

**2025 HOUSE AGRICULTURE**

**HB 1429**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## **Agriculture Committee** Room JW327C, State Capitol

HB 1429  
1/24/2025

A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal feeding, farming, ranching, or livestock operation area; and to provide a penalty.

8:30 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

### **Discussion Topics:**

- Private property rights
- Guardrail for responsible usage
- Modeled after Iowa law
- Federal Aviation Administration (FAA) regulations
- Hobby Drones
- Drone registration
- Legal area around a drone
- Escalation process

8:30 a.m. Representative Dawson Holle, District 31, Mandan ND, introduced, testified and submitted testimony #31229.

8:45 a.m. Richard Breiner, Ranch and Farm, Flasher, ND, testified in favor.

8:45 a.m. Pete Hanebutt, North Dakota Farm Bureau, testified in favor.

8:48 a.m. Julie Ellingson, ND Stockman's Association, testified in favor.

8:51 a.m. Clint Fleckenstein, USA Operator, Bismarck, ND, testified in opposition and submitted testimony #31309.

9:06 a.m. Zachary D. Cassidy, Organizer, Dakota Resource Council (DRC), testified in opposition and submitted testimony #31097.

9:12 a.m. Arik Spencer, President/CEO, GNDA, testified in opposition.

9:14 a.m. Frank Matus, Chairman, ND Autonomous Systems Council, testified in opposition and submitted testimony #31128.

### **Additional written testimony:**

Trevor Woods, Executive Director, Northern Plains, Unmanned Aircraft Systems (UAS) Test Site, submitted testimony as neutral #31146

Kyle C. Wanner, Executive Director, ND Aeronautics Commission, submitted testimony as neutral #31164.

Mason Sisk, Director of Government Affairs, Association for Uncrewed Vehicle Systems International, submitted testimony in opposition #31175.

Paul R. Snyder, UND Aerospace/Director of UAS Operations, submitted testimony in opposition #31231.

9:25 a.m. Chairman Beltz closed the hearing.

*Diane Lillis, Committee Clerk*

**Zachary Cassidy**

Dakota Resource Council

Lobbyist

Greetings Mr. Chairman and committee members,

I am Zachary Cassidy of Dakota Resource Council here to express our opposition to 149, which would ban flying Drones over CAFOs in North Dakota. This bill is chasing after boogiemens that don't exist and could be viewed as an attack on the public's right to transparency. Why do we have special protections for just one type of facility? CAFOs do pose a threat to local water systems and general public health. As such it seems fair that the public should be able to know if they are behaving correctly. There is nothing, I can see, about the nature of CAFOs that would justify special protections. Limiting drones in places like military bases, some government facilities, and energy infrastructure is reasonable, but this bill represents a level of favoritism towards a facility that does not need it.

For these reasons, DRC stands opposed to this bill.



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Written Testimony of the North Dakota UAS Council  
Presented by Frank Matus, Chair  
Before the North Dakota Legislative Assembly  
Regarding House Bill 1429

Date: Friday, January 24, 2025

Chairman and Members of the Committee,

The North Dakota UAS Council is submitting written testimony in opposition to House Bill 1429, as it risks undermining North Dakota's leadership in UAS innovation, conflicts with federal airspace regulations, and overextends property rights. While the intent of the bill is understood, there are already mechanisms and programs in place to accomplish what the authors are intending.

### **Impact on Innovation and Economic Growth**

North Dakota has earned a national reputation as a leader in UAS innovation and integration, consistently ranking as one of the most drone-friendly states according to the **Mercatus Center's State Drone Commerce Rankings**. The state's forward-thinking approach has fostered an environment that encourages technological advancements, economic growth, and job creation in the drone industry. However, House Bill No. 1429 could undermine this progress by introducing unnecessary regulatory burdens that conflict with the state's pro-innovation stance. Restrictive regulations could discourage businesses from investing in drone operations within North Dakota, driving economic opportunities to more permissive states and putting North Dakota's competitive edge at risk.

The state has fewer regulatory hurdles compared to others and actively encourages drone innovation. This favorable climate has positioned North Dakota as a national leader in UAS technology, driving advancements in defense, agriculture, emergency response, and infrastructure.

HB 1429 threatens to reverse this progress by criminalizing lawful drone operations without requiring proof of harm. Such restrictions would discourage investment, stifle innovation, and negatively impact critical industries—particularly agriculture, where drones are integral to crop monitoring and livestock management.

### **Federal Preemption**

The regulation of airspace, including the operation of unmanned aircraft systems (UAS), falls under the exclusive jurisdiction of the Federal Aviation Administration (FAA). Federal statutes such as the **Federal Aviation Act of 1958 (49 U.S.C. § 40103)** affirm that the United States government has "exclusive sovereignty of airspace" over the nation. Courts have consistently ruled that state and local governments cannot enact laws that conflict with federal regulations governing UAS operations, such as **Singer v. City of Newton, 284 F. Supp. 3d 125 (D. Mass. 2017)**, where a federal court struck down local drone regulations as preempted by FAA rules. HB 1429 disregards this precedent and introduces a direct conflict with federal law, opening the state to potential legal challenges, wasting taxpayer dollars in litigation.

### **Redundant Provisions Covered by Existing Laws**

This bill introduces unnecessary regulations that are already addressed under existing federal and state laws. Privacy concerns related to drone surveillance are comprehensively covered by federal privacy statutes and North Dakota's privacy laws. The **Fourth Amendment** to the U.S. Constitution and existing federal laws such as the **Electronic Communications Privacy Act (ECPA)** already prohibit unauthorized surveillance activities. Additionally, careless and reckless drone operations are addressed by FAA regulations under **14 CFR § 107.23**, which prohibits operations endangering the safety of persons or property, making this bill redundant.

### **Lack of Exemptions for Law Enforcement and Public Safety**

House Bill No. 1429 does not adequately address critical exemptions for law enforcement and public safety operations. Public agencies rely on UAS for search and rescue missions, disaster response, and surveillance of criminal activity. Restricting their operations without clearly defined exemptions could hinder emergency response capabilities and endanger lives.

Furthermore, the bill provides an overly narrow exception only for "reasonable commercial or agricultural purposes," without consideration of public safety needs. It is imperative that exemptions be clearly stated to ensure law enforcement agencies can continue leveraging UAS technology to protect the public. Existing laws in North Dakota already address privacy, trespassing, and harassment concerns, making HB 1429 unnecessary. A more effective approach would focus on strengthening privacy protections while aligning state regulations with federal FAA guidelines to ensure safe and responsible drone integration.

