

Testimony on House Bill 1270
House Judiciary Committee

26 January, 2021

by: Beau Bateman

Chairman Klemin and members of the committee, my name is Beau Bateman and I am a farmer from Grand Forks County. I appreciate this opportunity to express my opposition to HB 1270 from my perspective as a farmer, as the former Chair of the ND and MN Sugarbeet Research Committee, and as the current Chair of Brenna Township (directly west of Grand Forks).

While I applaud the effort to address private individual and property rights in the face of advancing technology; I am concerned that the language used in the amendment is indeterminate and difficult to enforce.

Farmers consult the International Water Institute Lidar data from the Red River Valley to understand water flow using the system's elevation profile on land they haven't already mapped with their own tractors. This is an open-access program providing "uninvited" surveilled data of private property that is protected by NDCC 29-29.4, but this type of data could be challenged by HB 1270.

Minnesota intrusion/privacy language is near identical to North Dakota, and that consistency provided our beet research board with the confidence to fund projects with NDSU as well as the U of M, knowing the data would be collected similarly. The use of multi-spectral or hyper-spectral data to analyze the spread of plant pests can only happen if the cameras can point downward over large, contiguous acreage. It appears HB 1270 would permit challenges by landowners who feel their privacy is being intruded, that the imagery is "unwelcomed".

Our township was approached by NDSU, in conjunction with the National Weather Service, to participate in airplane-based, Lidar estimations of snow moisture content to provide data for spring flood modeling. We obtained all landowner's permission in the flight path, for several years. However, it was a challenge to squeeze many miles of linear flight together without intersecting numerous farmsteads and rural homes. A single objection would force relocation.

With over 1,000 land-sensing satellites in orbit, existing surveillance is vast and international. Our own state benefits from the clarity of our skies, and the clarity of our rules. To clutter our codes with laws that are subjective and vague, would be to hobble North Dakota's tech advantage at a time we are leading this international race for deep, environmental data.

Chairman Klemin and members of the Committee, thank you for the opportunity to share some observations, and thank you for your work on behalf of all North Dakotans.