



North Dakota Senate

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Chairman Luick and members of the Senate Agriculture and Veteran Affairs Committee, my name is Jeff Barta and I am the Senator from District 43, representing the west-central portion of Grand Forks. I stand before you this morning to introduce SB2398, an act to ensure the protection of North Dakota's military installations.

This legislative session has already had a fair share of conversation surrounding foreign ownership within our state, either for lands or businesses. We've heard HB1038 which seeks to remove Chinese built drones from our airspace over fears that they are transmitting data back to China and thereby pose a breach in security. This bill is not about either of those, nor is it about building barriers; it is rather a bill about encouraging collaboration and communication.

SB2398 is about the security, safety and mission success of our military bases. This is not about surveillance, but performance. When discussing what we were trying to accomplish with this bill, someone within the defense sector told me, "We're used to operating under surveillance. We know they're watching." So, I think it is important that we focus on performance and those factors that we can control and that may impact performance.

Included within the military oath of office is the statement, "*I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, **foreign and domestic***". I mention this because we currently focus a great deal of attention on the word foreign within that oath. Although I feel some encroachment issues we are facing are purely unintentional and unrealized, they are nonetheless an enemy to our military mission. I believe this bill will help us avoid those unintentional domestic enemies.

Protecting the military installations within our state is critical to ensuring the operational readiness of our military forces and safeguarding our national security interests. A study recently performed looking at the areas surrounding the Grand Forks Air Force Base revealed some gaps that I believe we can address at the state level. The report pointed out that, while existing federal, state, and local regulations provide a foundation for military compatibility, some gaps remain. To prevent encroachment and ensure the long-term sustainability of military operations in North Dakota, SB2398 is seeking to address those gaps.

This bill will accomplish three things:

- 1) Define Military Impact Zones - this bill will establish geographic zones around our military installations that will protect existing and future missions. Each zone will be specific to the mission of each respective installation. These zones will ensure that any proposed developments within the designated radius of the installation would be subject to review, preventing potential interference with radar, communication systems, or flight operations.
- 2) Establish a Statewide Military Compatibility Commission, or commissions, for the purpose of providing oversight and guidance to local governments on military-compatible practices in Military Influence Zones
- 3) Establish a uniform process for political subdivisions located in a military impact zone to coordinate with the DoD Military Aviation and Installation Assurance Siting Clearinghouse for zoning. This process will clarify permitted and prohibited land uses, adopt noise abatement measures, and formalize renewable energy project reviews to prevent interference with military radar. Rules are already in existence for airspace including:
 - Executive Order 11858, amended, and 31 C.F.R. Part 802: Foreign Real Estate Transactions
 - UFC 3-260-01: Airfield and Heliport Planning and Design
 - 14 CFR Part 77: Safe, Efficient Use, and Preservation of the Navigable Airspace
 - AICUZ Program (Air Installation Compatible Use Zones)
 - Bird/Wildlife Aircraft Strike Hazard (BASH) Program
 - Renewable Energy Siting - must work in coordination with the DoD Siting Clearinghouse (<https://www.dodclearinghouse.osd.mil/>) (UFC 3-260-01)
 - Frequency Spectrum

The goal here is to enhance the regulatory framework in North Dakota to provide a clearer protection for military installations and to support local governments in making informed land use decisions that align with military needs.

Chairman Luick, that concludes my testimony, and I will stand for any questions.