

2025 SENATE AGRICULTURE AND VETERANS AFFAIRS

SB 2398

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2398
2/13/2025

A bill relating to the establishment of the military compatibility commission.
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8:58 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Definition of military encroachment
- Drones and air space
- Security and surveillance
- Definition of a military impact zone
- Mission specificity
- Statewide compatibility commissions
- Political subdivision awareness
- Military installation protection
- National security and force readiness
- Consultation and regulatory affairs
- Language adjustments
- Legislative management study
- ND Airforce bases

9:00 a.m. Senator Jeff Barta, District 43, testified in favor and submitted testimony #37550.

9:15 a.m. Fred Brooks, Regional Environmental Coordinator of the US Air Force, testified in favor and submitted testimony #37526.

9:19 a.m. Bill Woken, on behalf of ND League of Cities, testified in favor.

9:24 a.m. Brekka Kramer, President and CEO of the Minot Area Chamber EDC, testified in favor and submitted testimony #37555.

9:30 a.m. Aaron Birst, on behalf of the Association of Counties, testified in favor.

9:30 a.m. Senator Jeff Barta, District 43, testified in favor.

9:32 a.m. Fred Brooks, Regional Environmental Coordinator of the US Air Force, testified in favor.

9:33 a.m. Senator Jeff Barta, District 43, testified in favor.

Additional written testimony:

Bruce Q. Gjovig, USAF and Space Force Civic Leader Emeritus of the Mayor's Base Retention Committee, submitted testimony #37553 in favor.

Jeffery Donohoe, Principal of Jefferey Donohoe Associates LLC, submitted testimony #37557 in favor.

Dana Sande, City Council President for the City of Grand Forks, submitted testimony #37471 in neutral.

9:36 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

255 N. 4th St.
PO Box 5200
Grand Forks, ND 58206-5200



City of Grand Forks
(701) 746-4636

TESTIMONY ON SENATE BILL 2378
Senate Agriculture & Veterans Affairs Committee
Feb. 13, 2025

City Council
City of Grand Forks, ND

Mr. Chairman and members of the committee, my name is Dana Sande, and I am the President of the Grand Forks City Council. I'm providing this testimony on SB 2378 on behalf of the Grand Forks City Council.

On Monday, February 10th the Grand Forks City Council voted 6-0 to oppose or amend the original version of this bill.

As a City Council we clearly support the Grand Forks Air Force Base. We support the concept of Military Impact Zones and the idea of a Military Compatibility Commission.

Our concern is regarding the size of the Military Impact Zone.

As the bill is originally written, the size of the Military Impact Zone around the Grand Forks Air Force Base would be 25 miles. That is an extremely large area that will impact all land use decisions in the City of Grand Forks and the 2-mile ET zone around the City.

The City would support an amendment that would exclude the City of Grand Forks and our 2-mile ET zone from the Military Impact Zone.

Do we support the Grand Forks Air Force Base and their current and future missions... YES. Do we support creating a plan so potential encroachment on the base is addressed... YES. If the legislature can amend and fine tune the issues addressed in this testimony, can we support this bill... YES.

Respectfully
Grand Forks City Council

Legislative Testimony - 13 February 2025

Introduction

Thank you, Mr. Chairman, and members of the committee, I appreciate the opportunity to provide comments on Senate Bill 2398.

Minot and Grand Forks AFB Missions

First, I want to thank you for your continued support of our men and women in the armed forces, as well as your awareness and continued efforts to protect Air Force missions. I am appearing today on behalf of the Department of the Air Force, specifically to address matters that would impact Grand Forks Air Force Base, Minot Air Force Base, and other Air Force installations in North Dakota. As you know, these installations play an important role in our nation's defense. Minot AFB provides critical strategic deterrence and global strike capabilities. Grand Forks AFB operates high altitude surveillance and reconnaissance missions and high frequency global satellite communication systems, which transmit signals globally for senior leaders up to the President of the United States.

Senate Bill 2398

Senate Bill 2398 would protect these missions and reinforce our national security by creating military impact zones surrounding military installations in North Dakota, with a range between five to twenty-five miles. This legislation addresses electromagnetic radio spectrum interference that, if unaddressed, could significantly impair the missions of both Grand Forks and Minot AFB. Specifically, this interference can disrupt critical military operations such as tactical communications, navigation, support to intelligence missions, and sensor systems by causing signal degradation—or even complete signal loss—from overlapping frequencies employed by non-military technologies.

Among other issues, this can compromise situational awareness and mission capabilities of the DoD. This bill would streamline future operations by minimizing potential disputes as well as the need for reactive measures from the Air Force to address avoidable electromagnetic radio spectrum interference. Importantly, this bill would enable the Air Force to more deliberately combat *intentional* interference from our enemies, which has been an increasing threat. Senate Bill 2398 provides clarity to enable the missions of Air Force installations in North Dakota.

Conclusion

To conclude, Senate Bill 2398's creation of military impact zones protects the crucial missions located here in North Dakota and reinforces our national security. The Air Force has always worked closely with the communities we call home. We support this SB 2398 and look forward to the opportunity to work with the Military Impact Commission.

Thank you to the Chairman and members of the Committee for your time.

Mr. Chairman & Members of the Senate Agriculture & Veterans Affairs Committee.

We urge a **DO PASS** for **SB 2398** as **amended** to establish **Military Influence Zones** and a **Military Compatibility Commission** to protect our military installations **against encroachment** by land, airspace, and electromagnetic spectrum (EMS) developments.

Land, airspace and electromagnetic spectrum encroachment has a *negative* impact on military installations, *significantly affecting* national security interests, safety, and operational readiness for long-term mission viability. Some developments near a military installation may interfere with military radar, airspace, operations, or readiness which includes the introduction of **radar installations, telecommunications towers, wind farms, energy installations, drone airports, power lines, tall structures, light pollution, or Chinese spy facilities**. These developments may disrupt military weather and aircraft radar, flight paths, navigation, classified missions, and other military activities. Current encroachment legislation **only deals with land encroachment**, but **airspace** and **electromagnetic spectrum encroachment** is just as crucial for military operations. To protect the Grand Forks AFB and other military installations against encroachment to ensure current and new missions are viable, the **Mayor's Base Retention Committee** hired the best national consultants we could find to bring the best practices, lesson learned, and state-of-art approaches to North Dakota military installations. . (Ref. Airspace Encroachment Mitigation: Legislative & Regulatory Review at Grand Forks AFB by Donohoe & Associates and Matrix Design Group, Dec. 2024).

