dept of Emergency Services (Request # 1977)

Request increased spending authority of \$30,000,000 to accept federal funds for the disaster costs line (\$30,000,000) as authorized in N.D.C.C. § 37-17.1-22 and N.D.C.C. § 54-16-04.2 to support statewide emergency management system covering disaster prevention, mitigation, preparedness, response, and recovery.

Representative Pollert moved to approve the request. Senator Wardner seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

10. North Dakota Department of Human Services (Request # 1978)

Request increased spending authority of \$13,475 to accept other funds from proceeds received related to a damaged firetruck located at the State Hospital and James River Correctional Facility for the HSC/Institutions line (\$13,475) to allow for capital repairs at the State Hospital.

Secretary Jaeger moved to approve the request. Senator Holmberg seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

11. North Dakota Department of Human Services * (Request # 1979)

Request increased spending authority of \$31,111,414 to accept federal funds for operating line (\$6,300,000) and grants line (\$24,811,414) related to COVID-19 issues impacting children and adults to provide services and recovery support related to crisis intervention, mental and substance use disorder treatment. A state match of \$95,371 is required.

Senator Wardner moved to approve the request. Representative Pollert seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

12. North Dakota Department of Human Services * (Request # 1980)

Request increased spending authority of \$2,650,000 to accept federal funds from the Department of Emergency Services (FEMA) and the North Dakota Department of Commerce, Community Development Block Grant, funded by the CARES Act for the operating line (\$150,000) and the grants line (\$2,500,000) to assist with rental assistance and to provide pass through FEMA claim processing services for the Great Plains Food Bank.

Senator Holmberg moved to approve the request. Representative Pollert seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

13. North Dakota Secretary of State * (Request # 1981)

Request increased spending authority of \$3,000,000 to accept federal funds from the Election Assistance Commission (EAC) funded by the CARES Act for the election reform line (\$3,000,000) to respond to COVID-19 related issues impacting the 2020 elections. The funding source for the \$600,000 required match is 2019 appropriated general funds already expended or to be expended and identified as qualifying by the EAC.

Secretary Jaeger moved to approve the request. Senator Wardner seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

14. Office of Management and Budget * (Request # 1982)

Request increased spending authority of \$524,183,609 to utilize federal funds provided by the Coronavirus Relief Fund created by the CARES ACT for the following agencies to respond to the COVID-19 public health emergency for agency incurred necessary expenses, to facilitate telework, for support of small businesses and meat processing facilities, and solvency of the state unemployment insurance trust fund.

a. Department of Health	\$ 85,557,461
b. Department of Human Services.....	\$ 24,899,276
c. Veterans Home	\$ 131,097
d. Department of Corrections	\$ 1,287,549
e. Information Technology	\$ 67,618,226
f. Department of Trust Lands	\$ 120,000
g. Job Service	\$ 110,000,000
h. ND Industrial Commission Oil and Gas ...	\$ 33,175,000
i. Department of Commerce	\$ Withdrawn
j. Bank of North Dakota	\$ 200,000,000
k. Department of Agriculture	\$ 1,395,000

Senator Wardner moved to approve the request. Representative Pollert seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

15. North Dakota Department of Commerce * (Request # 1983)

Request increased spending authority of \$5,303,030 to accept federal funds from the CARES act through the U S Department of Housing and Urban Development for the CARES Act Funding – 2020 line (\$5,303,030), which will fund the Community Development Block Grant program (CDBG) and the Emergency Shelter Grant program (ESG) providing assistance to eligible units of local government and facilities and programs for low income individuals; and fund the Community Services Block Grant (CSBG) specific to Community Action Agencies serving all counties related to rental eviction prevention with deposit and rental assistance, budget counseling, and case management.

Senator Holmberg moved to approve the request. Senator Wardner seconded the motion. Voting yes were Wardner, Pollert, Holmberg, Delzer, Jaeger, and Burgum. Motion carried.

16. Retirement and Investment Office (Request # 1970)

Pursuant to N.D.C.C. § 54-12-08.1, request approval for contingency fee agreement related to Nissan Motor Co. Ltd. litigation not subject to N.D.C.C. § 44-04-18 and N.D.C.C. § 44-04-19 and discussed in Executive Session as permitted by N.D.C.C. § 44-04-19.1(2) and N.D.C.C. § 44-04-19.2.

Senator Wardner moved under the authority of the North Dakota Century Code Sections 44-04-19.1 and 44-04-19.2 that the Commission close the meeting to the public and go into executive session to discuss the contingency fee agreement related to the Nissan Motor, Co. Ltd. litigation. Senator Holmberg seconded the motion. Voting yes were Holmberg, Delzer, Jaeger, Wardner, Pollert, and Burgum. Motion carried.

The Executive Session began at 2:15 p.m. In attendance were Governor Burgum, Senator Wardner; Representative Pollert; Senator Holmberg; Representative Delzer; Secretary of State Jaeger; Joe Morrisette, Director of OMB; Dave Hunter, CEO for the Retirement and Investment Office; and Jill Schwab, Executive Assistant, Office of the Secretary of State.

The Executive Session concluded at 2:26 p.m. and returned to an open meeting.

Representative Pollert moved to approve the contingency fee agreement related to the Nissan Motor Co. Ltd. litigation. Senator Wardner seconded the motion. Voting yes were Pollert, Holmberg, Delzer, Jaeger, Wardner, and Burgum. Motion carried.

The meeting adjourned 2:27 p.m.

Respectfully submitted,



Alvin A. Jaeger
Secretary of State
Secretary to Emergency Commission