### **The Vagueness of 'Reasonable Commercial and Agricultural Purpose'**

The bill's language, particularly the phrase "**reasonable commercial and agricultural purpose**," is too vague and leaves significant room for interpretation. What constitutes "reasonable" may vary widely, leading to inconsistent enforcement and legal uncertainty. Vague statutes have historically been struck down in court as unconstitutional under the **void-for-vagueness doctrine**, which requires laws to provide clear standards of enforcement. This ambiguous language makes the bill susceptible to legal challenges and could discourage legitimate drone operators from conducting necessary operations out of fear of misinterpretation.

### **Potential Unenforceability**

The vague and overly broad scope of this bill would make enforcement nearly impossible. Determining whether a drone operator has committed an "intrusion" or "surveillance" violation would require significant resources, including sophisticated tracking technology and extensive legal interpretation. Law enforcement agencies, already stretched thin, would struggle to effectively enforce these provisions without clear, objective criteria.

For these reasons, I respectfully urge the committee to oppose HB 1429 and consider balanced alternatives that safeguard property rights while supporting North Dakota's continued leadership in UAS innovation. The ND UAS Council encourages lawmakers to engage with council members and the Northern Plains UAS Test Site to explore ways to advance our UAS industry while protecting property and privacy rights of North Dakota's citizens in a more constructive manner.

The North Dakota UAS Council

**TESTIMONY OF**  
**TREVOR WOODS**  
**EXECUTIVE DIRECTOR, NORTHERN PLAINS UAS TEST SITE**  
**JANUARY 21, 2025**  
**HOUSE BILL NO. 1429**

I am here today to provide testimony for House Bill No. 1429, which seeks to impose restrictions on the operation of remotely piloted aircraft (RPA) over certain areas such as homesteads, farmsteads, and agricultural operations. While the bill may be well-intentioned, it contains unresolved flaws, including federal preemption, redundancy with existing laws, the lack of exemptions for law enforcement and public safety, and the vagueness of key provisions that make enforcement impractical and legally questionable.

### **1. Federal Preemption**

The regulation of airspace, including the operation of unmanned aircraft systems (UAS), falls under the exclusive jurisdiction of the Federal Aviation Administration (FAA). Federal statutes such as the **Federal Aviation Act of 1958 (49 U.S.C. § 40103)** affirm that the United States government has "exclusive sovereignty of airspace" over the nation. Courts have consistently ruled that state and local governments cannot enact laws that conflict with federal regulations governing UAS operations, such as **Singer v. City of Newton, 284 F. Supp. 3d 125 (D. Mass. 2017)**, where a federal court struck down local drone regulations as preempted by FAA rules. House Bill No. 1429 conflicts with these federal laws and risks legal challenges, wasting taxpayer dollars in litigation.

### **2. Redundant Provisions Covered by Existing Laws**

This bill introduces unnecessary regulations that are already addressed under existing federal and state laws. Privacy concerns related to drone surveillance are comprehensively covered by federal privacy statutes and North Dakota's privacy laws. The **Fourth Amendment** to the U.S. Constitution and existing federal laws such as the **Electronic Communications Privacy Act (ECPA)** already prohibit unauthorized surveillance activities. Additionally, careless and reckless drone operations are addressed by FAA regulations under **14 CFR § 107.23**, which prohibits operations endangering the safety of persons or property, making this bill redundant.

### **3. Lack of Exemptions for Law Enforcement and Public Safety**

House Bill No. 1429 does not adequately address critical exemptions for law enforcement and public safety operations. Public agencies rely on UAS for search and rescue missions, disaster

response, and surveillance of criminal activity. Restricting their operations without clearly defined exemptions could hinder emergency response capabilities and endanger lives.

Furthermore, the bill provides an overly narrow exception only for "reasonable commercial or agricultural purposes," without consideration of public safety needs. It is imperative that exemptions be clearly stated to ensure law enforcement agencies can continue leveraging UAS technology to protect the public.

#### **4. The Vagueness of 'Reasonable Commercial and Agricultural Purpose'**

The bill's language, particularly the phrase "**reasonable commercial and agricultural purpose,**" is too vague and leaves significant room for interpretation. What constitutes "reasonable" may vary widely, leading to inconsistent enforcement and legal uncertainty. Vague statutes have historically been struck down in court as unconstitutional under the **void-for-vagueness doctrine**, which requires laws to provide clear standards of enforcement. This ambiguous language makes the bill susceptible to legal challenges and could discourage legitimate drone operators from conducting necessary operations out of fear of misinterpretation.

#### **5. Potential Unenforceability**

The vague and overly broad scope of this bill would make enforcement nearly impossible. Determining whether a drone operator has committed an "intrusion" or "surveillance" violation would require significant resources, including sophisticated tracking technology and extensive legal interpretation. Law enforcement agencies, already stretched thin, would struggle to effectively enforce these provisions without clear, objective criteria.

#### **6. Impact on Innovation and Economic Growth**

North Dakota has earned a national reputation as a leader in UAS innovation and integration, consistently ranking as one of the most drone-friendly states according to the Mercatus Center's State Drone Commerce Rankings. The state's forward-thinking approach has fostered an environment that encourages technological advancements, economic growth, and job creation in the drone industry. However, House Bill No. 1429 could undermine this progress by introducing unnecessary regulatory burdens that conflict with the state's pro-innovation stance. Restrictive regulations could discourage businesses from investing in drone operations within North Dakota, driving economic opportunities to more permissive states and putting North Dakota's competitive edge at risk.

#### **Conclusion**

In conclusion, House Bill No. 1429 in its current state is potentially unnecessary, redundant, and legally problematic. It conflicts with federal preemption, fails to account for public safety needs, introduces vague language that undermines enforceability, and imposes regulations already covered by existing laws. I respectfully urge the committee to reconsider this bill while also working with federal regulators to ensure balanced and effective UAS policies that promote innovation while addressing legitimate privacy and safety concerns.



January 23<sup>rd</sup>, 2025

**RE: Testimony to House Agriculture Committee – HB 1429**

Chair Beltz and Members of the Committee,

On behalf of the North Dakota Aeronautics Commission, I am submitting this testimony to express concerns regarding the potential negative impacts that this legislation may have on North Dakota's uncrewed aerial systems (UAS) industry.

While the intent to protect private property and agricultural operations from unwarranted intrusion is understandable, the overly restrictive nature of this bill poses several unintended consequences that could hinder technological advancement and operational efficiency of this industry within our state.

**Challenges to Regulatory Consistency and Compliance**

The Federal Aviation Administration (FAA) has established comprehensive regulations governing the use of unmanned aerial systems to ensure safety and operational consistency across state lines. HB 1429 introduces additional layers of restrictions that may conflict with federal guidelines and has the potential to create confusion and legal complexities for UAS operators who seek to comply with both state and federal laws.