North Dakota lacks specific state-level legislation to protect military installations from encroachment and lacks a coordinating entity (formal point of contact) to act as a liaison and **clearinghouse** with developers, local government, and others to resolve potential conflicts. States play a key role in **harmonizing** civilian and military interests by enacting laws that encourage growth while protecting military installations from encroachment and incompatible land, air and EMS uses. For national security purposes the state needs to ensure that future development does not threaten the **sustainability of military installations** protecting existing and future military missions. **When we accept a military installation, we have a duty to protect it. Coordination and communication** are needed between military authorities and state, county, city, and township jurisdictions. That is critical to ensure certain developments align with military compatibility goals. The goal is to have a **clearinghouse function to harmonize and deconflict** development that would be detrimental to military installations. Local governments within a **Military Influence Zone (MIZ)** should notify military installations of proposed developments so conflicts can be resolved upfront.

North Dakota empowers local governments to create their own zoning regulations, including townships may do planning and zoning functions through home rule charter. When they conduct planning and zoning, they do not have to coordinate with counties or cities...or the military installation. This decentralized approach allows flexibility... but can lead to gaps in military compatibility protections if local governments are unaware of or do not fully integrate federal guidelines into their planning processes. States like **Texas, Arizona, Florida, California, and Virginia** have implemented comprehensive legislative frameworks to protect military installations from encroachment, offering a model for North Dakota, thus Military Influence Zones and a Military Compatibility Commission in SB2398. (Ref. Airspace Encroachment Mitigation: Legislative & Regulatory Review at Grand Forks AFB by Donohoe & Associates and Matrix Design Group, Dec. 2024).

SB2398 establishes **Military Influence Zones (MIZs)** around military installations which would like to “**opt in**” for consideration. No military installations are mentioned in SB 2398, but will likely include installations like **Grand Forks AFB, Minot AFB, Cavalier Space Station, and Camp Grafton South** to provide a formal mechanism for ensuring that certain developments within established zones are subject to military input, guidance, and coordination. Military installations **may opt in** or **opt out** of MIZs. Within the MIZ, local governments are asked to consult with military installations on development decisions like **radars, telecommunication towers, wind farms, drone airports, energy installations, tall structures, etc.** that fall within these MIZs. This ensures the military has a voice in development decisions that could impact safety, national security, military operations, or airspace management within the MIZ. This has no impact on regular developments such as housing, commercial entities, farms, etc.

SB2398 creates a **Military Compatibility Commission** at the state level to oversee and coordinate land, airspace, and EMS use decisions near military installations. **Cities, counties, and townships** are all given a voice on the Commission through their state associations. Each military installation that opts in also has a voice as does the Governor. The commission would serve as a **clearinghouse** to review development proposals that may impact military operations within designated Military Influence Zones (MIZs). This ensures military installations have their operational needs considered in local and regional planning, zoning, land use, and permitting processes upfront, not after the fact. Without this authority, local jurisdictions may lack the legal tools to enforce zoning restrictions, height limitations, and siting permits vital for maintaining nearby military installations' operational integrity.

A suggested amendment: Counter-Drone: One of the biggest challenges facing military installations is **counter-drone threats** and having a **perimeter defense** outside the fence line of the military installation to detect/track, identify, decide and neutralize threats early. Adversary drones pose the most significant threat in the US homeland and these threats are changing how wars are fought. No approach to date has adequately addressed America’s potential responses to the strategic risk of enemy drones. Research and testing on counter drone strategies in ongoing with Project **Unmanned Logistics, Traffic, Research and Autonomy (ULTRA)** funded by the DoD that is ongoing at Grand Sky and Grand Forks AFB. Military bases have no authority outside the fence to defend themselves, only within the fence line. A possible solution is to add a **2-mile perimeter** around the military installation fenceline where the county sheriff and base security can work together jointly for **counter-UAS** responses. This would be the first **in the nation solution**, put North Dakota on the map, as we work through the issues on how it may work.

Bruce Gjovig for
Mayor’s Base Retention Committee
Bruce@Gjovig.net
701-739-3132

Feb 13, 2025



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Jeff Barta

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815 South 21st Street
Grand Forks, ND 58201-4135
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COMMITTEES:
Industry and Business
State and Local Government

February 13, 2025

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.



Support for SB 2398
Senate Agriculture and Veterans Affairs
Chairman Luick
February 13, 2025

Chairman Luick and Members of the Senate Agriculture and Veterans Affairs Committee,

I am Brekka Kramer, President | CEO of the Minot Area Chamber EDC (MACEDC). I offer testimony in favor of Senate Bill 2398, which is aimed at protecting crucial missions of the Department of Defense and our national security.

MACEDC firmly supports limiting encroachment that could impact force readiness at all military installations in North Dakota. A legislative solution at the State level is warranted to promote consistency in the administration of a process that would assess the effects of development adjacent to military installations or within the airspace necessary for execution of the military's missions. An effective solution will require strong coordination with the military installations and local planning, zoning, and building permit agencies. To allow more time for this necessary coordination to occur, we would suggest that the bill be amended to state the following:

LEGISLATIVE INTENT. It is the intent of the sixty-ninth legislative assembly to discourage activities that interfere with or negatively impact military installation operations, testing, training, and overall force readiness.

LEGISLATIVE MANAGEMENT STUDY. During the 2025-27 interim, the legislative management, with input from military installations and local jurisdictions responsible for administering planning, zoning and permitting of construction, shall study the effects of potential encroachment upon the areas of the state that are utilized for military operations. The study must include a compatibility assessment of potential uses within the areas surrounding military installations, with the extents determined through coordination with the current and anticipated missions of each military base. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

MACEDC thanks the community of Grand Forks for leading the legislative and regulatory review of airspace encroachment mitigation at Grand Forks Air Force Base. The study has been shared with our community.

The boundary of Minot Air Force Base includes more than the base itself, it includes 15 missile alert facilities, 150 Minuteman II missiles located in underground launch facilities positioned in the 8,500 square mile missile complex in the northwest part of the state.

