

Good morning, Mr. Chairman and members of the committee. My name is Chad M. Orn, Director of Project Development for the North Dakota Department of Transportation (NDDOT). I'm here to introduce and support Senate Bill 2063.

Senate Bill 2063 would allow the NDDOT to enter into cooperative agreements with public or private entities to administer funds received from the federal government for electric vehicle (EV) charging programs such as the current National Electric Vehicle Infrastructure (NEVI) program. The goal of this program is for states to strategically deploy EV charging infrastructure and establish an interconnected charging network throughout the states. The NDDOT will receive \$25.9M over five years to develop DC fast charging infrastructure. The initial phase will build out the two existing alternative fuel corridors (AFC's) I-29 and I-94 to full NEVI compliance by 2026.

NDDOT's intent is to create a grant program to award funding to construct, operate, administer, and maintain electric vehicle charging infrastructure in accordance with the states NEVI plan. The program requires a match component to the federal funding of 20%. This bill would allow the director to determine a reasonable cost-share for the project in accordance with the federal aid provisions. Ultimately, NDDOT would delegate ownership of the station to those public or private entities.

Although the department does not intend to own the charging stations, there may be locations where it is not feasible for private entities to own and operate them. In this case, we would ask to be allowed to charge a fee to users to cover the cost of electricity. The fees collected would be deposited into a separate electric vehicle charging fund within the state treasury as a continuing appropriation used to fund the infrastructure. The original version of Senate Bill 2063 presented to the Senate Transportation Committee included language to give the NDDOT flexibility to use state funds for the federal match and create the electric vehicle charging fund. As this language was removed by amendment, the NDDOT offers the attached amendment to reinstate that language.

The guidance from the Joint Office of Energy and Transportation is evolving. Adding this section would give NDDOT the flexibility to work collaboratively with public or private entities to meet the goals of EV charging programs.

This concludes my testimony. Thank you.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2063

Page 1, line 9 insert, "1." before "Notwithstanding"

Page 1, line 11, overstrike "federal or private"

Page 1, line 15, overstrike "Any cost-share for the project may consist only of federal and private funding."

Page 1, after line 20, insert:

"The department may charge a fee for any department owned charging infrastructure, to cover its costs of providing electricity for charging.

2. There is created in the state treasury a fund known as the electric vehicle charging fund. Funds received pursuant to this section must be deposited into the electric vehicle charging fund and are appropriated to the department as a continuing appropriation and may be used to fund necessary electric vehicle charging infrastructure."

Re-number accordingly.

Introduced by

(At the request of the Department of Transportation)

A BILL for an Act to create and enact section 24-02-45.4 of the North Dakota Century Code relating to the authorization and appropriations necessary to administer the National Electric Vehicle Infrastructure Program grants and other discretionary funding items.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 24-02-45.4 of the North Dakota Century Code is created and enacted as follows:

24-02-45.4. Federal electric vehicle infrastructure grants - Cooperative agreements with public or private entities for the administration of federal aid programs.

1. Notwithstanding any other provision of law, the director is authorized and empowered to do all things necessary and make all necessary agreements to acquire, be appropriated funds for, and administer electric vehicle charging grants and acquire any associated discretionary ~~federal or private~~ funding that may become available. The director may enter into cooperative agreements with public or private entities, for the purpose of administering federal aid electric vehicle charging programs. The director is authorized to determine a reasonable cost share for the project in accordance with federal aid provisions. ~~Any cost share for the project may consist only of federal and private funding.~~ The director or the public or private entity, may construct, operate, administer, and maintain the project. If the department constructs the project, the private entity's cost-share must be paid for in advance of the construction by the private entity before the department can construct the project. The director has the authority to turn over said project to the private entity once the project meets federal requirements. ~~The department may charge a fee for any department owned charging infrastructure, to cover its costs of providing electricity for charging.~~

2. There is created in the state treasury a fund known as the electric vehicle charging fund. Funds received pursuant to this section must be deposited into the electric vehicle charging fund

and are appropriated to the department as a continuing appropriation and may be used to fund necessary electric vehicle charging infrastructure.