

Testimony SB2325

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1902 E Divide Ave
Bismarck ND 58501
Testimony in Support for SB2325

To the Senate Ag and Veterans Committee,

Mr Chairman,

We would like to start this out by saying that we support the idea of easements in this manner and understand what this bill is intended to do. We just have one suggestion if the committee is willing to hear it. .

“The easement holder is liable for civil damages to any person aggrieved by damages to crops, county and township roads, railroad infrastructure, and private property caused by the flow of water above the ordinary high water mark.”

We feel that this language may be a bit too broad and cause unintended damages. This language could make people liable for incidents that they possibly have no control over such as an 11 inch rain or flash flooding. To make this bill more palatable we urge you to put in a clause that would exempt an easement holder from a 25 year flood event or an act of god.

There should be at least a few exceptions to this rule.

Thank you for your Consideration and we urge a DO PASS