

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2362

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Deanna Hall  
Operator's Signature

10/22/03

Date

2003 SENATE NATURAL RESOURCES  
SB 2362

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2362

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-14-03

Tape Number	Side A	Side B	Meter #
1	X		38.4 - end
		X	0.1 - 1.5
		X	49.0 - 51.2
2	X		0.0 - 0.9
Committee Clerk Signature <i>Janet James</i>			

Minutes:

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee opened the hearing on SB 2362 relating to flood plain management.

All members of the committee were present except Senator John Traynor.

**Senator Fischer** of District 46 introduced SB 2362 stating this an update of the 1999 bill that manages the flood ways.

**Dale Frink** the State Engineer of the North Dakota State Water Commission testified in support of SB 2362 (See attached testimony). He also presented an Insurance Rate Chart (attached).

**Senator Michael Every** asked if there was other language that needed updating and for an example of flood proofing.

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10/22/03  
Date

Page 2  
Senate Natural Resources Committee  
Bill/Resolution Number SB 2362  
Hearing Date 2-14-03

Dale Frink answered that the most important language was being updated and flood proofing means things like raising the structure so it is above the 100 year flood plain or to raise the floor of the structure like filling the basement floor one foot.

Discussion was held as to why there is 100 year, 500 year or 1000 year flood history.

Jack Friez??? testified in support of SB 2362 stating he agrees with the State Water Commission for the potential to reduce flood costs to the tax payers.

Keith Beradt, the County Engineer from Cass County wanted to be on record in support of SB 2362.

Senator Fischer asked how many flood proof structures failed in 1997.

Keith Beradt stated there were none.

There was no testimony in an opposing or neutral position of SB 2362.

Senator Tollefson closed the hearing on SB 2362.

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Tape 1, Side 2, 49.0 - 51.2, Tape 2, Side A 0.0 - 1.0

Senator Ben Tollefson opened discussion on SB 2362.

Senator Joel Heitkamp made a motion for a Do Pass of SB 2362.

Senator Michael Every second the motion.

Roll call vote was taken indicating 5 YEAS, 0 NAYS AND 2 ABSENT OR NOT VOTING.

Senator Fischer will carry SB 2362.

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10/22/03  
Date

Date: \_\_\_\_\_  
Roll Call Vote #: \_\_\_\_\_

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2362**

Senate	Senate Natural Resources	Committee
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☐ Check here for Conference Committee

**Legislative Council Amendment Number** \_\_\_\_\_

Action Taken Do Pass

Motion Made By Burt Seconded By Enry

[illegible]

Total (Yes) 5 No 0

**Absent** 2

Floor Assignment Fischer

**If the vote is on an amendment, briefly indicate intent:**

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**Operator's Signature**

Date \_\_\_\_\_

**REPORT OF STANDING COMMITTEE (410)**  
February 14, 2003 1:09 p.m.

Module No: SR-29-2764  
Carrier: Fischer  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**SB 2362: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS**  
**(5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2362 was placed on the**  
**Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-29-2764

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Operator's Signature

10/22/03  
Date

2003 HOUSE NATURAL RESOURCES

SB 2362

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Deanna Hall  
Operator's Signature

10/22/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2362

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 14, 2003

Tape Number	Side A	Side B	Meter #
1	xx		1331-2110
1		xx	85-207
Committee Clerk Signature <i>G. M.</i>			

Minutes:

**Chair Nelson** called the hearing relating to flood plain management to order.

**Sen. Fischer:** Introduced SB 2362. This bill will update the flood plain management code in North Dakota.

**Dale Frink:** State Engineer, State Water Commission. Testified in support of SB 2362. (See Attached Testimony).

**Loanne Hoffer:** ND Division of Emergency Management. Spoke on behalf of Dir. Friez. Spoke on behalf of SB 2362. (See Attached Testimony).

**Chair Nelson** closes hearing.

**Chair Nelson** called the meeting to order.

**Rep. Porter** moved a Do Pass seconded by Rep. Norland. The motion carried by a vote of 10-0-4. Rep. Nottestad will carry.

