

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2027

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2027
1/10/2025

Related to floodplain management powers and ordinances for counties, cities, and townships.

8:48 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Flood insurance protection
- Property damage
- Central repository compilation
- Management of township authorities

8:49 a.m. Senator Thomas testified in favor.

9:06 a.m. Aaron Carranza, Regulatory Division Director of Department of Water Resources testified in favor with testimony #28200.

9:10 a.m. Johannes Palsgraaf, General Counsel and Legal Division of ND Insurance Department, testified in favor with testimony #28336.

9:14 a.m. Larry Syverson, ND Township Association, testified in favor.

9:20 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk



Testimony in Support of
SB 2027
Senate Energy and Natural Resources
January 10, 2025

TESTIMONY OF

Aaron Carranza, Division Director, Regulatory Division

Chairman Patten, and members of the Senate Energy and Natural Resources Committee, I am Aaron Carranza the Regulatory Division Director of the Department of Water Resources (Department). I'm here today to provide testimony in support of SB 2027.

This bill represents the interim efforts of the Department, the Insurance Department, the League of Cities, the Township Officers Association, and the Association of Counties working with the interim Agriculture and Natural Resources Committee to address the Township Study directed by the 68th Legislative Assembly via SB 2365.

The Department was engaged throughout the study and provided comments throughout the interim.

This bill provides an articulated means of establishing, identifying, and tracking which political entity has floodplain management responsibilities outside of municipal limits throughout the state. The study arose due to the lack of such clarity and tracking mechanisms, leading to North Dakotans paying for and carrying invalid Federal Emergency Management Association (FEMA) National Flood Insurance Program (NFIP) insurance policies.

The Department currently has the directive under N.D.C.C. § 61-16.2-03 to support the collection and distribution of information related to flooding and floodplain management. The Department also has the directive to, to the maximum extent practical, aid in the education and application of sound floodplain management practices throughout the state.

As part of this directive, the Department supports all North Dakota communities participating in or interested in joining FEMA's NFIP and the local adoption of compliant floodplain management ordinances. This directive will be maintained under the proposed bill.

A new Department directive through this proposed bill is contained in Section 10, which creates a new publicly facing "Floodplain Management Authority" repository. This repository will house information that is reported annually to the Department by the local entities, and will assist homeowners, community officials, or insurance producers in identifying local floodplain management authority statewide as it has been conveyed to the Department.

Thank you for the opportunity to testify, and I'm happy to answer any questions.



NORTH DAKOTA
Insurance Department

TESTIMONY

Johannes Palsgraaf, Legal Division Director

Senate State and Local Government

January 10, 2025

Good morning, Chairwoman Roers, and members of the committee. My name is Johannes (Johnny) Palsgraaf, and I am the General Counsel and Legal Division Director for the North Dakota Insurance Department. I am here today to provide testimony for Senate Bill 2027.

In December of 2022, a North Dakota Insurance agent contacted our office to report a concern related to the National Flood Insurance Program (“NFIP”). This agent had two clients that had made claims on their NFIP policies, but their claims were denied, and their policies were cancelled. It turned out the policies of these two insureds were cancelled because their properties were situated in North Dakota organized townships that did not have participation agreements allowing for the townships’ eligibility for NFIP coverage, which the Federal Emergency Management Agency (“FEMA”) administers.

After researching the issue, working with the North Dakota Department of Water Resources, and FEMA, we learned that the NFIP interpreted federal law to exclude coverage for organized townships that did not have direct participation agreements with the NFIP or did not have participation agreements with the municipality or county in which the organized township resides to administer the program.

After further investigation, we learned that North Dakota insurance agents do not have access to accurate township participation information that would permit them to correctly identify properties eligible for NFIP coverage. While FEMA does have a website, the Community Status Book, that lists participating communities, that information is not always up to date or accurate, as FEMA relies upon the state communities to provide that information to them to keep the Status Book updated.

