



Eric Volk, Executive Director

ND Rural Water Systems Association

In Support of Senate Bill 2326

Senate Energy & Natural Resources Committee

February 3, 2023

Chairman Patten and members of the Senate Energy and Natural Resources Committee, my name is Eric Volk. I am the executive director of the North Dakota Rural Water Systems Association (NDRWSA). Our vision is to ensure all of North Dakota has access to affordable, ample, and quality water. NDRWSA is committed to completing and maintaining North Dakota's water infrastructure for economic growth and quality of life. Today, I am submitting testimony in support of Senate Bill 2326 which clarifies section 61-02-02(9) of the North Dakota Century Code.

Section 2 of the bill simply cleans up the definition of "Project" in subsection 9 by inserting "a water conveyance project or" and properly references any one of the works to subsection "11", not subsection 10.

From Benjamin J. Johnson, Judge of District Court for the Northwest Judicial District...*Prior to 2019, the definition cross-referenced to "works" under subsection 11, but that was changed in the 2019 legislative session. In looking at the legislative history of 2019, it appears that the Legislature intended to eliminate subsection 10, "water conveyance project", and "works" would have been the new subsection 10, which is why subsection 9 was changed. But later in the session "water conveyance project" was reinserted as subsection 10, but subsection 9 was not also corrected. This appears to be a legislative oversight. The North Dakota Supreme Court has held:*

"Our primary goal in statutory construction is to ascertain the intent of the Legislature. In ascertaining the Legislative intent, we first look to the plain language of the statute and give each word of the statute its ordinary meaning. We construe the statute as a whole and give effect to each of its provisions if possible. If the language of the statute is clear and unambiguous, we cannot ignore that language under the pretext of pursuing its spirit because the legislative intent is presumed clear from the face of the statute."

With that said, the NDRWSA supports Senate Bill 2326. Thank you for giving me the opportunity to provide testimony on behalf of the members of the NDRWSA. Eric Volk, ericvolk@ndrw.org.