

2023 HOUSE TRANSPORTATION

HB 1102

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1102
1/6/2023

A bill relating to authority to acquire and administer federal transportation related grants.

Chairman Ruby opened the hearing at 9:04am.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. **Members absent:** Representative Koppelman

Discussion Topics:

- Department of Transportation grant fund authorization
- Road, bridge and transportation related project funds

Terra Miller Bowley, Deputy Director for Administration with the North Dakota Department of Transportation, introduced bill in support (12472).

Matt Gardner, Executive Director for the North Dakota League of Cities, testified in support.

Terra Miller Bowley continued answering questions from the committee.

Andrea Pfennig, Greater North Dakota Chamber, testified in support.

Scott Metke, North Dakota Transportation Coalition, testified in support.

Larry Severson, North Dakota Township Officers Association, testified in support.

Chairman Ruby closed the hearing at 9:39am.

Committee discussion.

Meeting adjourned at 9:42am.

Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1102
1/12/2023

A bill relating to authority to acquire and administer federal transportation related grants.

Chairman D. Ruby opened discussion at 11:23AM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

Discussion Topics:

- Proposed amendment 23.8122.01001
- Committee vote

Representative Weisz proposed amendment on page 1, line 11 after the period remove the remaining language and remove lines 12-17, (amendment 23.8122.01001).

Committee discussion.

Representative Weisz moved the amendment.

Representative Koppelman seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	Y

Motion carried 14-0-0

Representative Murphy moved a Do Pass as Amended.

Representative Dakane seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	Y

Motion carried 14-0-0

Representative Frelich is the bill carrier.

Chairman D. Ruby closed the meeting at 11:34AM.

Mary Brucker, Committee Clerk

January 12, 2023

JA 1/12/23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1102

Page 1, line 2, remove "; and to"

Page 1, line 3, remove "provide a continuing appropriation"

Page 1, line 7, remove " - **Continuing appropriation**"

Page 1, line 11, remove "All eligible grant and discretionary funds are"

Page 1, remove lines 12 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1102: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1102 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to"

Page 1, line 3, remove "provide a continuing appropriation"

Page 1, line 7, remove "**- Continuing appropriation**"

Page 1, line 11, remove "All eligible grant and discretionary funds are"

Page 1, remove lines 12 through 17

Renumber accordingly

2023 SENATE TRANSPORTATION

HB 1102

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1102
2/17/2023

Relating to authority to acquire and administer federal transportation related grants.

10:00 AM Chairman Clemens opens meeting.

Senators Present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- House amendment
- Current system
- Emergency clause

10:00 AM Terra Miller Bowley, Deputy Director for Administration for the North Dakota Department of Transportation, in favor. #20980

10:07 AM Matt Gardner, ND League of Cities, verbally in favor.

10:10 AM Larry Syverson, ND Township Officers Association, verbally in favor.

10:11 AM Scott Meske, ND Transportation Coalition, verbally in favor.

10:12 Andrea Pfennig, Director of Government Affairs for the Greater North Dakota Chamber, in favor. #21051

10:13 AM Chairman Clemens adjourned hearing.

10:14 AM Senator Conley moved to adopt an amendment LC 23.8122.02001 with an emergency clause.

10:14 AM Senator Rummel seconded.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

10:15 AM Senator Rummel moved a Do Pass as amended.

10:15 AM Senator Conley seconded.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

10:16 AM Senator Conley will carry.

Additional written testimony:

Amanda Remyse, #21050

10:16 AM Chairman Clemens adjourns meeting.

Nathan Liesen, Committee Clerk

February 17, 2023

AR
191
2-17-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1102

Page 1, line 2, after "grants" insert "; and to declare an emergency"

Page 1, line 10, after the underscored period insert "The department may accept all eligible matching funding sources, whether public or private, as authorized by the provisions of the federal agency providing the grant or funding, for the purpose of administering a program. All eligible match funding must be deposited with the state treasurer in the flexible transportation fund and be made available in accordance with the grant requirements."