**Adverse Economic Impact on North Dakota's UAS Industry**

North Dakota has been a national leader in UAS research and development, with substantial investments in infrastructure and workforce development to support this emerging industry. Imposing excessive restrictions on UAS operations risks stifling innovation and drives away business and research initiatives that contribute significantly to the state economy.

**Enforcement Challenges and Ambiguities**

The bill's language regarding the definition of "intrusion" and "surveillance" lacks full clarity and could potentially lead to subjective enforcement and legal disputes. Determining whether an uncrewed aircraft has remained over a property or crossed permissible boundaries could pose significant challenges for both law enforcement and UAS operators alike.

**Existing Protections Are Sufficient**

Current laws, including FAA regulations and North Dakota's privacy and trespassing statutes, already provide mechanisms to address concerns related to unauthorized drone operations. Rather than imposing new and potentially burdensome restrictions, efforts should focus on educating stakeholders on existing legal frameworks and best practices.

In summary, while protecting privacy and property rights is essential, House Bill No. 1429 as currently drafted, risks impeding agricultural innovation, economic growth, and regulatory clarity. I respectfully urge the committee to reconsider this legislation and explore alternative approaches that balance privacy concerns with the responsible integration of UAS technology.

Sincerely,

A handwritten signature in black ink that reads "Kyle Wanner". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Kyle C. Wanner  
Executive Director  
ND Aeronautics Commission



January 24, 2025

### **Testimony in Opposition of House Bill 1428**

Chairman Beltz and members of the House Agriculture Committee,

My name is Mason Sisk, and I serve as Director of Government Affairs at the Association for Uncrewed Vehicle Systems International (AUVSI). AUVSI is the world's largest nonprofit organization dedicated to the advancement of uncrewed systems, autonomy, and robotics. Our association represents leaders from more than 60 countries across industry, government, and academia in the defense, civil and commercial sectors.

Although we appreciate the bill sponsor's effort to exempt commercial operations, "reasonable commercial or agriculture purpose" is not clearly defined. The real issue that makes this bill unworkable is that attempts by the state to regulate the national airspace directly conflicts with established federal law which grants exclusive authority over the national airspace to the federal government.<sup>1</sup>

This federal control of the airspace—delegated by Congress to the Federal Aviation Administration (FAA)—is a bedrock principle of aviation law that dates back well over 50 years and is one of the reasons that the United States maintains an aviation safety record that is the envy of the rest of the world. A federal court has affirmed the FAA's regulatory authority over the national airspace, finding for the plaintiff, and UAS operator, Michael Singer in *Singer v. City of Newton*<sup>2</sup>. The court held that "aviation safety is an area of exclusive federal control," and "Congress has given the FAA responsibility of regulating the use of airspace for aircraft navigation and to protect individuals and property on the ground," along with the mandate to safely integrate UAS into the national airspace.

The role of the FAA is clearly defined as being responsible for developing plans and policies for the use of navigable airspace and assigning its use to ensure safety and efficiency<sup>3</sup>. Proposals such as HB 1428 have the potential to create a complicated patchwork of laws that may erode, rather than enhance, safety. To ensure uniformity and avoid a patchwork of state regulations, the statute establishes that citizens have a public right of transit through the navigable airspace<sup>4</sup>. Contradicting this statute also poses risks to the growth and innovation of U.S. drone operators.

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<sup>1</sup> According to 49 U.S. [Code § 40103\(a\)\(1\)](#), "[The United States Government has exclusive sovereignty of airspace of the United States](#)"<sup>1</sup>

<sup>2</sup> *Singer V. City of Newton* - 2057-2064 [Online.pdf](#)

<sup>3</sup> [49 U.S. Code § 40103\(b\)\(1\)](#) – Sovereignty and use of airspace

<sup>4</sup> [49 U.S. Code § 40103\(a\)\(2\)](#) – Public right of transit

In conclusion, HB 1428 is in direct conflict with federal law, which grants exclusive regulatory authority over the national airspace to the federal government. Allowing states to impose their own regulations would create a fragmented and inefficient airspace system, jeopardizing safety, efficiency, and national security. I urge you to reject this bill and uphold the established federal framework for airspace regulation. I'd also like to encourage every member of the assembly to use AUVSI as a resource. We'd be happy to answer any and all questions on this issue.

Respectfully,

Mason Sisk

Director, Government Affairs

Association for Uncrewed Vehicle Systems International



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Dawson Holle

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## COMMITTEES:

Human Services  
Political Subdivisions

Good morning, Chairman Beltz and members of the Agriculture Committee. For the record, my name is Dawson Holle, and I'm honored to represent the people of District 31. Today, I stand before you to introduce HB1429, which addresses the issue of drones flying over animal feeding operations and farms. Let's begin with a hypothetical scenario: imagine a dairy farm. One day, a drone pilot decides to capture video footage of the dairy farm without asking the owner for permission, thinking it won't harm anyone. As the pilot flies the drone, the unpredictable North Dakota wind causes them to lose control. The drone performs a dive-bomb motion and crashes into a dairy pen with cows. It lands on a cow, injuring it severely by slicing it open. Now, if you're the farmer, you must pay for a veterinarian, and the drone owner has to trespass onto your property to retrieve their drone.

This scenario, unfortunately, isn't entirely hypothetical. A similar incident has actually happened, involving an animal rights activist who intended to film a dairy farm—not to provide informative content, but to portray the farm negatively in hopes of shutting it down. This fear is becoming increasingly prevalent among animal agriculture operations, and I've heard these concerns directly from farmers. Additionally, drones create a loud buzzing noise that can frighten cows, causing them to panic, break through fences, or slip and injure themselves, such as breaking a leg.

Now, let me clarify a few points about this bill:

1. **This bill will not deter businesses from operating in the state.** Why? Because businesses or individuals who obtain the farmer's permission can proceed with their activities. Without permission, they must stay away.
2. **The distinction between drone surveillance and drone intrusion:** Drone surveillance refers to scanning an area from above, while drone intrusion involves actively entering private property or flying in restricted areas, such as metal buildings, which can interfere with drone signals.
3. **This bill is not about regulating aerospace; it's about protecting private property rights—a** fundamental concern for us as farmers.
4. **First responders will still have full access to use drones** in emergencies, as this bill explicitly allows for such exceptions.

In essence, this bill seeks to establish guardrails for responsible drone operation. It does not prohibit drone use but ensures drones are not used to spy on or harm others.

Thank you for your time. I'll now stand for questions.

Below I have a news article just three weeks ago a 7 year old was struck by a drone after a drone parade went haywire it was so hard it stopped his heart.

