devils lake
Economic Development

Testimony in Opposition of SB 2406
House Appropriations Committee
September 1, 2026

Members of the Special Ad Hoc Policy Committee,

Thank you for the opportunity to provide testimony regarding Senate Bill 2406.

My name is Brady Ash, and I serve as the Executive Director of Forward Devils Lake, the economic development organization serving the Devils Lake area. I am writing in opposition to Senate Bill 2406 because of the potential impact it could have on economic development efforts across North Dakota.

Economic development is competitive. When a company is considering a new location, an expansion, or a major investment, North Dakota is competing with communities across the country and sometimes around the world. These projects can bring significant capital investment, new jobs, an increased tax base, housing demand, and additional opportunities for existing local businesses. But before a project reaches that point, communities and economic development organizations must get through the front door.

Companies often evaluate multiple states and communities at the same time. In the early stages of a project, they may not be ready or willing to publicly disclose who they are, what they are considering, how much they intend to invest, or even that they are looking at a particular community. Confidentiality is often a condition of being allowed to compete.

Companies may approach economic development organizations with the expectation that preliminary project information will remain confidential while they determine whether a community is a viable location. Reasonable nondisclosure agreements are an important tool for establishing that trust and allowing those conversations to take place. Without the ability to enter into reasonable NDAs, North Dakota communities could be eliminated from consideration before they ever have an opportunity to compete.

From an economic development standpoint, we cannot expect businesses to provide sensitive information about a potential investment if they believe that information could immediately become public. If a company can choose between working with a community where it can have a confidential conversation and one where it cannot, we risk losing that project before the community even knows it was being considered.

This is especially important for smaller communities like Devils Lake. We do not have the luxury of waiting for projects to come to us. We have to actively compete by building relationships, responding quickly, understanding what a company needs, identifying available sites and infrastructure, coordinating with utilities and local partners, and making the case for why our community should be considered. Sometimes that process starts with a simple phone call. Other times, it involves months of conversations before a project is ready to become public.

Protecting legitimate, sensitive business information during those early conversations is not about hiding public business or avoiding accountability. It is about creating an environment where companies feel comfortable engaging with North Dakota communities in the first place.

There is a balance that can and should be maintained between transparency and the practical realities of economic development. Local economic development organizations should be accountable for the public resources they oversee and the decisions they make. At the same time, we should not create requirements that unintentionally put North Dakota communities at a competitive disadvantage when recruiting private investment.

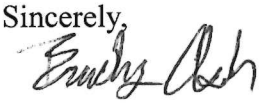
North Dakota has spent years building a reputation as a business-friendly state. We promote our workforce, quality of life, infrastructure, energy resources, available land, and communities as reasons for businesses to invest here. Our policies should support that message.

When a company is considering a $10 million, $50 million, or $100 million investment, the first conversation may not look like a groundbreaking ceremony or a public announcement. It may simply be a confidential conversation between a company and an economic development professional trying to determine whether a project is even feasible. North Dakota communities need to be able to have that conversation.

For these reasons, I respectfully ask the committee to consider the potential unintended consequences of Senate Bill 2406 and to oppose provisions that would prevent communities and economic development organizations from using reasonable NDAs when working to recruit and retain private investment. Economic development is about creating opportunities before they are guaranteed. If we eliminate ourselves from consideration before a company has had the opportunity to evaluate our community, we have lost the competition before we ever had a chance to compete.

Thank you for your consideration and for your work on this issue.

Sincerely,



Brady Ash
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Forward Devils Lake Economic Development