Then Representative Thomas and the 2023-2024 Interim Agriculture and Natural Resources Committee did an outstanding job in drafting this bill to ensure NFIP participation for townships, municipalities, and counties are updated accurately and regularly to ensure insurance agents have the access they need to write accurate policies. This will protect North Dakota consumers from possible denials and/or cancellations on their NFIP policies by FEMA.

I urge the committee to give SB 2027 a do pass recommendation, and I will stand for any questions from the committee.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2027
1/16/2025

Related to floodplain management powers and ordinances for counties, cities, and townships.

11:05 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Language clarification

11:05 a.m. Chair Roers asked for clarification on amendment.

11:09 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2027
1/23/2025

Related to floodplain management powers and ordinances for counties, cities, and townships.

2:38 p.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Proposed amendment

2:38 p.m. Committee discussion

2:48 p.m. Chair Roers closed the meeting.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2027
1/23/2025

Related to floodplain management powers and ordinances for counties, cities, and townships.

3:08 p.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

3:08 p.m. Committee discussion

3:11 p.m. Senator Walen moved to adopt the amendment LC #25.0338.02002.

3:11 p.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

3:12 p.m. Senator Lee moved a Do Pass as amended.

3:12 p.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Barta will carry the bill.

Senate State and Local Government Committee

SB 2027

1/23/2025

Page 2

3:14 p.m. Chair Roers closed the meeting.

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2027

Introduced by

Legislative Management

(Agriculture and Natural Resources Committee)

JB 1-23-25
1089

1 A BILL for an Act to create and enact a new section to chapter 11-11, a new subsection to
2 section 11-11-14, a new section to chapter 40-05, a new section to chapter 58-06, a new
3 subsection to section 58-06-01, and a new section to chapter 61-16.2, relating to floodplain
4 management powers and ordinances for counties, cities, and townships; and to amend and
5 reenact subsection 2 of section 11-33-03, subsection 67 of section 40-05-01, subsection 2 of
6 section 40-47-03, and sections 58-03-12 and 61-16.2-02 of the North Dakota Century Code,
7 relating to county, city, and township floodplain management ordinances and to provide
8 definitions.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1.** A new section to chapter 11-11 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Floodplain management ordinances - Requirements - Limitations - Definitions -**
13 **Enforcement.**

14 1. As used in this chapter:

15 a. "Floodplain management" has the same meaning as in section 61-16.2-02.

16 b. "Floodplain management ordinance" has the same meaning as in section
17 61-16.2-02.

18 c. "Indian country" means all:

19 (1) Land within the limits of any Indian reservation that is under the jurisdiction
20 of the United States government and located within this state.

JB 2 of 9

1 notwithstanding the issuance of any patent, and, including rights of way
2 running through the reservation;

3 (2) Dependent Indian communities within this state whether within the original
4 or subsequently acquired territory of the state; and

5 (3) Indian allotments within this state, the Indian titles to which have not been
6 extinguished, including rights of way running through the allotted lands.

7 2. A board of county commissioners may undertake floodplain management as provided
8 in chapter 61-16.2. If a board of county commissioners undertakes floodplain
9 management under this section, the board of county commissioners shall enact a
10 floodplain management ordinance applying to all persons and property within the
11 boundaries of the county, except for persons and property within a city's zoning
12 jurisdiction as provided under chapter 40-47 or within the exterior boundaries of Indian
13 country.

14 3. Notwithstanding subsection 2, if a board of township supervisors approves by a written
15 resolution that the township desires to undertake floodplain management under
16 chapter 61-16.2, the board of township supervisors shall avail itself the authority to
17 regulate floodplain management. Upon the adoption of the resolution, the board of
18 township supervisors has exclusive authority to regulate floodplain management under
19 chapter 61-16.2. If a board of township supervisors undertakes floodplain
20 management under this section, the board of township supervisors shall enact a
21 floodplain management ordinance applying to all persons and property within the
22 boundaries of the township, except for persons and property within a city's zoning
23 jurisdiction as provided under chapter 40-47 or within the exterior boundaries of Indian
24 country. The township clerk shall forward a copy of the written resolution to the county
25 auditor of the county in which the township is located and the department of water
26 resources for inclusion in the central repository established under section 10 of this
27 Act.