<https://www.live5news.com/2024/12/23/child-seriously-injured-after-drones-plummeted-sky-during-holiday-light-show/>

**TESTIMONY  
OF PAUL SNYDER, DIRECTOR OF UAS  
OPERATIONS FOR THE JOHN D. ODEGARD  
SCHOOL OF AEROSPACE SCIENCES  
LEAD – AUTONOMOUS PLATFORMS, RESEARCH  
INSTITUTE FOR AUTONOMOUS SYSTEMS**

**January 23, 2025**

**HOUSE BILL 1429**

Dear House Agriculture Committee,

I am Paul Snyder, Director of the UAS Operations Program at the University of North Dakota John D. Odegard College of Aerospace Sciences and Lead for Autonomous Platforms at UND's Research Institute for Autonomous Systems (RIAS). I have had the privilege to be a part of the aviation community in North Dakota for over 30 years – crewed and uncrewed.

Today I write to give testimony in **opposition** of House Bill NO. 1429,

The expansion of aviation into the lives of North Dakotans has been a great economic equalizer. Those who live in rural communities are now able to use low-cost technology to accomplish tasks that once could only be accomplished by traditional crewed aircraft, such as a helicopter. Small UAS are able to transverse large distances, at low cost, to check crops and cattle, to inspect power lines and wind turbines, monitor oil leaks, conduct emergency response, deliver medicine, inspect oil leaks, monitor areas for fires, train workforce at high school and higher education institutions, conduct advanced research. Education and research that is improving lives of North Dakotans as well as advancing national security. The possibilities are endless. Again, at a cost that is reasonable, much of rural ND can expect to see their quality of life improved because of UAS aircraft.

Not only can the technology be used for these purposes, but small UASs can be used to spot spray fields, using less chemical with improved accuracy. UAS have been used to collect data from ground sensors to research micro weather and other data collection sets such as bee movement over fields to identify where to place bee hives to increase pollination and therefore increase crop yield. These are viable research efforts conducted by educational institutions to help ND farmers. Students, the future workforce, have assisted in this research as part of their education.

UND Aerospace also operates UASs to train the future aviation workforce. We are a public institution, which trains operators how to safely, ethically, and efficiently manage and operate UAS. This bill does not address educational and research institutions as a reasonable purpose for operating UAS.

Consider the crop duster. The operator must reach the area they plan to spray. Does a crop duster have to ask for permission for non-commercial flights between two locations? When the crop duster sprays, the aircraft turns around passing over unaffected farmland, would these farmers also have to give written approval if it was a UAS, but not if it was a crewed crop duster?

Benefits of UAS continue to grow, but to take almost any example listed above and apply HB 1429 has the potential to significantly hinder the commercialization, research, and education of UAS and will reduce the likelihood for ND residents to start enjoying the benefits that UASs can be for energy, agriculture and so many other industries.

The legal right for a UAS aircraft to fly in navigable airspace is under the jurisdiction of the Federal Aviation Administration, not the State.

Furthermore, this law does nothing to protect an individual from being photographed by preventing flight over an owner's land. Technology has gone beyond this. Even commercial off-the-shelf (COTS) cameras have the ability to see long distances. If an individual had nefarious motive they could as easily conduct surveillance from an adjacent location, just indicate they were flying over 400ft, or possibly take a picture from the road.

Furthermore, most UASs use the camera to safely navigate or at a minimum the camera is used as a backup in case primary navigation is lost; therefore, almost every drone is equipped with a "surveillance device." Often, to fly without a camera would decrease safety of flight and likely prevent the general public from ever flying.

Federal Aviation Regulations Part 108 Beyond Visual Line of Sight regulations is being released this year which will provide further guidance to allow UAS aircraft to fly for miles beyond their departure point, not just visual line of sight from the pilot. This would cause undue burden on the public to get permission for every quarter of land they pass over.

While much detail could be written, I implore that you examine existing federal as well as state laws and recognize the negative impact this particular bill will have on North Dakota's leadership and reputation in UAS operations. This bill will hinder us as a state to advance in UAS education, workforce development, and research; impacting farmers as well as national security.

As a leader in UAS education, research, and training, if UND Aerospace can ever assist you or answer any questions regarding UAS, Counter-UAS, or autonomous operations, please do not hesitate to contact me.

Sincerely

*Paul Snyder*

Director of UAS Operations Program

John D. Odegard School of Aerospace Sciences – UND Aerospace

Lead - Autonomous Platforms

UND - Research Institute for Autonomous Systems

## **HB1429 Testimony – House Agriculture Committee – Clint Fleckenstein**

Mr. Chairman and members of the Committee, my name is Clint Fleckenstein. I'm testifying as a constituent, a Bismarck-Mandan resident, and a UAS operator. I've been using "drones" since 2015. I have held a current FAA Part 107 certificate since 2017, and I fly recreationally, too. I urge you to vote Do Not Pass on this bill, HB1429.

For starters, this bill shouldn't even exist: the Federal Aviation Administration has sole jurisdiction over the National Airspace (NAS). HB1429 contradicts federal aviation law and would therefore be subject to preemption as soon as it passes. This bill is a thinly veiled attempt to usurp the FAA's authority: the exception for operations "over 400 feet" belies the bill's aim to ban UAS traffic over every home and farm. Other states and jurisdictions, even universities, have tried to do this sort of thing, and they find out that regulation of the NAS is under the sole purview of the FAA. Enough states have tried this – unsuccessfully – that the FAA has actually published a Fact Sheet about it.

Second, this bill essentially criminalizes legal operation of unmanned aerial systems. It attempts to make it illegal to fly in any neighborhood in North Dakota by banning flights over all homesteads (i.e., every primary residence in the state). If HB1429 passes, any person flying legally according to federal aviation law in his or her own neighborhood could be subject to 30 days in jail – a year, if they do it twice – and fines up to \$3,000.

Third, this bill is vague and subjective...and vague law is bad law: difficult, if not impossible, to enforce, and costly in time and money as people find themselves in court trying to make sense of it.

- Who determines what is a "reasonable" commercial or agricultural purpose?
- What's a "secure farmstead", and how does it differ from any other farmstead?
- What about use of UAS by volunteer search and rescue organizations? No exemption.
- What about research or education? No exemptions here, either.
- Who determines whether an aircraft "remains over the homestead"? Is that for thirty seconds? Ten minutes? Half an hour?

Finally, the behavior this legislation *seems* to intend to address is already addressed in Century Code. Voyeurism is addressed in Title 36 under "surreptitious intrusion". Harassment of livestock is covered in Title 39. But this bill doesn't even attempt to address such behavior; it simply goes after the drone pilots for lawful use of technology.