Minot truly isn't Minot without Minot Air Force Base. Minot Air Force Base is the only installation within the Department of Defense with two legs of the nuclear triad, the 5th Bomb Wing and the 91st Missile Wing. The 5th Bomb Wing and the 91st Missile Wing are Air Force Global Strike Command units. The nuclear triad serves as the backbone of America's national security providing strategic deterrence, global strike and combat support....anytime, anywhere!



Support for SB 2398
Senate Agriculture and Veterans Affairs
Chairman Luick
February 13, 2025

It should be noted that North Dakota is also preparing for Sentinel, the weapon system to replace the aging Minuteman III intercontinental ballistic missile system. It represents the critical modernization of the land-based leg of the U.S. nuclear triad.

I have the distinct honor of serving on the North Dakota Military Commission and appreciate the hard work that the Governor and State of North Dakota has done and continues to do in supporting military and making North Dakota the most military friendly state.

Military has an economic impact of around \$1.2 billion in North Dakota. Minot Air Force Base is over half that state military economic impact at \$621 million (FY23). Minot Air Force Base plays a vital role in our national defense and our state economy, and it is our responsibility to do what we can to protect the installations while allowing for engagement at all levels.

Appreciate your attention to this matter and your commitment to North Dakota.

Thank you,

Brekka Kramer
Minot Area Chamber EDC President | CEO

Mr. Chairman & Members of the Senate Agriculture & Veterans Affairs Committee.

I wanted to express my support for SB 2398 as amended to establish Military Influence Zones and a Military Compatibility Commission to protect North Dakota's military installations against encroachment in the areas of land, airspace, and electromagnetic spectrum (EMS) developments.

North Dakota's military installations are critical to our nation's defense, and they are also critical to the communities which host them. Military installations are important economic engines for the State of North Dakota. According to the Department of Defense's Office of Local Defense Community Cooperation's FY23 Defense Spending by State annual report, there were 13,324 Defense personnel in North Dakota in FY23, including a total of more than 10,800 in Ward, Grand Forks and Cass counties. Approximately two-thirds of these 13,324 personnel are Active Duty and Department of Defense civilians, while the remainder are National Guard and Reserves. Total payroll for North Dakota defense personnel totaled more than \$698 million in FY23

Across the country, military installations are being threatened by encroachment, including land, airspace and electromagnetic spectrum encroachment. As population increases, development demand also increases. From housing to medical offices to tractor dealerships to increased demand for utility services, increases in population drive increased demand for all types of development. In many areas of the country, encroachment has had a negative impact on military installations, impacting their ability to properly prepare and train for important missions related to our national security.

Some developments near military installations could interfere with military operations. For example, wind turbines in proximity to military radars can degrade the quality of radar data, negatively impacting defense and homeland security missions. While some land-based encroachment issues are subject to review by local and county entities, these issues are not handled consistently by all communities and counties. Moreover, encroachment threats to airspace and the electromagnetic spectrum, which are critical to military installations, are increasing.

North Dakota empowers local governments to create their own zoning regulations. This decentralized approach allows flexibility but can lead to gaps in military compatibility protections if local governments are unaware of or do not fully integrate federal guidelines into their planning processes. Several states across the country have enacted legislation focused on protecting their military installation from land, airspace and electromagnetic spectrum encroachment, including, Florida, Texas and Arizona, among others. The focus of these legislative efforts is to harmonize military and civilian to encourage responsible growth and development while protecting military installations from land, airspace and electromagnetic spectrum encroachment.

- Texas requires local governments to consider military compatibility in their zoning and planning decisions. The state incentivizes local governments to adopt military-compatible land use practices by offering financial assistance for projects that support military installations.
- Arizona airports. The state requires local governments to notify military installations of development proposals within Military Influence Areas (MIAs). This ensures that military installations can review and comment on projects that may impact operations. Arizona's legislation includes strict guidelines for height restrictions and land use compatibility within MIAs. It focuses on protecting airspace and ensuring that noise-sensitive developments are kept away from areas near military bases, particularly around Luke Air Force Base.
- Florida has a Military Base Protection Program codified in state law, including land use regulation and land acquisition programs to create buffer zones around military installations. The state's Florida Defense Support Task Force works closely with local governments to help ensure that military bases are protected from encroachment, offering resources and guidance on military-compatible land use planning. Florida also provides funding for land acquisition to create permanent buffers around key military facilities. Florida's land acquisition program is a major strength. It helps prevent incompatible development by acquiring land near bases such as Eglin Air Force Base and Naval Air Station Pensacola that could be used for residential or commercial purposes.

SB2398 allows for protection of North Dakota's military installations from encroachment concerns by establishing Military Influence Zones and establishing a Military Compatibility Commission to allow for consistent communication for development projects that could impact military operations, and enhance the sustainability of military operations in the State of North Dakota. These important efforts will help to strengthen North Dakota's military installations and reduce the negative impacts of land, airspace and electromagnetic spectrum encroachment, thereby strengthening our national defense.

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2398
2/13/2025

A bill relating to the establishment of the military compatibility commission.
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3:35 p.m. Chairman Luick opened the hearing.

Members present: Chairman Barta, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator

Discussion Topics:

- Language clarification
- Consultation intent

3:39 p.m. Senator Marcellais moved amendment LC#25.1367.02001, testimony #41065.

3:39 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

3:44 p.m. Senator Lemm moved to further amend by changing the words on pg. 1 "activities to actions, on pg. 2 "protection to assistance" and "prevent to review potential" and removing lines 28-30.

3:45 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

3:45 p.m. Senator Lemm moved a Do Pass As Amended.

3:46 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator Luick will carry the bill.

3:47 p.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2398

Introduced by

Senators Barta, Castaneda, Sickler

Representatives Bolinske, Christianson

- 1 A BILL for an Act to create and enact a new chapter to title 37 of the North Dakota Century
2 Code, relating to the establishment of the military compatibility commission.

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

- 4 **SECTION 1.** A new chapter to title 37 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

- 7 As used in this chapter, "encroachment" means ~~issues an action that may affect~~ interfere
8 with or negatively impact military ~~installation~~ base testing, training, and other operations and
9 overall military readiness, including issues related to environmental impact, noise pollution,
10 ~~commercial activities~~ land development, competition for airspace, competition for radio
11 frequency spectrum, and urban growth around military installations.