28 4. After acquiring floodplain management authority from the county under subsection 3,
29 the township may relinquish its floodplain management authority back to the county
30 upon execution of a written agreement signed by the board of county commissioners
31 and the board of township supervisors. The county may not require the township to

Jim 3089

1 convey an additional authority legally afforded to the township in exchange for the
2 written agreement. The relinquishment of authority may not become effective sooner
3 than sixty days after the board of township supervisors delivers a written notice of
4 proposed relinquishment to the appropriate board of county commissioners.

5 5. If a township previously exercised floodplain management authority and becomes
6 subject to county floodplain management authority under this section, the township
7 shall defend, indemnify, and hold harmless the county and its agents, officers, and
8 employees from and against a claim for damages arising from a township's
9 noncompliance with chapter 61-16.2 and the national flood insurance program
10 [42 U.S.C. 4001 et seq.].

11 6. Upon enactment of a floodplain management ordinance by a county under this
12 section, the county auditor shall forward the ordinance to the department of water
13 resources for inclusion in the central repository established under section 10 of this
14 Act.

15 7. The county auditor of a county exercising floodplain management authority shall certify
16 to the department of water resources by March thirty-first of each year a list of the
17 jurisdictions over which the county is exercising floodplain management authority
18 under chapter 61-16.2.

19 8. A county exercising floodplain management authority is not required to activate its
20 zoning authority under chapter 11-33 before enacting a floodplain management
21 ordinance.

22 9. In a county exercising floodplain management, the board of county commissioners
23 shall enforce an ordinance or regulation enacted under this section. The board of
24 county commissioners may impose enforcement duties on an officer, department,
25 agency, or employee of the county.

26 **SECTION 2.** A new subsection to section 11-11-14 of the North Dakota Century Code is
27 created and enacted as follows:

28 To undertake floodplain management activities in the manner provided under section 1
29 of this Act.

30 **SECTION 3. AMENDMENT.** Subsection 2 of section 11-33-03 of the North Dakota Century
31 Code is amended and reenacted as follows:

JB 409

- 1 2. To provide for emergency management, including floodplain management as provided
2 under section 1 of this Act. "Emergency management" means a comprehensive
3 integrated system at all levels of government and in the private sector which provides
4 for the development and maintenance of an effective capability to mitigate, prepare for,
5 respond to, and recover from known and unforeseen hazards or situations, caused by
6 an act of nature or man, which may threaten, injure, damage, or destroy lives,
7 property, or our environment.

8 **SECTION 4. AMENDMENT.** Subsection 67 of section 40-05-01 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 67. Flood control projects, including floodplain management as provided under section 5
11 of this Act. To acquire, construct, maintain, operate, finance, and control flood control
12 projects, both within and adjacent to such municipality, and for such purpose to
13 acquire the necessary real property and easements therefor by purchase and eminent
14 domain, in accordance with chapter 32-15, and to adopt such ordinances as may
15 reasonably be required to regulate the same.

16 **SECTION 5.** A new section to chapter 40-05 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Floodplain management ordinances - Requirements - Limitations - Definitions -**
19 **Enforcement.**

20 1. As used in this chapter:

21 a. "Floodplain management" has the same meaning as in section 61-16.2-02.

22 b. "Floodplain management ordinance" has the same meaning as in section
23 61-16.2-02.