Consider this illustration: what if we suddenly had an epidemic of people standing on sidewalks, taking photos through people's windows with telephoto cameras...would it make sense to criminalize walking down the sidewalk with a camera? Or to pass a law saying people can walk down the sidewalk with a camera, but they can't stop for an unspecified amount of time? No, in this case the prudent approach would be to pass a law addressing the behavior, taking pictures through people's windows with a zoom lens, or apply the laws already on the books regarding such an act.

The National Airspace is, according to federal law, a public space, just like that sidewalk, and state or local laws which infringe upon the lawful use of that public space will be preempted by federal law as they attempt to punish lawful UAS operators instead of addressing actual criminal behavior.

Finally, North Dakota is a state which strives to be the most UAS-friendly state in the country, promoting its vast amounts of wide-open airspace to attract world-class partners in aerospace education and innovation. This bill contradicts that objective, and it deserves a Do Not Pass from your committee. Thank you for your time and consideration.

Respectfully,

Clint Fleckenstein

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Room JW327C, State Capitol

HB 1429  
2/13/2025

A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal feeding, farming, ranching, or livestock operation area; and to provide a penalty.

3:41 p.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Henderson, Holle, Kiefert, Nehring, Olson, Schreiber-Beck, Tveit, Vollmer

Members Absent: Representative Dobervich, Hoverson, Rios

## **Discussion Topics:**

- 360 days
- Reporting authority
- FAA
- County Sherriff
- Department of Agriculture
- ND Aeronautics
- Maximum penalties
- Alternative remedies
- Injunctive relief

4:09 p.m. Representative Anderson moved Adopt Amendment LC #25.090.01001, #37682.

4:09 p.m. Representative Schreiber-Beck seconded the motion.

4:11 p.m. Representative Anderson withdrew motion.

4:11 p.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

25.0908.01001  
Title.

Prepared by the Legislative Council  
staff for Representative Holle  
January 29, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1429

Introduced by

Representatives Holle, Dobervich, Headland, Henderson, Koppelman, Tveit, Brandenburg

Senators Lemm, Magrum

1 A BILL ~~for an Act to create and enact a new chapter to title 47 of the North Dakota Century-~~  
2 ~~Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal~~  
3 ~~feeding, farming, ranching, or livestock operation area; and to provide a penalty for an Act to~~  
4 ~~create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to~~  
5 ~~remotely piloted aircraft; and to provide a penalty.~~

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

7 ~~SECTION 1. A new chapter to title 47 of the North Dakota Century Code is created and~~  
8 ~~enacted as follows:~~

9 ~~Definitions:~~

10 ~~As used in this chapter:~~

11 ~~1. "Animal feeding operation" means a lot or facility at which:~~

12 ~~a. Animals, other than aquatic animals, have been, are, or will be stabled or~~  
13 ~~confined and fed or maintained for a total of forty five days or more in any twelve~~  
14 ~~month period; and~~

15 ~~b. Crops, vegetation, forage growth, or postharvest residues are not sustained in~~  
16 ~~the normal growing season over any portion of the lot or facility.~~

17 ~~2. "Farming" or "ranching" means cultivating land for the production of agricultural crops~~  
18 ~~or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term~~  
19 ~~does not include the:~~

20 ~~a. Production of timber or forest products; or~~

1 ~~b. Provision of grain harvesting or other farm services by a processor or distributor~~  
2 ~~of farm products or supplies in accordance with the terms of a contract.~~

3 ~~3. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk,~~  
4 ~~fur animals raised for their pelts, and any other animal raised, fed, or produced as a~~  
5 ~~part of farming or ranching activities.~~

6 ~~**Intrusion by remotely piloted aircraft.**~~

7 ~~1. An individual commits intrusion by use of a remotely piloted aircraft if the individual~~  
8 ~~knowingly controls the flight of a remotely piloted aircraft:~~

9 ~~a. Over a homestead, if the homestead is not owned or leased by the individual and~~  
10 ~~the remotely piloted aircraft remains over the homestead.~~

11 ~~b. Over a secure farmstead area if the secure farm area is not owned or leased by~~  
12 ~~the individual and the remotely piloted aircraft remains over the secure farmstead~~  
13 ~~area.~~

14 ~~c. Over a secure animal feeding, farming, ranching, or livestock operation area, if~~  
15 ~~the operation is not owned or leased by the individual and the remotely piloted~~  
16 ~~aircraft remains over the secure operation area.~~

17 ~~2. An individual who violates this section is guilty of a class B misdemeanor. A second or~~  
18 ~~subsequent offense under this section is a class A misdemeanor.~~

19 ~~**Surveillance by remotely piloted aircraft.**~~

20 ~~1. An individual commits surveillance use of a remotely piloted aircraft if the individual~~  
21 ~~knowingly controls the flight of a remotely piloted aircraft equipped with a surveillance~~  
22 ~~device:~~

23 ~~a. Over a homestead, if the homestead is not owned or leased by the individual and~~  
24 ~~the remotely piloted aircraft remains over the homestead.~~

25 ~~b. Over a secure farmstead area, if the secure farmstead area is not owned or~~  
26 ~~leased by the individual and the remotely piloted aircraft remains over the secure~~  
27 ~~farmstead area.~~

28 ~~c. Over a secure animal feeding operation, or a secure farming, ranching, or~~  
29 ~~livestock operation area, if the operation is not owned or leased by the individual~~  
30 ~~and the remotely piloted aircraft remains over the secure operation area.~~

31 ~~2. An individual who violates this section is guilty of a class A misdemeanor.~~

~~**Exceptions – Intrusion and surveillance.**~~

~~This chapter does not apply to an individual controlling a remotely piloted aircraft:~~

~~1. With the consent of the owner of the homestead or secure farmstead, animal feeding operation, farming, ranching, or livestock operation area.~~

~~2. For a reasonable commercial or agricultural purpose in compliance with federal aviation administration regulations, authorizations, or exemptions.~~

~~3. For the purpose of collecting weather or climate information.~~

~~4. Over four hundred feet from the earth's surface.~~

~~5. On behalf of any state, political subdivision, or federal government entity with authority established under state or federal law.~~

~~6. On behalf of a public utility as defined under section 49-01-01.~~

**SECTION 1.** A new chapter to title 12.1 of the North Dakota Century Code is created and enacted as follows:

**Surveillance by remotely piloted aircraft - Penalty.**

1. A person may not use a remotely piloted aircraft to:

a. Conduct surveillance of an individual, a residence occupied by an individual, or any private real property, whether owned or rented.

b. Photograph an individual under circumstances in which the individual has a reasonable expectation of privacy.

