Engrossed SB2027 Neutral/Suggested Amendments

March 13, 2025
House Energy and Natural Resources Committee

Chairman Porter and Committee Members:

I am the Floodplain Administrator for Morton County, ND and a Certified Floodplain Manager. The issue of defining the boundaries of floodplain authority between various political subdivisions is long overdue. SB2027 is a necessary bill. However, the current language of the bill creates a significant potential liability for Counties that I want to be sure the committee is aware of.

The bill language includes "the **township shall defend, indemnify, and hold harmless the county…** from…a claim for damages arising from a township's noncompliance." This is an attempt to address the issue of liability, but it **does not go far enough**.

Let's look at a worst-case scenario where a township has either neglected or mismanaged floodplain administration to the point that the township is expelled from the National Flood Insurance Program (NFIP). Let's say the township even dissolves. If the County *must* "reabsorb" the township and take over floodplain administration, what happens to the County's own standing as an NFIP community?

Once a community is kicked out of the NFIP, properties within the flood hazard area in that community are **no longer eligible for FHA and VA loans, no longer eligible to purchase NFIP flood insurance,** and **federal disaster assistance** to these areas becomes more **limited**. These are consequences that extend far beyond a township saying they will hold the County harmless, and **cannot be solved by the bill language above**.

It is not advisable for the state to grant authority without also establishing adequate management standards. I strongly suggest including a simple, straightforward provision in this bill: "**any political subdivision that chooses to retain floodplain management authority must assign floodplain management duties to a certified floodplain manager, whether on-staff or contracted**."

Respectfully,

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