24 c. "Indian country" means:

- 25 (1) Land within the limits of any Indian reservation that is under the jurisdiction
26 of the United States government and located within this state,
27 notwithstanding the issuance of any patent, and, including rights of way
28 running through the reservation;
29 (2) Dependent Indian communities within this state whether within the original
30 or subsequently acquired territory of the state; and

JB 509

- 1 (3) Indian allotments within this state, the Indian titles to which have not been
2 extinguished, including rights of way running through the allotted land.
- 3 2. The governing body of a city may exercise floodplain management authority under
4 chapter 61-16.2. If a governing body of a city undertakes floodplain management, the
5 governing body of a city shall enact a floodplain management ordinance over all
6 persons and property within the boundaries of the city's zoning jurisdiction as provided
7 under chapter 40-47 or within the exterior boundaries of Indian country.
- 8 3. Upon enactment of a floodplain management ordinance by a city under this section,
9 the city auditor shall forward the ordinance to the department of water resources for
10 inclusion in the central repository established under section 10 of this Act.
- 11 4. The city auditor of a city exercising floodplain management authority shall certify to the
12 department of water resources by March thirty-first of each year that the city is
13 undertaking floodplain management activities under chapter 61-16.2.
- 14 5. A city exercising floodplain management authority is not required to activate its zoning
15 authority under chapter 40-47 before enacting a floodplain management ordinance.
- 16 6. In a city exercising floodplain management, the governing body of the city shall
17 enforce an ordinance or regulation enacted under this section. The governing body of
18 the city may impose enforcement duties on an officer, department, agency, or
19 employee of the city.

20 **SECTION 6. AMENDMENT.** Subsection 2 of section 40-47-03 of the North Dakota Century
21 Code is amended and reenacted as follows:

- 22 2. Provide for emergency management, including floodplain management as provided
23 under section 5 of this Act. "Emergency management" means a comprehensive
24 integrated system at all levels of government and in the private sector which provides
25 for the development and maintenance of an effective capability to mitigate, prepare for,
26 respond to, and recover from known and unforeseen hazards or situations, caused by
27 an act of nature or man, which may threaten, injure, damage, or destroy lives,
28 property, or our environment;

29 **SECTION 7. AMENDMENT.** Section 58-03-12 of the North Dakota Century Code is
30 amended and reenacted as follows:

Jm 6089

58-03-12. Basis for township zoning regulations and restrictions.

1. The regulations and restrictions established in any township zoning district must be made in accordance with a comprehensive plan with reasonable consideration as to the character of such district, its peculiar suitability for particular uses, the normal growth of the municipality, and the various types of occupations, industries, and land uses within the area, and must be designed to facilitate traffic movement, encourage orderly growth and development of the municipality and adjacent areas, promote health, safety, and general welfare, and provide for emergency management, including and subject to floodplain management as provided under section 8 of this Act.

2. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment. The comprehensive plan must be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

SECTION 8. A new section to chapter 58-06 of the North Dakota Century Code is created and enacted as follows:

Floodplain management ordinances - Requirements - Limitations - Definitions - Enforcement.

1. As used in this chapter:

a. "Floodplain management" has the same meaning as in section 61-16.2-02.

b. "Floodplain management ordinance" has the same meaning as in section 61-16.2-02.

c. "Indian country" means:

(1) Land within the limits of any Indian reservation that is under the jurisdiction of the United States government and located within this state, notwithstanding the issuance of any patent, and, including rights of way running through the reservation;