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*Deanna Hall*  
Operator's Signature

*10/22/03*  
Date

Date:  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2362

House House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass

Motion Made By Porter Seconded By Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark	✓				
Rep. Duane DeKrey	A				
Rep. David Drovdal	A				
Rep. Lyle Hanson	✓				
Rep. Bob Hunsakor	✓				
Rep. Dennis Johnson	✓				
Rep. George Keiser	✓				
Rep. Scott Kelsh	A				
Rep. Frank Klein	✓				
Rep. Mike Norland	✓				
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg	A				

Total (Yes) 10 No 0

Absent 4

Floor Assignment Nottestad

If the vote is on an amendment, briefly indicate intent:

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Dennis Johnson  
Operator's Signature

10/22/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 14, 2003 10:34 a.m.

Module No: HR-46-4779  
Carrier: Not tested  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SB 2362: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS**  
(10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2362 was placed on the  
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-46-4779

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10/22/03  
Date

2093 TESTIMONY

SN 2362

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Deanna Walker  
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10/22/03  
Date

**TESTIMONY ON SENATE BILL 2362**

**Senate Natural Resources Committee**

**Dale L. Frink, State Engineer  
State Water Commission**

**February 14, 2003**

Mr. Chairman and Members of the Senate Natural Resources Committee, I am Dale Frink, State Engineer, appearing in support of Senate Bill 2362.

Senate Bill 2362 amends N.D.C.C. chapter 61-16.2 dealing with floodplain management. This chapter was last amended during the 1999 legislative session. This proposed bill updates some of the terminology to be consistent with the language commonly used throughout the National Flood Insurance Program (NFIP); and it establishes a uniform, statewide, minimum standard requiring elevation to one foot above the base flood elevation for both residential and non-residential structures.

A definition has been added for "conveyance" or "hydraulic conveyance" and this would become the standard by which hydraulic impacts would be evaluated. This simplified standard provides a more precise means of evaluating a project's hydraulic impact. A definition has also been added for "floodway" or "regulatory floodway". These are terms commonly used throughout the NFIP. The terms "designated floodway" and "mapped floodway" are replaced with the current term "regulatory floodway".

The descriptors for structures have been simplified to coincide with the terminology used by the NFIP. The NFIP recognizes residential and non-residential structures.

This legislation proposes changes to N.D.C.C. § 61-16.1-08, Community Standards, establishing a uniform, state-wide, minimum standard for residential structures, requiring that they be elevated to at least one foot above the base flood elevation, unless they are granted a residential basement floodproof exception, and for non-residential structures, requiring that they be either elevated to at least one foot above the base flood elevation or they be adequately floodproofed to an elevation no lower than two feet above the base flood elevation. This would increase the cost of building in the identified floodplain but would increase the level of protection from flood. However, two benefits would result: 1) lower flood insurance premiums; and 2) the opportunity to be removed from the identified floodplain by the NFIP. Being removed from the identified floodplain means the removal of mandatory purchase of flood insurance imposed by a lender.

We believe that this is an important step toward reducing flood losses in North Dakota. The flood losses that the state has experienced since 1993 have clearly

*Senate testimony on  
3-14-03 to House*

*Dale L. Frink*  
Operator's Signature

10/22/03

Date

illustrated the need to be proactive in our flood loss reduction efforts. Fargo, Bismarck and Burleigh County have recognized the benefits of exceeding NFIP minimum requirements and have already adopted standards that exceed this proposed minimum standard.

The proposed amendments to N.D.C.C. § 61-16.2-14 provide the state engineer the flexibility to require a hydraulic model only when determined necessary. This flexibility is important because some projects can be evaluated without developing a functioning hydraulic model. The flexibility of the state engineer to exempt the required review on a case-by-case basis remains.

I believe the proposed changes are appropriate. The terminology is clearer and more compatible with the terminology used throughout the NFIP, and the establishment of a uniform, statewide, minimum standard is important in light of the flood losses experienced in the state in recent years.

I ask for your favorable consideration of this bill. Thank you.

- 2 -

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**TABLE 3B. REGULAR PROGRAM -- POST-FIRM CONSTRUCTION RATES**  
**ANNUAL RATES PER \$100 OF COVERAGE**  
**(Basic/Additional)**

