

**House Bill 2398**  
**House Government & Veterans Affairs**  
**Al Dohrmann- Office of the Governor**  
**March 6, 2025**

Good morning, Chairman Schauer, Vice Chairmen Satrom and members of the committee. For the record, my name is Al Dohrmann and I serve as Governor Armstrong's Chief Operating Officer. I am here to provide testimony on House Bill 2398 and offer some options to address the issue of military base encroachment that may impact current and future missions.

I have discussed these options with the prime sponsor of the bill a number of times, along with one of the Senate sponsors. Neither have agreed to the options I will present today, but we wanted to also share the options with the committee to help ensure the committee has all options to make an informed decision on HB 2398.

Our concerns center around the fact that participation in the "Military Compatibility Commission" is voluntary, is not back with any policy, and initially may be limited to a focus on encroachment around Grand Forks Air Force base. As written, a political subdivision can only opt-in if there is a "compatible use study" for the geographical area around a military installation. To my knowledge, the only such study was done last year for the Grand Forks Air Force Base. If this is true, only political subdivisions within the Grand Forks study's "military compatibility zone" may opt-in. Therefore, if all eligible political subdivision opted-in, the Commission would be comprised of the Governor, one member of the Grand Forks County Commission, and one member from a township within the "military impact zone". Three people; 2 with zoning authority, and one, the Governor, without authority. The city of Grand Forks also may be in the impact zone, but I know there is some resistance to its inclusion. If added, that would add a fourth member to the commission, all within Grand Forks County. When you evaluate and compare the commission members, you may question with good reason the value of adding the Governor to a group of local elected leaders to address local zoning.

When looking at the commission's mandate, you also may question why the Governor is working with local authorities to advise on zoning. Looking at page 2, line 10, the commission is charged with advising themselves on best practices regarding zoning near military bases. The Governor is the only member not providing himself guidance, since he has no local zoning authority. Again, is it prudent to add the Governor to a local zoning and development process?

Page 2 line 12-14, clarifies that a commission is required to "establish a uniform process" in accordance with its codified authority to zone within its jurisdiction. Chapter 11-33 addresses County Zoning; Chapter 40-47 addresses City Zoning; Chapter 40-48 addresses City Planning Commissions; and Chapter 58-03 addresses Township zoning. What the bill does not specify, is the Governor's authority regarding zoning. This is because such an authority does not exist.

So, what can be done to address this important issue. I have read the Grand Forks Air Force base study, and the study provides some approaches used in other states. One option is to pass state

zoning requirements. This runs counter to our long history of local control and, if enacted, would require extensive discussions with political subdivisions. Some states have used general funds to buy land around air bases to create green space and protect against encroachment. Other states have mandated Military Compatibility Commissions at local and state levels to ensure alignment from the township level, up to the state.

Finally, I would submit this bill along with the numerous other similar “foreign adversary” bills, which have been introduced and failed or been withdrawn this session, have already achieved the objective this bill is aiming for. Tuesday night I tuned into the Grand Forks County Commission meeting and was pleased to see the commission pass a motion to add a Grand Forks Air Force Base “military advisory” to their Planning and Zoning authority. In testimony at this meeting, it was mentioned that the City of Grand Forks may take similar action. This is a best practice, that if replicated by the cities and townships around our military bases, will be a much more efficient way to address encroachment around our military installations. Counties, cities and townships can do this with their own authorities, or the state could pass a law mandating the inclusion of military leadership in their zoning and development processes or set state zoning laws.

The state is already a supportive partner in this effort. We assisted in the passage of HB 1209, which will require the executive branch to do a threat assessment, to include the threats posed by foreign adversaries to our state and specifically to our military installations, and threats to current and future military missions caused by encroachment. Our efforts to implement HB 1209’s directive have already begun.

Additionally, the Governor’s North Dakota Military Commission, made up of key community leaders from our military base communities, has added encroachment and foreign adversary threats, to its March meeting agenda. I truly believe our biggest issue at this time is a lack of awareness on what is already being done and a need to better coordinate between and within all levels of government. This can be better addressed through the Governor’s team, the efforts to operationalize HB 1209, and the North Dakota Military Commission. Adding yet another commission to our long list of boards and commissions, without the right members or policy, will expend time and focus that may be better used elsewhere.

Thank you for the opportunity to address this legislation. I will stand for your questions.