JB 7 of 9

- 1 (2) Dependent Indian communities within this state whether within the original
2 or subsequently acquired territory of the state; and
- 3 (3) Indian allotments within this state, the Indian titles to which have not been
4 extinguished, including rights of way running through the allotted land.
- 5 2. A board of township supervisors by written resolution may exercise floodplain
6 management under chapter 61-16.2. Upon the adoption of the resolution, the board of
7 township supervisors has exclusive authority to regulate floodplain management and
8 shall enact a floodplain management ordinance applying to all persons and property
9 within the boundaries of the township, except for persons and property within a city's
10 zoning jurisdiction as provided under chapter 40-47 or within the exterior boundaries of
11 Indian country. The township clerk shall forward a copy of the written resolution to the
12 county auditor of the county where the township is located and the department of
13 water resources for inclusion in the central repository established under section 10 of
14 this Act.
- 15 3. A township not exercising its floodplain management authority under this section is
16 subject to the floodplain management authority of the county under section 1 of this
17 Act.
- 18 4. After acquiring floodplain management authority from the county under subsection 2,
19 the township may relinquish its floodplain management authority back to the county
20 upon execution of a written agreement signed by the board of county commissioners
21 and the board of township supervisors. The county may not require the township to
22 convey an additional authority legally afforded to the township in exchange for the
23 written agreement. The relinquishment of authority may not become effective sooner
24 than sixty days after the board of township supervisors delivers a written notice of
25 proposed relinquishment to the appropriate board of county commissioners.
- 26 5. If a township previously exercised floodplain management authority and becomes
27 subject to county floodplain management authority under this section, the township
28 shall defend, indemnify, and hold harmless the county and its agents, officers, and
29 employees from and against a claim for damages arising from a township's
30 noncompliance with chapter 61-16.2 and the national flood insurance program
31 [42 U.S.C. 4001 et seq.].

Jmy 4 29

1 6. Upon enactment of a floodplain management ordinance by a township under this
2 section, the township clerk shall forward the ordinance to the department of water
3 resources for inclusion in the central repository established under section 10 of this
4 Act.

5 7. The township clerk of a township exercising floodplain management authority shall
6 certify to the department of water resources by ~~March thirty-first~~ April thirtieth of each
7 year the names of the township supervisors and officers and that the township is
8 undertaking floodplain management activities under chapter 61-16.2.

9 8. A township exercising floodplain management authority is not required to activate its
10 zoning authority under chapter 58-03 before enacting a floodplain management
11 ordinance.

12 9. In a township exercising floodplain management, the board of township supervisors
13 shall enforce an ordinance or regulation enacted under this section. The board of
14 township supervisors may impose enforcement duties on an officer, department,
15 agency, or employee of the township.

16 **SECTION 9.** A new subsection to section 58-06-01 of the North Dakota Century Code is
17 created and enacted as follows:

18 If the township activates its floodplain management authority under section 8 of this
19 Act, to exercise floodplain management authority by enacting a floodplain
20 management ordinance.

21 **SECTION 10.** A new section to chapter 61-16.2 of the North Dakota Century Code is
22 created and enacted as follows:

23 **Central repository - Floodplain management authority - Accessible to the public.**

24 The department shall establish, operate, and maintain a publicly accessible electronic
25 central repository for local floodplain management ordinances, local floodplain management
26 agreements, and all annual certifications received by the department. The repository must
27 reflect which cities, townships, and counties have reported undertaking floodplain management
28 within the state. The department shall update the central repository by May thirty-first of each
29 year.

30 **SECTION 11. AMENDMENT.** Section 61-16.2-02 of the North Dakota Century Code is
31 amended and reenacted as follows:

JB 1 of 9

61-16.2-02. Definitions.

1. In this chapter, unless the context or subject matter otherwise provides:
 - a. "Commission" means state water commission.
 - b. "Community" means any political subdivision that has the authority to zone.
 - c. "Conveyance" or "hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.
 - d. "Department" means the department of water resources.
 - e. "District" means a water resource district, as defined in chapter 61-16.1.
 - f. "Flood fringe" means that portion of a floodplain outside of the floodway.
 - g. "Floodplain management" means a community-based effort to prevent or reduce the risk of flooding. Floodplain management may be associated generally with the national flood insurance program [42 U.S.C. 4001 et seq.].
 - h. "Floodplain management ordinance" means a building code, zoning, subdivision, health, or special purpose ordinance, and any other use of police power, which provide standards for communities to manage known flood hazards in all official actions relating to land management and use. A floodplain management ordinance may be associated with the national flood insurance program [42 U.S.C. 4001 et seq.] to ensure participating communities meet state and federal minimum standards.
 - i. "Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot [30.48 centimeters].
 - ~~h-j.~~ "Person" means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.
2. For the purposes of this chapter, the department shall follow the definitions in this section and the definitions under the national flood insurance program [42 U.S.C. 4001 et seq.] and implementing regulations.