**FIRM ZONES AE, A1-A30 -- BUILDING RATES**

Elevation of Lowest Floor Above or Below BFE <sup>1</sup>	One Floor, No Basement/Encl		More than One Floor, No Basement/Encl		More than One Floor, With Basement/Encl		Manufactured (Mobile) Home	
	1-4 Family	Other Residential & Non-Residential	1-4 Family	Other Residential & Non-Residential	1-4 Family	Other Residential & Non-Residential	Single Family	Non-Residential
+4	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.16 / .08
+3	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.16 / .08	.17 / .08	.18 / .08
+2	.20 / .08	.22 / .08	.17 / .08	.17 / .08	.16 / .08	.18 / .08	.20 / .08	.20 / .08
+1	.35 / .08	.38 / .10	.22 / .08	.22 / .08	.16 / .08	.18 / .08	.39 / .08	.54 / .08
0	.61 / .08	.79 / .20	.45 / .08	.45 / .18	.33 / .08	.37 / .16	.97 / .08	1.33 / .08
-1 <sup>2</sup>	1.55 / .78	2.34 / 1.23	1.42 / .71	2.02 / .85	.75 / .45	.87 / .68	***	***
-2	***	***	***	***	***	***	***	***

**FIRM ZONES AE, A1-A30 -- CONTENTS RATES**

Elevation of Lowest Floor Above or Below BFE <sup>1</sup>	Lowest Floor Only -- Above Ground Level (No Basement/Encl.)		Lowest Floor Only -- Above Ground Level & Higher Floors (No Basement/Encl.)		More than One Floor With Basement/Enclosure		Manufactured (Mobile) Home	
	Residential	Non-Residential	Residential	Non-Residential	Residential	Non-Residential	Single Family	Non-Residential
+4	.21 / .12	.18 / .12	.21 / .12	.18 / .12	.21 / .12	.18 / .12	.21 / .12	.18 / .12
+3	.21 / .12	.19 / .12	.21 / .12	.18 / .12	.21 / .12	.18 / .12	.21 / .12	.18 / .12
+2	.21 / .12	.25 / .12	.21 / .12	.20 / .12	.21 / .12	.18 / .12	.21 / .12	.27 / .14
+1	.42 / .12	.39 / .21	.24 / .12	.30 / .12	.21 / .12	.18 / .12	.32 / .12	.44 / .21
0	.89 / .12	.75 / .66	.55 / .12	.52 / .33	.21 / .12	.25 / .12	.88 / .12	.92 / .71
-1 <sup>2</sup>	2.22 / 1.01	1.85 / 1.62	1.41 / .64	1.26 / 1.01	.28 / .12	1.02 / .12	***	***
-2	***	***	***	***	***	***	***	***

**FIRM ZONES AE, A1-A30 -- CONTENTS RATES**

Elevation of Lowest Floor Above or Below BFE <sup>1</sup>	Above Ground Level More than One Full Floor			
	Single Family	2-4 Family	Other Residential	Non-Residential
+4		.18 / .12	.18 / .12	.18 / .12
+3		.18 / .12	.18 / .12	.18 / .12
+2		.18 / .12	.18 / .12	.18 / .12
+1		.18 / .12	.18 / .12	.18 / .12
0		.18 / .12	.18 / .12	.18 / .12
-1		.18 / .12	.18 / .12	.18 / .12
-2		.18 / .12	.20 / .12	.20 / .12

<sup>1</sup> If Lowest Floor is -1 because of attached garage, submit application for special consideration. Rate may be lower.

<sup>2</sup> Use Submit-for-Rate guidelines if the enclosure below the lowest elevated floor of an elevated building or if the crawl space (under-floor space) that has its interior floor 1 to 2 feet below grade on all sides, which is used for rating, is 1 or more feet below BFE.

\*\*\* SUBMIT FOR RATING

NOTE: The definition of Manufactured (Mobile) Home includes travel trailers.

RATE 4

December 31, 2000

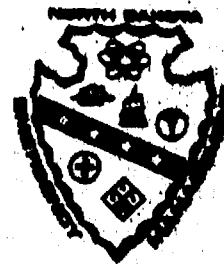
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10/22/03  
 Date

North Dakota

## Division of Emergency Management



JOHN HOEVEN  
GOVERNOR

Maj Gen MICHAEL J. HAUGEN  
ADJUTANT GENERAL

DOUGLAS C. FRIEZ  
STATE DIRECTOR

To: Representative Jon Nelson  
Chairman House Natural Resources Committee  
From: Doug Friez, Director  
ND Emergency Management  
Subject: Senate Bill 2362  
Date: March 11, 2003

Mr. Chairman, members of the House Natural Resource Committee, I support Senate Bill 2362.

I believe Senate Bill 2362 will help reduce costs of flood damage to our taxpayers and will also help control the cost of flood insurance to home owners.

I urge your favorable consideration of this bill.

Thank you.

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*Douglas C. Friez*  
Operator's Signature

10/22/03  
Date