2. This section does not apply to:

a. Law enforcement activity in accordance with chapter 29-29.4.

b. Surveillance conducted in accordance with the exceptions under section 29-29.4-04.

c. A person conducting surveillance or photographing an individual or the individual's real property, whether owned or rented, with the individual's consent.

d. A person photographing an event open to the public.

3. A person who violates this section is guilty of a class A misdemeanor.

**Harassment by remotely piloted aircraft - Livestock and wildlife - Penalty.**

1. For purposes of this section:

a. "Harass" means engaging in behavior that annoys, threatens, or intimidates an animal, causing a change in behavior due to stress or perceived harm.

- 1       b. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison,  
2       elk, fur animals raised for their pelts, and any other animals that are raised, fed,  
3       or produced as a part of farming or ranching activities.
- 4       2. An individual may not intentionally or recklessly harass livestock with a remotely  
5       piloted aircraft. An individual who violates this subsection is guilty of a  
6       class B misdemeanor.
- 7       3. An individual who harasses livestock causing physical injury or death to livestock is  
8       guilty of a class A misdemeanor.
- 9       4. An individual may not intentionally harass wildlife with a remotely piloted aircraft. An  
10      individual who violates this subsection is guilty of a class B misdemeanor.

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Room JW327C, State Capitol

HB 1429  
2/14/2025

A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal feeding, farming, ranching, or livestock operation area; and to provide a penalty.

8:53 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Henderson, Holle, Kiefert, Nehring, Olson, Schreiber-Beck, Tveit, Vollmer

Members Absent: Representative Dobervich, Hoverson, Rios

## **Discussion Topics:**

- All tools, surveillance
- Aircraft
- Robots
- Bad actors
- Activists

9:54 a.m. Committee discusses the need for an amendment.

8:56 a.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Agriculture Committee Room JW327C, State Capitol

HB 1429  
2/20/2025

A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal feeding, farming, ranching, or livestock operation area; and to provide a penalty.

9:10 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Members Absent: Representative Anderson

### Discussion Topics:

- Harassment of livestock
- Definitions
- Technology can pilot
- Robot
- Surveillance
- Unauthorized surveillance
- Private property

9:15 a.m. Representative Hauck moved Adopt Amendment LC #25.0908.01002, #38233.

9:15 a.m. Representative Tveit seconded the motion.

Voice vote.

Motion passed.

9:17 a.m. Representative Hauck moved Do Pass as amended.

9:17 a.m. Representative Tveit seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	AB
Representative Gretchen Dobervich	Y
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	Y

Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 13-0-1.

9:19 a.m. Representative Henderson will carry the bill.

9:19 a.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1429

Introduced by

Representatives Holle, Dobervich, Headland, Henderson, Koppelman, Tveit, Brandenburg

Senators Lemm, Magrum

1 A BILL ~~for an Act to create and enact a new chapter to title 47 of the North Dakota Century~~  
2 ~~Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal~~  
3 ~~feeding, farming, ranching, or livestock operation area; and to provide a penalty.~~ for an Act to  
4 create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to  
5 surveillance and animal harassment with a robot; and to provide a penalty.

#### 6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~SECTION 1. A new chapter to title 47 of the North Dakota Century Code is created and~~  
8 ~~enacted as follows:~~

#### 9 ~~Definitions.~~

10 ~~As used in this chapter:~~

11 ~~1. "Animal feeding operation" means a lot or facility at which:~~

12 ~~a. Animals, other than aquatic animals, have been, are, or will be stabled or~~  
13 ~~confined and fed or maintained for a total of forty-five days or more in any twelve-~~  
14 ~~month period; and~~

15 ~~b. Crops, vegetation, forage growth, or postharvest residues are not sustained in~~  
16 ~~the normal growing season over any portion of the lot or facility.~~

17 ~~2. "Farming" or "ranching" means cultivating land for the production of agricultural crops~~  
18 ~~or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term~~  
19 ~~does not include the:~~

20 ~~a. Production of timber or forest products; or~~

- 1 ~~\_\_\_\_\_ b. Provision of grain harvesting or other farm services by a processor or distributor~~  
2 ~~of farm products or supplies in accordance with the terms of a contract.~~
- 3 ~~\_\_\_\_\_ 3. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk,~~  
4 ~~fur animals raised for their pelts, and any other animal raised, fed, or produced as a~~  
5 ~~part of farming or ranching activities.~~
- 6 ~~\_\_\_\_\_ **Intrusion by remotely piloted aircraft.**~~
- 7 ~~\_\_\_\_\_ 1. An individual commits intrusion by use of a remotely piloted aircraft if the individual~~  
8 ~~knowingly controls the flight of a remotely piloted aircraft:~~
- 9 ~~\_\_\_\_\_ a. Over a homestead, if the homestead is not owned or leased by the individual and~~  
10 ~~the remotely piloted aircraft remains over the homestead.~~
- 11 ~~\_\_\_\_\_ b. Over a secure farmstead area if the secure farm area is not owned or leased by~~  
12 ~~the individual and the remotely piloted aircraft remains over the secure farmstead~~  
13 ~~area.~~
- 14 ~~\_\_\_\_\_ c. Over a secure animal feeding, farming, ranching, or livestock operation area, if~~  
15 ~~the operation is not owned or leased by the individual and the remotely piloted~~  
16 ~~aircraft remains over the secure operation area.~~
- 17 ~~\_\_\_\_\_ 2. An individual who violates this section is guilty of a class B misdemeanor. A second or~~  
18 ~~subsequent offense under this section is a class A misdemeanor.~~
- 19 ~~\_\_\_\_\_ **Surveillance by remotely piloted aircraft.**~~
- 20 ~~\_\_\_\_\_ 1. An individual commits surveillance use of a remotely piloted aircraft if the individual~~  
21 ~~knowingly controls the flight of a remotely piloted aircraft equipped with a surveillance~~  
22 ~~device:~~
- 23 ~~\_\_\_\_\_ a. Over a homestead, if the homestead is not owned or leased by the individual and~~  
24 ~~the remotely piloted aircraft remains over the homestead.~~
- 25 ~~\_\_\_\_\_ b. Over a secure farmstead area, if the secure farmstead area is not owned or~~  
26 ~~leased by the individual and the remotely piloted aircraft remains over the secure~~  
27 ~~farmstead area.~~
- 28 ~~\_\_\_\_\_ c. Over a secure animal feeding operation, or a secure farming, ranching, or~~  
29 ~~livestock operation area, if the operation is not owned or leased by the individual~~  
30 ~~and the remotely piloted aircraft remains over the secure operation area.~~
- 31 ~~\_\_\_\_\_ 2. An individual who violates this section is guilty of a class A misdemeanor.~~

~~**Exceptions – Intrusion and surveillance.**~~

~~This chapter does not apply to an individual controlling a remotely piloted aircraft:~~

