



Eric Volk, Executive Director

ND Rural Water Systems Association

In Opposition of Senate Bill 2285

Senate Political Subs. Committee

February 5, 2021

Chairman Burckhard, and members of the Senate Political Subdivisions 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 opposition of Senate Bill 2285.

Rural/Regional Water Facts (see attached map):

- Serve over 160,000 rural residents (59,000 connections).
- Provide water to 268 (75%) of North Dakota's 357 incorporated cities.
 - Furnish water to over 295,000 North Dakota residents.
 - Provide service through over 40,000 miles of pipe.

Rural/Regional water systems (RWS) acquire easements to install distribution lines and other facilities to provide water service to rural residents, cities, industries, and agricultural interests. During water system construction planning, signed easements are collected by the system. Most of the time there are no issues, as the landowner will benefit or is currently benefiting from water service. The signed easement is then recorded at the county courthouse (at the cost of the water system). At this point, the easement paperwork requirements for the water system are complete. The recorded easement will be added to the abstract the next time it is updated.

Over the past 50+ years, the process I described above has worked well for the RWS. SB 2285 looks to shift the cost of adding the easement to the abstract to the owner of the easement.

RWS have hundreds of thousands of easements across the state and still more to obtain. To be honest, I have no idea on the number of RWS easements that have not been added to abstracts. RWS have no control over that situation. If SB 2285 passes, a signed/recorded easement could sit at the courthouse until the property is sold/financed/other years later. Abstracting businesses would then be tasked with finding, billing, and collecting from whomever is responsible for the easement. For a RWS, it would be hard to imagine receiving a bill from an easement that was acquired twenty years ago.

RWS development in the state is far from over and the acquisition of easements will continue. We believe the current easement process works well and should continue as is. As stated by previous speakers, it is best to keep this between the buyer/the seller and to keep out entities that have no part in the transaction that causes the abstract to be updated. Landowners could also negotiate during the easement process if the cost of entering the easement on the abstract is an issue.

With that said, the NDRWSA opposes SB 2285. Thank you for giving me the opportunity to provide testimony on behalf of the NDRWSA. Eric Volk, ericvolk@ndrw.org.