12 **Military impact zones.**

- 13 A military impact zone is a geographic zone ~~surrounding~~ extending from the perimeter of
14 each military ~~installation~~ base in the state, ~~the boundary of which is at least five miles~~
15 ~~[8.05 kilometers] but no more than twenty-five miles [40.23 kilometers] from the geographic~~
16 ~~boundary of the military installation. The distance between the boundary of the military impact~~
17 ~~zone and the:~~

- 18 ~~1. Grand Forks air force base is twenty-five miles [40.23 kilometers].~~
19 ~~2. Minot air force base is twenty-five miles [40.23 kilometers].~~
20 ~~3. Camp Grafton (South) is five miles [8.05 kilometers].~~

1 ~~4. Cavalier space force station is fifteen miles [24.14 kilometers]~~ which requests the military
2 ~~compatibility commission to provide assistance under this chapter. The outer boundary of each~~
3 ~~zone must be established by an assessment in a compatible use study and contingent upon the~~
4 ~~missions of each military base.~~

5 **Military compatibility commission.**

6 1. There is created the military compatibility commission to ~~oversee and~~
7 ~~coordinate~~ harmonize land use in military impact zones, ~~prevent~~ review potential
8 encroachment of military installations in military impact zones, and promote the
9 sustainability of military operations in the state.

10 2. The military compatibility commission is composed of:

11 a. The governor, or the governor's designee;

12 b. One ~~member of the public service commission, or the member's~~
13 ~~designee~~ representative selected by the North Dakota association of counties
14 who is a member of the association;

15 c. One representative ~~from each county, township, and city within the boundaries of~~
16 ~~a military impact zone; and~~ selected by the North Dakota township officers
17 association who is a member of the association;

18 d. One representative selected by the North Dakota league of cities who is a
19 member of the association; and

20 e. On a voluntary basis, the commander of each military installation, or the
21 commander's designee.

22 3. The military compatibility commission shall:

23 a. ~~Specifically determine the boundaries of a military impact zone according to the~~
24 ~~mission of each military installation within the military impact zone.~~

25 ~~b. Offer~~ Provide oversight and guidance and technical assistance to local
26 governments on military-compatible land use compatibility practices in military
27 impact zones.

28 ~~c. Review land development proposals in military impact zones.~~

29 ~~d. Serve as the liaison between local governments, land developers, military~~
30 ~~installations, and other stakeholders regarding encroachment issues.~~

- 1 e.b. Establish a uniform process in accordance with chapters 11-33, 40-47, and
- 2 40-48, and section 58-03-12 for all political subdivisions located in a military
- 3 impact zone to coordinate with the United States department of defense military
- 4 aviation and installation assurance siting clearinghouse for zoning, land use,
- 5 construction, energy development, telecommunications, and ~~siting~~ other
- 6 infrastructure projects that could impact military radar ~~and~~, airspace,
- 7 communications, or operational readiness.

**REPORT OF STANDING COMMITTEE
SB 2398**

Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS** ([25.1367.02002](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2398 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1367.02001
Title.

Prepared by the Legislative Council
staff for Senator Barta
February 12, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2398

Introduced by

Senators Barta, Castaneda, Sickler

Representatives Bolinske, Christianson

- 1 A BILL for an Act to create and enact a new chapter to title 37 of the North Dakota Century
- 2 Code, relating to the establishment of the military compatibility commission.

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6 **Definitions.**

- 7 As used in this chapter, "encroachment" means ~~issues~~activities that ~~may affect~~interfere with
- 8 ~~or negatively impact~~ military ~~installation~~base testing, training, and other operations and overall
- 9 military readiness, including issues related to environmental impact, noise pollution, ~~commercial~~
- 10 ~~activities~~land development, competition for airspace, competition for radio frequency spectrum,
- 11 and urban growth around military installations.

12 **Military impact zones.**

- 13 A military impact zone is a geographic zone ~~surrounding~~extending from the perimeter of
- 14 each military ~~installation~~base in the state, ~~the boundary of which is at least five miles~~
- 15 ~~[8.05 kilometers] but no more than twenty-five miles [40.23 kilometers] from the geographic~~
- 16 ~~boundary of the military installation. The distance between the boundary of the military impact~~
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- 18 — 1. ~~Grand Forks air force base is twenty-five miles [40.23 kilometers].~~
- 19 — 2. ~~Minot air force base is twenty-five miles [40.23 kilometers].~~
- 20 — 3. ~~Camp Grafton (South) is five miles [8.05 kilometers].~~

1 ~~4. Cavalier space force station is fifteen miles [24.14 kilometers]~~which requests the military
2 compatibility commission to provide protection under this chapter. The outer boundary of each
3 zone must be established by an assessment in a compatible use study and contingent upon the
4 missions of each military base.

5 **Military compatibility commission.**

- 6 1. There is created the military compatibility commission to ~~oversee and~~
7 ~~coordinate~~harmonize land use in military impact zones, prevent encroachment of
8 military installations in military impact zones, and promote the sustainability of military
9 operations in the state.
- 10 2. The military compatibility commission is composed of:
- 11 a. The governor, or the governor's designee;
- 12 b. One ~~member of the public service commission, or the member's~~
13 ~~designee~~representative selected by the North Dakota association of counties
14 who is a member of the association;
- 15 c. One representative ~~from each county, township, and city within the boundaries of~~
16 ~~a military impact zone; and~~selected by the North Dakota township officers
17 association who is a member of the association;
- 18 d. One representative selected by the North Dakota league of cities who is a
19 member of the association; and
- 20 e. On a voluntary basis, the commander of each military installation, or the
21 commander's designee.
- 22 3. The military compatibility commission shall:
- 23 a. ~~Specifically determine the boundaries of a military impact zone according to the~~
24 ~~mission of each military installation within the military impact zone.~~
- 25 ~~b. Offer~~Provide oversight and guidance ~~and technical assistance to local~~
26 governments on military-~~compatible land use~~compatibility practices in military
27 impact zones.
- 28 ~~e.b.~~ Review land development ~~proposals~~applications in military impact zones.
- 29 ~~d.c.~~ Serve as the liaison between local governments, land developers, military
30 installations, and other stakeholders regarding encroachment issues.

