

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2063

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL ~~for an Act to create and enact section 24-02-45.4 of the North Dakota Century Code,~~
 2 ~~relating to the authorization and appropriations necessary to administer the national electric~~
 3 ~~vehicle infrastructure program grants and other discretionary funding items; to provide for a~~
 4 ~~legislative management study; and to provide for a legislative management report.~~for an Act to
 5 create and enact section 24-02-45.4 of the North Dakota Century Code, relating to reimbursable
 6 federal electric vehicle infrastructure grants; and to provide for a legislative management report.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

10 ~~— **24-02-45.4. Federal electric vehicle infrastructure grants – Cooperative agreements**~~
 11 ~~**with public or private entities for the administration of federal aid programs.**~~

12 ~~— Notwithstanding any other provision of law, the director is authorized and empowered to do~~
 13 ~~all things necessary and make all necessary agreements to acquire, be appropriated funds for,~~
 14 ~~and administer electric vehicle charging grants and acquire any associated discretionary federal~~
 15 ~~or private funding that may become available. The director may enter a cooperative agreement~~
 16 ~~with a public or private entity, for the purpose of administering federal aid electric vehicle~~
 17 ~~charging programs. The director is authorized to determine a reasonable cost-share for the~~
 18 ~~project in accordance with federal aid provisions. Any cost-share for the project may consist~~
 19 ~~only of federal and private funding. The director or the public or private entity, may construct,~~
 20 ~~operate, administer, and maintain the project. If the department constructs the project, the~~
 21 ~~private entity's cost-share must be paid for in advance of the construction by the private entity~~
 22 ~~before the department can construct the project. The director may turn over the project to the~~
 23 ~~private entity when the project meets federal requirements.~~

1 ~~— SECTION 2. LEGISLATIVE MANAGEMENT STUDY -- FEDERAL ELECTRIC VEHICLE~~
2 ~~INFRASTRUCTURE PROGRAM. During the 2023-24 interim, the legislative management shall~~
3 ~~consider studying the federal highway administration's national electric vehicle infrastructure~~
4 ~~formula program. The study must include an assessment of the data collection, access, and~~
5 ~~reliability of acquiring, installing, and connecting electric vehicle charging stations; an evaluation~~
6 ~~of the proper operation and maintenance of electric vehicle charging stations; an examination of~~
7 ~~long-term electric vehicle charging station data sharing and the overall impact on the state's~~
8 ~~electric grid; and an assessment of the federal regulations setting the minimum standards and~~
9 ~~requirements for projects funded under the national electric vehicle infrastructure formula~~
10 ~~program and projects for the construction of publicly accessible electric vehicle chargers. The~~
11 ~~study may include input from the department of transportation. The legislative management~~
12 ~~shall report its findings and recommendations, together with any legislation necessary to~~
13 ~~implement the recommendations, to the sixty-ninth legislative assembly.~~

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

16 **24-02-45.4. Reimbursable federal electric vehicle infrastructure grants - Agreements**
17 **with public or private entities for the administration of federal aid programs - Report.**

- 18 1. Notwithstanding any other provision of law but subject to legislative appropriation, the
19 director may enter agreements and may accept any federal or nonstate funds for the
20 administration of reimbursable electric vehicle charging grant programs.
- 21 a. The director may enter an agreement with any person for the administration,
22 approval, and inspection of a project to be constructed by a public or private
23 entity, or a political subdivision.
- 24 b. The cost-share for any project may consist only of federal, public, political
25 subdivision, or private funding.
- 26 c. A political subdivision may not have an ownership interest in an electric vehicle
27 charging station.
- 28 d. Any federal formula funding for reimbursement grants must be at least ten
29 percent of the cost-share for a project, but may not exceed eighty percent.

- 1 e. The director may establish criteria for the grants and determine a reasonable
- 2 grant reimbursement cost-share or limit for the project in accordance with federal
- 3 aid provisions.
- 4 2. In accordance with the federal formula program, the director shall establish criteria for
- 5 the consideration of operation and maintenance costs of the electric charging stations
- 6 in the grant award.
- 7 3. Before July 1, 2024, the department of transportation shall present a report to the
- 8 legislative management regarding an update on the deployment and administration of
- 9 electric vehicle charging stations.