- ~~1. With the consent of the owner of the homestead or secure farmstead, animal feeding operation, farming, ranching, or livestock operation area.~~
- ~~2. For a reasonable commercial or agricultural purpose in compliance with federal aviation administration regulations, authorizations, or exemptions.~~
- ~~3. For the purpose of collecting weather or climate information.~~
- ~~4. Over four hundred feet from the earth's surface.~~
- ~~5. On behalf of any state, political subdivision, or federal government entity with authority established under state or federal law.~~
- ~~6. On behalf of a public utility as defined under section 49-01-01.~~

**SECTION 1.** A new chapter to title 12.1 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

As used in this chapter:

1. "Harass" means engaging in behavior that annoys, threatens, or intimidates an animal, causing a change in behavior due to stress or perceived harm.
2. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk, fur animals raised for their pelts, and any other animals that are raised, fed, or produced as a part of farming or ranching activities.
3. "Robot" means an artificial object or system that senses, processes, and acts using technology, including the associated elements, communication links, and artificial intelligence. The term includes remotely piloted aircraft.

**Surveillance by robot - Penalty.**

1. An individual may not use a robot to:
  - a. Conduct surveillance of another individual, a residence occupied by another individual, or any private real property, whether owned or rented.
  - b. Photograph another individual under circumstances in which that individual has a reasonable expectation of privacy.
2. This section does not apply to:
  - a. Law enforcement activity in accordance with chapter 29-29.4.

- 1           b. Surveillance conducted in accordance with the exceptions under section
- 2           29-29.4-04.
- 3           c. An individual conducting surveillance or photographing another individual or
- 4           another individual's real property, whether owned or rented, with that individual's
- 5           consent.
- 6           d. An individual photographing an event open to the public.
- 7           3. An individual who violates this section is guilty of a class A misdemeanor.
- 8           **Harassment by robot - Livestock and wildlife - Penalty.**
- 9           1. An individual may not intentionally or recklessly harass livestock with a robot. An
- 10          individual who violates this subsection is guilty of a class B misdemeanor.
- 11          2. An individual who harasses livestock with a robot, causing physical injury or death to
- 12          livestock, is guilty of a class A misdemeanor.
- 13          3. An individual may not intentionally harass wildlife with a robot. An individual who
- 14          violates this subsection is guilty of a class B misdemeanor.

**REPORT OF STANDING COMMITTEE  
HB 1429**

**Agriculture Committee (Rep. Beltz, Chairman)** recommends **AMENDMENTS** ([25.0908.01002](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1429 was placed on the Sixth order on the calendar.

25.0908.01002  
Title.

Prepared by the Legislative Council  
staff for Representative Holle  
February 19, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1429

Introduced by

Representatives Holle, Dobervich, Headland, Henderson, Koppelman, Tveit, Brandenburg

Senators Lemm, Magrum

A BILL ~~for an Act to create and enact a new chapter to title 47 of the North Dakota Century~~  
~~Code, relating to remotely piloted aircraft flying over a homestead or secure farmstead, animal~~  
~~feeding, farming, ranching, or livestock operation area; and to provide a penalty.~~for an Act to  
create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to  
surveillance and animal harassment with a robot; and to provide a penalty.

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

~~SECTION 1. A new chapter to title 47 of the North Dakota Century Code is created and~~  
~~enacted as follows:~~

#### ~~Definitions.~~

~~As used in this chapter:~~

~~1. "Animal feeding operation" means a lot or facility at which:~~

~~a. Animals, other than aquatic animals, have been, are, or will be stabled or~~  
~~confined and fed or maintained for a total of forty-five days or more in any twelve-~~  
~~month period; and~~

~~b. Crops, vegetation, forage growth, or postharvest residues are not sustained in~~  
~~the normal growing season over any portion of the lot or facility.~~

~~2. "Farming" or "ranching" means cultivating land for the production of agricultural crops~~  
~~or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term~~  
~~does not include the:~~

~~a. Production of timber or forest products; or~~

~~b. Provision of grain harvesting or other farm services by a processor or distributor of farm products or supplies in accordance with the terms of a contract.~~

~~3. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk, fur animals raised for their pelts, and any other animal raised, fed, or produced as a part of farming or ranching activities.~~

~~**Intrusion by remotely piloted aircraft.**~~

~~1. An individual commits intrusion by use of a remotely piloted aircraft if the individual knowingly controls the flight of a remotely piloted aircraft:~~

~~a. Over a homestead, if the homestead is not owned or leased by the individual and the remotely piloted aircraft remains over the homestead.~~

~~b. Over a secure farmstead area if the secure farm area is not owned or leased by the individual and the remotely piloted aircraft remains over the secure farmstead area.~~

~~c. Over a secure animal feeding, farming, ranching, or livestock operation area, if the operation is not owned or leased by the individual and the remotely piloted aircraft remains over the secure operation area.~~

~~2. An individual who violates this section is guilty of a class B misdemeanor. A second or subsequent offense under this section is a class A misdemeanor.~~

~~**Surveillance by remotely piloted aircraft.**~~

~~1. An individual commits surveillance use of a remotely piloted aircraft if the individual knowingly controls the flight of a remotely piloted aircraft equipped with a surveillance device:~~

~~a. Over a homestead, if the homestead is not owned or leased by the individual and the remotely piloted aircraft remains over the homestead.~~

~~b. Over a secure farmstead area, if the secure farmstead area is not owned or leased by the individual and the remotely piloted aircraft remains over the secure farmstead area.~~

~~c. Over a secure animal feeding operation, or a secure farming, ranching, or livestock operation area, if the operation is not owned or leased by the individual and the remotely piloted aircraft remains over the secure operation area.~~

~~2. An individual who violates this section is guilty of a class A misdemeanor.~~

~~**Exceptions -- Intrusion and surveillance.**~~

~~This chapter does not apply to an individual controlling a remotely piloted aircraft:~~

- ~~1. With the consent of the owner of the homestead or secure farmstead, animal feeding operation, farming, ranching, or livestock operation area.~~
- ~~2. For a reasonable commercial or agricultural purpose in compliance with federal aviation administration regulations, authorizations, or exemptions.~~
- ~~3. For the purpose of collecting weather or climate information.~~
- ~~4. Over four hundred feet from the earth's surface.~~
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  - b. Photograph another individual under circumstances in which that individual has a reasonable expectation of privacy.
2. This section does not apply to:
  - a. Law enforcement activity in accordance with chapter 29-29.4.

b. Surveillance conducted in accordance with the exceptions under section 29-29.4-04.

c. An individual conducting surveillance or photographing another individual or another individual's real property, whether owned or rented, with that individual's consent.

d. An individual photographing an event open to the public.

