

TESTIMONY: SB 2326
SENATOR MIKE DWYER, DISTRICT 47

I. CLEAN UP BILL

Members of the Senate Energy and Natural Resources Committee, this is a clean up bill concerning two areas of Title 61 of the North Dakota Century Code relating to water. I will explain.

II. 2017: NEW REQUIREMENT

In 2017, the Legislature imposed a new requirement on the State Water Commission, which was that "flood control and water conveyance projects" exceeding \$1 million would require an "economic analysis". The new law added to the Century Code a definition of a "water conveyance project" and a definition of "economic analysis".

III. INTERPRETATION OF STATUTES

When an individual or business or government agency is interested in the meaning of a statute, the first rule is to look to see if the words of the statute have a plain meaning. In this case, the new requirement for an economic analysis for flood control and water conveyance projects exceeding \$1 million was actually inserted into law in two separate statutes.

Section 61-02-01.3 was amended to provide as follows:

61-02-01.3. COMPREHENSIVE WATER DEVELOPMENT PLAN. Biennially, the commission shall develop and maintain a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes. As part of the commission's planning process, to facilitate local project sponsor participation and project prioritization and to assist in education regarding life cycle analyses for municipal water supply projects, and economic analyses for flood control and water conveyance projects expected to cost more than one million dollars, the commission shall develop a policy that outlines procedures for commissioner-hosted meetings within the upper Missouri River, Devils Lake, Little Missouri River, upper Heart River, and upper Cannonball River drainage basins.

In addition, a new section was added to Chapter 61-03, concerning this new economic analysis requirement for flood control and water conveyance projects. Section 61-03-21.4 was adopted and provides as follows:

61-03-21.4. ECONOMIC ANALYSIS PROCESS REQUIRED FOR CERTAIN PROJECTS. The department of water resources shall develop an economic analysis process for water conveyance projects and flood-related projects expected to cost more than one million dollars, and a life cycle analysis process for municipal water supply projects. When the state water commission is considering whether to fund a water conveyance project, flood-related project, or water supply project, the department of water resources shall review the economic analysis or life cycle analysis, and inform the state water commission of the findings from the analysis and review.