**REPORT OF STANDING COMMITTEE
SB 2027**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.0338.02002](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE ENERGY AND NATURAL RESOURCES

SB 2027

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2027

3/13/2025

Relating to county, city, and township floodplain management ordinances and to provide definitions.

10:03 a.m. Vice Chairman Anderson called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Floodplain Zoning Authority
- Township Zoning Regulations and Restrictions
- National Flood Insurance Program
- Flood Repository

10:03 a.m. Senator Thomas introduced the bill.

10:20 a.m. Aaron Carranza, Regulatory Division Director of the Department of Water Resources, testified in favor and submitted testimony #41101

10:24 a.m. John Arnold, Deputy Insurance Commissioner, testified in favor.

10:27 a.m. Greg Larson, ND and National Association of Realtors, testified in favor.

10:29 a.m. Larry Syverson, Executive Director for ND Township Officers Association, testified in favor.

10:30 a.m. Aaron Birst, Association of Counties, testified in favor.

Additional Written Testimony:

Natalie Pierce, Flood Plain Administrator, Morton County, submitted testimony in favor.
#41119

10:31 a.m. Vice Chairman Anderson closed the hearing.

Leah Kuball, Committee Clerk



Testimony in Support of
SB 2027
House Energy and Natural Resources
March 13, 2025

TESTIMONY OF

Aaron Carranza, Division Director, Regulatory Division

Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Aaron Carranza the Regulatory Division Director of the Department of Water Resources (Department). I'm here today to provide testimony in support of Engrossed Senate Bill 2027.

This bill represents the interim efforts of the Department, the Insurance Department, the League of Cities, the Township Officers Association, and the Association of Counties working with the interim Agriculture and Natural Resources Committee to address the Township Study directed by the 68th Legislative Assembly via SB 2365.

The Department was engaged throughout the study and provided comments throughout the interim.

This bill provides an articulated means of establishing, identifying, and tracking which political entity has floodplain management responsibilities outside of municipal limits throughout the state. The study arose due to the lack of such clarity and tracking mechanisms, leading to North Dakotans paying for and carrying invalid Federal Emergency Management Association (FEMA) National Flood Insurance Program (NFIP) insurance policies.

The Department currently has the directive under N.D.C.C. § 61-16.2-03 to support the collection and distribution of information related to flooding and floodplain management. The Department also has the directive to, to the maximum extent practical, aid in the education and application of sound floodplain management practices throughout the state.

As part of this directive, the Department supports all North Dakota communities participating in or interested in joining FEMA's NFIP and the local adoption of compliant floodplain management ordinances. This directive will be maintained under the proposed bill.

A new Department directive through this proposed bill is contained in Section 10, which creates a new publicly facing "Floodplain Management Authority" repository. This repository will house information that is reported annually to the Department by the local entities, and will assist homeowners, community officials, or insurance producers in identifying local floodplain management authority statewide as it has been conveyed to the Department.

Thank you for the opportunity to testify, and I'm happy to answer any questions.

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,



Natalie Pierce

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

SB 2027
3/20/2025

Relating to county, city, and township floodplain management ordinances and to provide definitions.

4:16 p.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, M. Ruby,
Conmy, Foss

Discussion Topics:

- Committee Action

4:18 p.m. Representative Dockter moved a Do Pass.

4:18 p.m. Vice Chairman D. Anderson seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion carried: 13-0-0

Bill Carrier: Representative Conmy

4:19 p.m. Representative Heinert Moved to place on consent calendar

4:20 p.m. Representative J. Olson Seconded the motion

Voice Vote: Motion carried

4:20 p.m. Chairman Porter closed the hearing.

House Energy and Natural Resources Committee

SB 2027

03/20/25

Page 2

Leah Kuball, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2027 ([25.0338.03000](#))**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2027 was placed on the Tenth order on the calendar.