- 1 e.d. Establish a uniform process in accordance with chapters 11-33, 40-47, and
- 2 40-48, and section 58-03-12 for all political subdivisions located in a military
- 3 impact zone to coordinate with the United States department of defense military
- 4 aviation and installation assurance siting clearinghouse for zoning, land use,
- 5 construction, energy development, telecommunications, and siting other
- 6 infrastructure projects that could impact military radar-and, airspace,
- 7 communications, or operational readiness.

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2398

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2398
3/6/2025

A BILL for an Act relating to the establishment of the military compatibility commission.

11:11 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Proposed amendments relating to exemptions
- Makeup of the committee
- Zoning requirements
- Compatibility studies
- Best practices

11:11 a.m. Senator Barta, District 43, introduced the bill.

11:26 a.m. Levi Andrist, Wind Industry of North Dakota, testified in opposition and submitted testimony, #45326.

11:37 a.m. Senator Barta, District 43, testified on the amendment.

11:39 a.m. Al Dohrmann, Chief Operating Officer of the Governor's Office, testified neutrally and submitted testimony, #45328.

Additional written testimony:

Jeffrey Donohoe, Principal of Jeffrey Donohoe Associates LLC submitted testimony in favor, #38839.

Bruce Gjovig, Board Member of the Mayor's Base Retention Committee, submitted testimony in favor, #39069.

Brekka Kramer, President and CEO of the Minot Area Chamber EDC, submitted testimony in favor, #39155.

11:54 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

Mr. Chairman & Members of the Senate Agriculture & Veterans Affairs Committee.

I wanted to express my support for SB 2398 as amended to establish Military Influence Zones and a Military Compatibility Commission to protect North Dakota's military installations against encroachment in the areas of land, airspace, and electromagnetic spectrum (EMS) developments.

North Dakota's military installations are critical to our nation's defense, and they are also critical to the North Dakota communities which host them. Military installations are important economic engines for the State of North Dakota. According to the Department of Defense's Office of Local Defense Community Cooperation's *FY23 Defense Spending by State* annual report, there were 13,324 Defense personnel in North Dakota in FY23, including a total of more than 10,800 in Ward, Grand Forks and Cass counties. Approximately two-thirds of these 13,324 personnel are Active Duty and Department of Defense civilians, while the remainder are National Guard and Reserves. Total payroll for North Dakota defense personnel totaled more than \$698 million in FY23

Across the country, military installations are being threatened by encroachment, including land, airspace and electromagnetic spectrum encroachment. As population increases, development demand also increases. From housing to medical offices to tractor dealerships to increased demand for utility services, increases in population drive increased demand for all types of development. In many areas of the country, encroachment has had a negative impact on military installations, impacting their ability to properly prepare and train for important missions related to our national security.

Some developments near military installations could interfere with military operations. For example, wind turbines in proximity to military radars can degrade the quality of radar data, negatively impacting defense and homeland security missions. While some land-based encroachment issues are subject to review by local and county entities, these issues are not handled consistently by all communities and counties. Moreover, encroachment threats to airspace and the electromagnetic spectrum, which are critical to military installations, are increasing.

North Dakota empowers local governments to create their own zoning regulations. This decentralized approach allows flexibility but can lead to gaps in military compatibility protections if local governments are unaware of (or do not fully integrate) federal guidelines into their planning processes. Several states across the country have enacted legislation focused on protecting their military installations from land, airspace and electromagnetic spectrum encroachment, including Florida, Texas and Arizona, among others. The focus of these legislative efforts is to harmonize military and civilian entities to encourage responsible growth and development while protecting military installations from land, airspace and electromagnetic spectrum encroachment.

- Texas requires local governments to consider military compatibility in their zoning and planning decisions. The state incentivizes local governments to adopt military-compatible land use practices by offering financial assistance for projects that support military installations.
- Arizona airports. The state requires local governments to notify military installations of development proposals within Military Influence Areas (MIAs). This ensures that military installations can review and comment on projects that may impact operations. Arizona's legislation includes strict guidelines for height restrictions and land use compatibility within MIAs. It focuses on protecting airspace and ensuring that noise-sensitive developments are kept away from areas near military bases, particularly around Luke Air Force Base.
- Florida has a Military Base Protection Program codified in state law, including land use regulation and land acquisition programs to create buffer zones around military installations. The state's Florida Defense Support Task Force works closely with local governments to help ensure that military bases are protected from encroachment, offering resources and guidance on military-compatible land use planning. Florida also provides funding for land acquisition to create permanent buffers around key military facilities. Florida's land acquisition program is a major strength. It helps prevent incompatible development by acquiring land near bases such as Eglin Air Force Base and Naval Air Station Pensacola that could be used for residential or commercial purposes.

SB2398 allows for protection of North Dakota's military installations from encroachment concerns by establishing Military Influence Zones and establishing a Military Compatibility Commission to allow for consistent communication for development projects that could impact military operations, and enhance the sustainability of military operations in the State of North Dakota. These important efforts will help to strengthen North Dakota's military installations and reduce the negative impacts of land, airspace and electromagnetic spectrum encroachment, thereby strengthening our national defense.

Mr. Chairman & Members of the House Government & Veterans Affairs

We urge a **DO PASS** for **SB 2398** as passed by the Senate to establish **Military Influence Zones** to protect our military installations **against encroachment** by **land, airspace, and electromagnetic spectrum** (EMS) developments.

Land, airspace and electromagnetic spectrum encroachment has a **negative** impact on military installations, *significantly affecting* national security interests, safety, and operational readiness for long-term mission viability. Some developments near a military installation may interfere with military radar, airspace, operations, or readiness which includes the introduction of **radar installations, telecommunications towers, wind farms, energy installations, drone airports, power lines, tall structures, light pollution, or Chinese spy facilities**. These developments may disrupt military weather and aircraft radar, flight paths, navigation, classified missions, and other military activities.

Current encroachment legislation **only deals with land encroachment**; but **airspace** and **electromagnetic spectrum encroachment** is just as crucial for military operations. The State needs to protect the Grand Forks AFB and other military installations against encroachment to ensure current and new missions are viable. The **Mayor's Base Retention Committee** hired the best national consultants we could find to bring the best practices, lesson learned, and state-of-art approaches to North Dakota military installations. (Ref. Airspace Encroachment Mitigation: Legislative & Regulatory Review at Grand Forks AFB by Donohoe & Associates and Matrix Design Group, Dec. 2024).