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1102, as engrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1102 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 2, after "grants" insert "; and to declare an emergency"

Page 1, line 10, after the underscored period insert "The department may accept all eligible matching funding sources, whether public or private, as authorized by the provisions of the federal agency providing the grant or funding, for the purpose of administering a program. All eligible match funding must be deposited with the state treasurer in the flexible transportation fund and be made available in accordance with the grant requirements.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2023 CONFERENCE COMMITTEE

HB 1102

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1102
4/6/2023
Conference Committee

A bill relating to authority to acquire and administer federal transportation related grants.

Chair Frelich opened the conference committee meeting at 3:30 PM.

Members present: Chair Frelich, Representative Weisz, Representative Dyk and Chairman Conley, Senator Rummel, and Senator Paulson.

Discussion Topics:

- Review of Senate amendments
- Federal government appropriation
- Committee vote

Chairman Conley explained the Senate amendments.

Committee discussion.

Representative Weisz moved the House to accede to Senate Amendments.

Representative Dyk seconded the motion.

Roll call vote: Motion carried 6-0-0

Chair Frelich is the House carrier and **Chairman Conley** is the Senate carrier.

Chair Frelich adjourned at 3:34 PM.

Mary Brucker, Committee Clerk

**2023 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1102 as (re) engrossed

House Transportation Committee

- Action Taken** **HOUSE accede to Senate Amendments**
 HOUSE accede to Senate Amendments and further amend
 SENATE recede from Senate amendments
 SENATE recede from Senate amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Weisz Seconded by: Representative Dyk

Representatives	4/6		Yes	No	Senators	4/6		Yes	No
<i>Chair Frelich</i>	X		X		Chairman Conley	X		X	
<i>Representative Weisz</i>	X		X		Senator Rummel	X		X	
<i>Representative Dyk</i>	X		X		Senator Paulson	X		X	
Total Rep. Vote			3		Total Senate Vote			3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Chair Frelich Senate Carrier Chairman Conley

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1102, as engrossed: Your conference committee (Sens. Conley, Rummel, Paulson and Reps. Frelich, Weisz, Dyk) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1130-1131 and place HB 1102 on the Seventh order.

Engrossed HB 1102 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1102

**House Bill No. 1102****House Transportation Committee**

Room 327E | January 6, 2023, 9 a.m.

Terra Miller Bowley, Deputy Director for Administration

Good morning, Mr. Chairman and members of the committee. I am Terra Miller Bowley, Deputy Director for Administration for the North Dakota Department of Transportation (NDDOT). I'm here to introduce and support House Bill 1102.

The intent of House Bill 1102 is to clarify and establish authority for the NDDOT to accept federal transportation-related grant funds and matching funds, whether public or private, for use on road, bridge and transportation-related projects on and off the state highway system.

Historically, the NDDOT has applied for transportation grant funding administered by the Federal Highway Administration (FHWA). This transportation grant funding was primarily for road, bridge and transportation-related projects on the state highway system and anticipated state and/or local public matching funds. In recent years the concept of transportation and what is incorporated into an interconnected transportation system has been evolving both at the state and local level.

The Infrastructure Investment and Jobs Act (IIJA) recently passed by Congress included a historic amount of funding for discretionary grant programs. Much of this funding was related to transportation including the largest federal investment for public transit, rail, bridges, and roads. Transportation grant funding under IIJA is being administered by a multitude of federal agencies beyond FHWA. The NDDOT would like to clarify and expand out authority to be able to apply for and administer any federal transportation related grants that our department would otherwise qualify to accept regardless of which federal agency is offering the grant.

Almost all transportation grant funding opportunities require matching funds. These grant funding opportunities are allowing the use of private funds in addition to or in lieu of public funds from state or local governments to meet these match requirements, which can be as much as 50%. Road, bridge and transportation-related projects often provide both a private and public benefit and can spur economic development. As a result, such projects can be attractive investment opportunities for private entities.

The NDDOT would like to ensure that we have the authority to apply for and administer any transportation-related grant funds for which we are eligible for as well as utilize any matching funds, both private and public, allowable under the grant. The NDDOT would also like to ensure that NDCC allows the agency to support a statewide interconnected transportation system, including road, bridge and transportation-related projects both on and off the state highway system. House Bill 1102 would accomplish this.

That concludes my testimony. Thank you.

