

February 5, 2021  
Senate Political Subdivisions Committee  
SB 2285  
Senator Randy Burckhard

For the record, I am Stephanie Dassinger. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the League.

The North Dakota League of Cities appears in opposition to SB 2285.

SB 2285 appears to create a process where the owner of an easement is required to pay up to a \$15 fee for the easement entry in an abstract, regardless of who ordered the abstract. As a part of doing its public business, cities are required to purchase and record several different types of easements. Some examples of those easements are:

- Sanitary Sewer Line Easements
- Water Line Easements
- Construction Easements
- Access Easements
- Flood Wall Easements
- Storm Sewer Easements

As this bill is written, a city would have to pay a \$15 fee every time one of these easements is entered into an abstract. Typically, an abstract is required when a property owner is selling his or her property or refinancing his or her property. The city is not a party to these transactions, has no control over those transactions, and as such, should not pay any of the costs associated with processing the documents required to complete those transactions.

As this committee is aware, cities are spending public money. This bill requires that public money be spent on the costs associated with private individuals or entities making decisions about transactions on their property. It is not appropriate to have a city pay the costs associated with those transactions.

The League does not have any data on this matter; however, when talking to city attorneys and city engineers about this bill, it became apparent that cities own a large number of these easements and the fiscal impact to cities if this bill passes could be quite high.

As such, the League respectfully requests a Do Not Pass recommendation on HB 2285.