North Dakota lacks specific **state-level** legislation to protect military installations from encroachment and lacks a **coordinating entity (formal point of contact)** to act as a liaison and **clearinghouse** with developers, local government, military installations, and others to resolve potential conflicts. States play a key role in **harmonizing** civilian and military interests by enacting laws that encourage growth while protecting military installations from encroachment and incompatible land, air and EMS uses. For national security purposes the state needs to ensure that future development does not threaten the **sustainability of military installations** protecting existing and future military missions.

When we accept a military installation, we have a duty to protect it. **Coordination and communication** are needed between military authorities and state, county, city, and township jurisdictions. That is critical to ensure certain developments align with military compatibility goals. The goal is to have a **clearinghouse function** to **harmonize** and **deconflict** development that would be detrimental to military installations. Local governments within a **Military Influence Zone (MIZ)** should notify military installations of proposed developments so conflicts can be resolved upfront.

North Dakota empowers local governments to create their own zoning regulations, including townships that may do planning and zoning functions through home rule charter. When they conduct planning and zoning, they do not have to coordinate with counties or cities...or the military installation. This decentralized approach allows flexibility... but can lead to gaps in military compatibility protections if local governments are unaware of or do not fully integrate federal guidelines into their planning processes. States like **Texas, Arizona, Florida, California, and Virginia** have implemented comprehensive legislative frameworks to protect military installations from encroachment, offering a model for North Dakota, thus **Military Influence Zones** and a **Military Compatibility Commission** in SB2398. (Ref. Airspace Encroachment Mitigation: Legislative & Regulatory Review at Grand Forks AFB by Donohoe & Associates and Matrix Design Group, Dec. 2024).

SB2398 allows **Military Influence Zones (MIZs)** to be established around military installations and allows military installations to **"opt in"** for consideration. No military installations are mentioned in SB

2398, but will likely include installations like **Grand Forks AFB, Minot AFB, Cavalier Space Station, and Camp Grafton South** to provide a formal mechanism for ensuring that certain developments within established zones are subject to military input, guidance, and coordination. Military installations **may opt in or opt out** of MIZs. Within the MIZ, local governments are asked to consult with military installations on development decisions like **radars, telecommunication towers, wind farms, drone airports, energy installations, tall structures, etc.** that fall within these MIZs. This ensures the military has a voice in development decisions that could impact safety, national security, military operations, or airspace management within the MIZ. This has no impact on regular developments such as housing, commercial entities, farms, etc. ***The language maybe could be more precise in the definition section of SB 2398 about what developments are included.***

SB2398 creates a **Military Compatibility Commission** at the state level to oversee and coordinate land, airspace, and EMS use decisions near military installations. **Cities, counties, and townships** are all given a voice on the Commission through their state associations. Each military installation that opts in also has a voice as does the Governor. The commission would serve as a **clearinghouse** to review development proposals that may impact military operations within designated Military Influence Zones (MIZs). This ensures military installations have their operational needs considered in local and regional planning, zoning, land use, and permitting processes upfront, not after the fact. Without this authority, local jurisdictions may lack the legal tools to enforce zoning restrictions, height limitations, and siting permits vital for maintaining nearby military installations' operational integrity. There is a primary duty to inform and communicate potential conflicts. If there is no resolution, how might they be deconflicted?

Governor Armstrong is resisting establishing new commissions. We support that general premise. This **clearinghouse function** could be provided by a **newly funded staff member** in the **Commerce Department** (where new developments are most comfortable), a position with requisite engineering skills to work with civil engineers on military installations.

A suggested amendment: Counter-Drone: One of the biggest challenges facing all military installations is **counter-drone threats** and having a **perimeter defense** outside the fence line of the military installation to detect/track, identify, decide, and neutralize threats early. Adversary drones pose the most significant threat in the US homeland and these threats are changing how wars are fought. No approach to date has adequately addressed America's potential responses to the strategic risk of enemy drones. Research and testing on counter drone strategies is ongoing with Project **Unmanned Logistics, Traffic, Research and Autonomy (ULTRA)** project funded by the DoD that is ongoing at **Grand Sky and Grand Forks AFB**. Military bases have no authority outside the fenceline to defend themselves, only within the fenceline. A possible solution is to add a **2-mile perimeter** around the military installation fenceline within the MIZ where the county sheriff and base security are authorized to work together jointly for **counter-UAS** responses. This would be a **first in the nation solution**, put North Dakota on the map in another area of drones, as we seek solutions on effective counter-drone defense.

Bruce Gjovig for
Mayor's Base Retention Committee
Bruce@Gjovig.net
701-739-3132



Support for SB 2398
House Government and Veterans Affairs
Chairman Schauer
March 6, 2025

Chairman Schauer and Members of the House Government and Veterans Affairs Committee,

I am Brekka Kramer, President | CEO of the Minot Area Chamber EDC (MACEDC). I offer testimony in favor of Senate Bill 2398, which is aimed at protecting crucial missions of the Department of Defense and our national security. MACEDC firmly supports limiting encroachment that could impact force readiness at Minot Air Force Base.

Senate Bill 2398 protects against actions that interfere with or negatively impacts military base testing, training, and other operations. MACEDC supports the legislative intent to discourage activities that interfere with or negatively impact military installation operations, testing, training, and overall force readiness.

The boundary of Minot Air Force Base includes more than the base itself, it includes 15 missile alert facilities, 150 Minuteman II missiles located in underground launch facilities positioned in the 8,500 square mile missile complex in the northwest part of the state.

Minot truly isn't Minot without Minot Air Force Base. Minot Air Force Base is the only installation within the Department of Defense with two legs of the nuclear triad, the 5th Bomb Wing and the 91st Missile Wing. The 5th Bomb Wing and the 91st Missile Wing are Air Force Global Strike Command units. The nuclear triad serves as the backbone of America's national security providing strategic deterrence, global strike and combat support....anytime, anywhere! It should be noted that North Dakota is also preparing for Sentinel, the weapon system to replace the aging Minuteman III intercontinental ballistic missile system. It represents the critical modernization of the land-based leg of the U.S. nuclear triad.

I have the distinct honor of serving on the North Dakota Military Commission and appreciate the hard work that the Governor and State of North Dakota has done and continues to do in supporting military and making North Dakota the most military friendly state.