**House Bill No. 1102****Senate Transportation Committee**

Fort Totten | February 17, 2023, 10 AM

Terra Miller Bowley, Deputy Director for Administration

Good morning, Mr. Chairman, and members of the committee. I am Terra Miller Bowley, Deputy Director for Administration for the North Dakota Department of Transportation (NDDOT). I'm here in support of House Bill 1102 and to request an amendment.

The intent of House Bill 1102, as originally written, is to clarify and establish authority for the NDDOT to accept federal transportation related grant funds and matching funds, whether public or private, for use on infrastructure projects on and off the state highway system.

Historically the NDDOT has applied for transportation grant funding administered by the Federal Highway Administration (FHWA). This transportation grant funding was primarily for infrastructure projects on the state highway system and anticipated state and/or local public matching funds. In recent years the concept of transportation and what is incorporated into an interconnected transportation system has been evolving both at the state and federal level.

The Infrastructure Investment and Jobs Act (IIJA) recently passed by Congress included a historic amount of funding for discretionary grant programs. Much of this funding was related to transportation including the largest federal investment for public transit, rail, bridges, and roads. Transportation grant funding under IIJA is being administered by a multitude of federal agencies beyond FHWA. The NDDOT would like to clarify and expand authority to be able to apply for and administer any federal transportation related grants that our department would otherwise qualify to accept regardless of which federal agency is offering the grant.

Almost all transportation grant funding opportunities require matching funds. These grant funding opportunities are allowing the use of private funds in addition to or in lieu of public funds from state or local governments to meet these match requirements, which can be as much as 50%. Infrastructure projects often provide both a private and public benefit and can spur economic development. As a result, such projects can be attractive investment opportunities for private entities.

The NDDOT would like to ensure that we have the authority to apply for and administer any transportation related grant funds for which we are eligible for as well as utilize any matching funds, both private and public, allowable under the grant. The NDDOT would also like to ensure that NDCC allows the agency to support a statewide interconnected transportation system, including infrastructure projects both on and off the state highway system.

The House Transportation Committee amended House Bill 1102 and removed the language which would allow the NDDOT to accept and utilize matching funds, both private and public, allowable under a grant. As it is currently written, House Bill 1102 allows the NDDOT to apply for and accept transportation related grants but would not allow the NDDOT to accept and match those grants with private or public funds which may become available. The NDDOT respectfully requests that the language allowing private and public matching funds be restored, I have included a proposed amendment along with this testimony.

That concludes my testimony. Thank you.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1102

Page 1, after line 17, insert:

“The department is authorized to accept all eligible match funding sources, whether public or private, as authorized by the provisions of the federal agency providing the grant or funding, for the purpose of administering a program. All eligible match funding shall be deposited with the state treasurer in the flexible transportation fund and shall be made available in accordance with the grant requirements.”

Renumber accordingly.



HB 1102
Senate Transportation Committee
Chairman David Clemens
February 16, 2023

Chairman Clemens and members of the Committee, my name is Amanda Remyense, and I am writing to you on behalf of the the North Dakota Motor Carriers Association (NDMCA), **in support** of HB 1102.

Infrastructure is critical to the trucking industry. NDMCA members support fiscally responsible financing programs for infrastructure development. This bill would enable DOT to leverage funding for infrastructure by accessing available funds from a variety of federal sources.

NDMCA thanks the Committee for your consideration and urges a **do pass** recommendation.



GREATER NORTH DAKOTA CHAMBER
HB 1102
Senate Transportation Committee
Chairman David Clemens
February 16, 2023

Mr. Chairman and members of the Committee, my name is Andrea Pfennig and I am the Director of Government Affairs for the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization. We stand in **support** of House Bill 1102.

Transportation infrastructure is important to businesses as a way to get goods to market. Our membership covers all sectors and corners of the state. Transportation infrastructure is needed by all of them.

Because of this, one of our policy priorities is to ensure existing maintenance needs are met, along with future needs. An objective of ours is to support both Federal infrastructure funds designated for North Dakota and flexible matching state appropriations to maximize investment. HB 1102 would enable DOT to access federal funds from a variety of agencies.

We urge a do pass on HB 1102. Mr. Chairman and members of the Committee, this concludes my comments. Thank you and I'd be happy to answer any questions.