Military has an economic impact of around \$1.2 billion in North Dakota. Minot Air Force Base is over half that state military economic impact at the newly released \$651.6 million (FY24), which is up over \$30 million from last year. Minot Air Force Base plays a vital role in our national defense and our state economy, and it is our responsibility to do what we can to protect the installations while allowing for engagement at all levels.

Appreciate your attention to this matter and your commitment to North Dakota.

Thank you,

Brekka Kramer
Minot Area Chamber EDC President | CEO



March 6, 2025

House Government and Veterans Affairs Committee

Re: SB 2398 – Amendment Requested

Chairman Schauer and members of the committee,

Wind Industry of ND (WIND) is a coalition that advocates for the continued support of wind energy as one of North Dakota's many valuable natural resources. WIND appreciates and supports the intent of Senator Barta's legislation—to ensure compatibility of economic development with the critical missions of the Grand Forks AFB and the Minot AFB. We have been talking with Senator Barta on the concept of military compatibility since last fall, and we greatly appreciate his willingness to work with us. WIND supports military compatibility.

SB 2398 establishes a military compatibility commission to encourage communication regarding the potential impacts of various forms of development around military installments. These impacts can come from energy development, value-added agriculture, aviation activities, commercial development, industrial development, transportation development, and housing development. For the wind industry, there is already a well-established and robust process authorized by Congress and implemented by the Department of Defense. Enacted in 2011, it's called the US DOD Military Aviation and Installation Assurance Siting Clearinghouse. *See* 10 USC 183(a). The clearinghouse includes two tracks of review for wind energy projects: an informal review and a formal review. A wind project is legally required to engage with the Clearinghouse because federal law requires structures over 200 feet tall to be reviewed by the Federal Aviation Administration (FAA) and other agencies and departments, to protect air navigation and safety.

A developer may engage in the informal review process even before filing through the FAA, which kicks off the formal DOD review process, if they believe it might have an impact on military compatibility. A project is neither developable nor financeable if the developer does not address DOD's concerns. While the Clearinghouse manages the process, it is the individual military services and military bases who assess whether a proposed project poses a potential hazard and, if necessary, engages in mitigation discussions with the project developer.

<https://windindustrynd.com>

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An informal review can result in a mitigation agreement or a preliminary letter—the DOD does not take an official position at this stage, but it starts the communication. It's important to note that states and political subdivisions already have legal standing to go directly to the clearinghouse for input on mission compatibility, even without the developer initiating a review. *See* 32 CFR 211.2(c).

The formal review allows for the DOD to offer an official position on a project, but only after it goes through the FAA's obstruction process. Significantly, to our knowledge, no wind project has ever been built in North Dakota over the objection of the DOD or the FAA.

In addition to the robust federal DOD clearinghouse process, the ND Public Service Commission recently updated the rules of the siting act, which provides the required state review process for wind projects. Those rules legally require 35 entities and stakeholders to get notice of the siting proceeding. The PSC rules were recently updated to specifically require notice to the clearinghouse, the 20th Air Force 91st Missile Wing, the Minot Air Force Base, and the Grand Forks Air Force Base. *See* NDAC 69-06-01-05(32)-(36). The PSC rules already included—and still include—a requirement that notice be given to the county commission(s) in which the project is located. *See* NDAC 69-06-01-05(25). The siting act also requires PSC hearings to occur in an affected county. *See* NDCC 49-22-13(1). Additionally, of course, a wind project must also receive county approval. *See* NDCC 49-22-16. Therefore, aside from just good development practices of transparent and proactive communication with stakeholders, local and state law already ensure that active, continuing communication is happening between wind projects and military interests in North Dakota.

In short, there is already a robust DOD process for reviewing wind projects to ensure military compatibility as well as multiple legal requirements for communication within the ND PSC's siting act. Accordingly, we respectfully request the adoption of an amendment to exempt activities that are captured by DOD clearinghouse to avoid duplicate review processes:

Except for activities subject to United States department of defense military aviation and installation assurance siting clearinghouse established by 10 USC section 183a, tThe military compatibility commission shall:

- a. Provide guidance to local governments on military-compatibility practices in military impact zones.
- b. Establish a uniform process in accordance with chapters 11-33, 40-47, and 40-48, and section 58-03-12 for all political subdivisions located in a military impact zone to coordinate any information relevant to mission compatibility with the United States department of defense military aviation and installation assurance siting clearinghouse for zoning, land use, construction, energy development, telecommunications, and other infrastructure projects that could impact military radar, airspace, communications, or operational readiness.

This amendment would still allow various types of development to be subject to the military compatibility commission created by the bill. Specifically, the amendment would still allow for the military compatibility commission to consider other projects that could have an impact on the bases like value-added agriculture projects, aviation activities, commercial development, industrial development, transportation development, and housing development.

We respectfully urge the **ADOPTION OF THE AMENDMENT**. Thank you for your consideration.

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.

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2398
3/13/2025

A BILL for an Act relating to the establishment of the military compatibility commission.

11:42 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Possible Amendment

11:43 a.m. Chairman Schauer explains that he is waiting for amendment and details from Ag Commission.

11:43 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk by Risa Berube

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2398
3/20/2025

A BILL for an Act relating to the establishment of the military compatibility commission.

9:03 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Impact zones
- Committee Action

9:04 a.m. Chairman Schauer introduced amendments relating to impact zones and military compatibility committees, #43766.

9:05 a.m. Representative Vetter moved the amendments 25.1367.04002.

9:05 a.m. Representative McLeod seconded the motion.

9:07 a.m. Voice vote passed.

9:07 a.m. Representative Vetter moved a Do Pass as amended.

9:07 a.m. Vice-Chairman Satrom seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	N
Representative Timothy Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	N
Representative Carrie McLeod	N
Representative Karen M. Rohr	N
Representative Mary Schneider	Y
Representative Vicky Steiner	N
Representative Lori VanWinkle	N
Representative Steve Vetter	Y
Representative Christina Wolff	N

9:10 a.m. Motion failed 7-7-0.

9:11 a.m. Vice-Chairman Satrom moved a Do Pass as amended.

9:12 a.m. Representative Vetter seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	N
Representative Timothy Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	N
Representative Karen M. Rohr	N
Representative Mary Schneider	Y
Representative Vicky Steiner	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	N

9:17 a.m. Motion passed 9-5-0.

Representative Vetter will carry the bill.

9:18 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2398

Introduced by

Senators Barta, Castaneda, Sickler

Representatives Bolinske, Christianson

1 A BILL for an Act to create and enact a new chapter to title 37 of the North Dakota Century
2 Code, relating to the establishment of the military ~~compatibility commission~~ impact zones and
3 military compatibility committees.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1.** A new chapter to title 37 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

8 As used in this chapter, "encroachment" means an action that interferes with or negatively
9 impacts military base testing, training, and other operations and overall military readiness,
10 including issues related to environmental impact, noise pollution, land development, competition
11 for airspace, competition for radio frequency spectrum, and urban growth around military
12 installations.

13 **Military impact zones.**

14 A military impact zone is a geographic zone extending from the perimeter of each military
15 base in the state, which requests the military compatibility ~~commission~~ committees to provide
16 assistance under this chapter. The outer boundary of each zone must be established by an
17 assessment in a compatible use study and contingent upon the missions of each military base.

18 **Military compatibility ~~commission~~ committees.**

19 1. ~~There is created the~~ The agriculture commissioner may create one or more military
20 compatibility ~~commission~~ committees to harmonize land, airspace, and electromagnetic

- 1 spectrum use in military impact zones, review potential encroachment of military
2 installations in military impact zones, and promote the sustainability of military
3 operations in the state.
- 4 2. ~~The~~A military compatibility ~~commission is~~committee must be composed of:
- 5 a. ~~The governor~~agriculture commissioner, or the ~~governor's~~agriculture
6 commissioner's designee;
- 7 b. One representative from each county within the boundaries of a military impact
8 zone, selected by the board of county commissioners;
- 9 c. One representative representing all townships within the boundaries of a military
10 impact zone, selected by the boards of township supervisors;
- 11 d. One representative ~~from each city~~representing all cities within the boundaries of
12 a military impact zone, selected by the ~~mayor~~city council or councils; and
- 13 e. On a voluntary basis, the commander of each military installation, or the
14 commander's designee.
- 15 3. ~~The~~Except for activities subject to the United States department of defense military
16 aviation and installation assurance siting clearinghouse established under section
17 183(a) of United States Code title 10 [10 U.S.C. 183(a)], a military compatibility
18 ~~commission~~committee shall:
- 19 a. Provide guidance to local governments on military-compatibility practices in
20 military impact zones.
- 21 b. Establish a uniform process in accordance with chapters 11-33, 40-47, and
22 40-48, and section 58-03-12 for all political subdivisions located in a military
23 impact zone to coordinate ~~with the United States department of defense military~~
24 ~~aviation and installation assurance siting clearinghouse for zoning, land use,~~
25 construction, energy development, telecommunications, and other infrastructure
26 projects that could impact military radar, airspace, communications, or
27 operational readiness relevant to mission compatibility.

**REPORT OF STANDING COMMITTEE
REENGROSSED SB 2398**

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS** ([25.1367.04002](#)) and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2398 was placed on the Sixth order on the calendar.

25.1367.04002
Title.

Prepared by the Legislative Council
staff for Senator Barta
March 17, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2398

Introduced by

Senators Barta, Castaneda, Sickler

Representatives Bolinske, Christianson

1 A BILL for an Act to create and enact a new chapter to title 37 of the North Dakota Century
2 Code, relating to the establishment of ~~the military compatibility commission~~ impact zones and
3 military compatibility committees.

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

5 **SECTION 1.** A new chapter to title 37 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

8 As used in this chapter, "encroachment" means an action that interferes with or negatively
9 impacts military base testing, training, and other operations and overall military readiness,
10 including issues related to environmental impact, noise pollution, land development, competition
11 for airspace, competition for radio frequency spectrum, and urban growth around military
12 installations.

13 **Military impact zones.**

14 A military impact zone is a geographic zone extending from the perimeter of each military
15 base in the state, which requests the military compatibility ~~commission~~ committees to provide
16 assistance under this chapter. The outer boundary of each zone must be established by an
17 assessment in a compatible use study and contingent upon the missions of each military base.

18 **Military compatibility ~~commission~~ committees.**

19 1. There is created the ~~The~~ agriculture commissioner may create one or more military
20 compatibility ~~commission~~ committees to harmonize land, airspace, and electromagnetic

1 spectrum use in military impact zones, review potential encroachment of military
2 installations in military impact zones, and promote the sustainability of military
3 operations in the state.

4 2. TheA military compatibility commission iscommittee must be composed of:

5 a. The ~~governor~~agriculture commissioner, or the ~~governor's~~agriculture
6 commissioner's designee;

7 b. One representative from each county within the boundaries of a military impact
8 zone, selected by the board of county commissioners;

9 c. One representative representing all townships within the boundaries of a military
10 impact zone, selected by the boards of township supervisors;

11 d. One representative ~~from each city~~representing all cities within the boundaries of
12 a military impact zone, selected by the ~~mayor~~city council or councils; and

13 e. On a voluntary basis, the commander of each military installation, or the
14 commander's designee.

15 3. TheExcept for activities subject to the United States department of defense military
16 aviation and installation assurance siting clearinghouse established under section
17 183(a) of United States Code title 10 [10 U.S.C. 183(a)], a military compatibility
18 commissioncommittee shall:

19 a. Provide guidance to local governments on military-compatibility practices in
20 military impact zones.

21 b. Establish a uniform process in accordance with chapters 11-33, 40-47, and
22 40-48, and section 58-03-12 for all political subdivisions located in a military
23 impact zone to coordinate with the United States department of defense military
24 aviation and installation assurance siting clearinghouse for zoning, land use,
25 construction, energy development, telecommunications, and other infrastructure
26 projects that could impact military radar, airspace, communications, or
27 operational readiness relevant to mission compatibility.

2025 SENATE AGRICULTURE AND VETERANS AFFAIRS

SB 2398

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2398
3/28/2025

A bill relating to the establishment of military impact zones and military compatibility committees.

9:34 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Language changes, commission, and committee
- Agriculture Commissioner and governor oversight
- Air space and electromagnetic inspection
- City encroachment

9:34 a.m. Chairman Luick led committee discussion and provided an update on the House's amendments.

Audrey Oswald, Committee Clerk