3. An individual who violates this section is guilty of a class A misdemeanor.

**Harassment by robot - Livestock and wildlife - Penalty.**

1. An individual may not intentionally or recklessly harass livestock with a robot. An individual who violates this subsection is guilty of a class B misdemeanor.

2. An individual who harasses livestock with a robot, causing physical injury or death to livestock, is guilty of a class A misdemeanor.

3. An individual may not intentionally harass wildlife with a robot. An individual who violates this subsection is guilty of a class B misdemeanor.

**2025 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**HB 1429**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1429

3/20/2025

A bill relating to surveillance and animal harassment with a robot; and to provide a penalty.

11:16 a.m. Vice-Chair Myrdal opened the hearing.

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

### Discussion Topics:

- Advancing technology and increased drone usage
- Intentional wildlife harassment definition
- Private property and privacy rights
- Unauthorized surveillance activity
- Animal welfare
- Animal agriculture and public perception
- Anti-agriculture activists
- Wildlife observers and hobbies
- Robot term and uncrewed aerial systems
- Federal Aviation laws
- Definition of surveillance terms
- Real estate and landscape photography

11:16 a.m. Representative Dawson Holle, District 31, testified in favor, introduced the bill and submitted testimony #43176.

11:21 a.m. Jade Koski, ND Stockmen's Association, testified in favor.

11:23 a.m. Pete Hanebutt, ND Farm Bureau, testified in favor.

11:26 a.m. Clint Fleckenstein, photography hobbyist and freelancer, testified in opposition.

11:35 a.m. Lisa Feldner, North Dakota Association of Realtors and North Dakota Association of Builders, testified in opposition.

### Additional written testimony:

Jill Beck, CEO, ND Realtors, submitted testimony #43205 in opposition.

Brittney Roehrich, CEO, ND Association of Builders, submitted testimony #43177 in opposition.

Ben Kappel, Relator from Mandan ND, submitted testimony #43290 in opposition.

11:38 a.m. Vice-Chair Myrdal closed the hearing.

*Audrey Oswald, Committee Clerk*



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Dawson Holle

District 31  
2185 54th Street  
Mandan, ND 58554-8731

H: 701-445-7369

C: 701-214-9506

[dholle@ndlegis.gov](mailto:dholle@ndlegis.gov)

## COMMITTEES:

Human Services  
Political Subdivisions

3/20/2025

## Good morning, Chairman Luick and members of the Senate Agriculture Committee.

For the record, my name is **Dawson Holle**, and I am honored to serve the great people of **District 31**. Today, I come before you to introduce **House Bill 1429**, a piece of legislation aimed at regulating the **surveillance and harassment of robots**.

Technology is advancing rapidly, and as it does, our laws must evolve to ensure that **new innovations are used responsibly and ethically**. Originally, this bill focused on **regulating drones**, addressing growing concerns over **privacy violations, unauthorized surveillance, and disruptions to private property**. However, through discussions and refinements, it has transformed into a **broader protection against the misuse of robotic technology**, focusing specifically on **how individuals interact with these machines** rather than simply restricting their operation.

At its core, **HB 1429 establishes clear boundaries regarding the use of robots for surveillance purposes**. This bill **prohibits individuals from using robots to conduct unauthorized surveillance**, ensuring that **people's privacy is protected from intrusive or unethical monitoring**. However, this regulation **does not apply to law enforcement or to individuals who have obtained consent from the property owner** for purposes such as photography. This exemption is crucial because it **allows beneficial uses of robotic technology to continue while still preventing potential abuses**.

In addition to addressing **privacy concerns**, **HB 1429 includes a critical provision that protects livestock and wildlife from harassment by robotic devices**. As

agriculture becomes increasingly integrated with technology, we must ensure that **robotic advancements do not come at the expense of animal welfare**. Whether it be **autonomous drones disturbing a herd of cattle** or **unmanned vehicles interfering with wildlife**, this bill sets **necessary guidelines to prevent unnecessary stress and harm to animals** while still allowing for the **responsible use of robotics in agricultural operations**.

To illustrate the importance of this bill, let's consider a **realistic scenario**: Imagine a **dairy farm** in North Dakota. One day, a drone pilot—without the farm owner's permission—decides to fly a drone over the property, assuming it won't cause harm. However, as the pilot navigates the drone, **the unpredictable North Dakota wind causes them to lose control**. The drone suddenly **dives and crashes into a dairy pen**, striking a cow. The impact **severely injures the animal**, slicing it open. Now, the **farmer must cover costly veterinary bills**, and the **drone operator must trespass onto the property** to retrieve their device.

Unfortunately, this is **not just a hypothetical scenario**. A similar incident has actually occurred, involving **an animal rights activist who flew a drone over a dairy farm**. Their intent was **not to provide informative content, but to portray the farm negatively** in hopes of shutting it down. This growing concern among **animal agriculture operations** is something I've heard directly from **farmers across North Dakota**.

Additionally, **drones create a loud buzzing noise that can startle livestock**, particularly **cattle**, which are naturally skittish. This can lead to **panicked animals breaking through fences, slipping, and injuring themselves—potentially even breaking a leg**. These are **real risks that farmers face**, and **HB 1429** is a **necessary step to prevent such incidents from happening in the future**.

By passing this legislation, North Dakota would be **taking a proactive step toward safeguarding privacy, protecting agricultural interests, and ensuring that robotic technology is used responsibly and ethically**. As we continue to integrate **automation and robotics** into our daily lives, it is essential that we implement **common-sense regulations to prevent potential abuses before they become widespread issues**.

I appreciate the committee's time and consideration of this bill. **I look forward to answering any questions you may have and working together to ensure that we find the best path forward for North Dakota's technological and agricultural future**.

**Thank you.**

# North Dakota Association of Builders

*The North Dakota Association of Builders represents the professional building industry through legislation, information and education.*



**March 20, 2025**

## **Testimony in Opposition of HB 1429**

Senate Agriculture and Veterans Affairs

Chairman Larry Luick

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

My name is Brittney Roehrich and I'm the Chief Executive Officer for the North Dakota Association of Builders (NDAB). NDAB represents the professional building industry through legislation, information and education with 1,400 members statewide. We are also chartered with the National Association of Home Builders (NAHB). On behalf of NDAB, I submit this testimony to **oppose or amend** House Bill 1429.

Many of our members also sell real estate and rely on drone footage to take presentable photographs of these properties to give the potential buyers the best view of what they may want to purchase. Restricting access to deliver these photos would be a detriment to the real estate and building industry. It is often necessary to fly over adjacent properties to capture a full view of a parcel. Having to obtain permission from landowners of adjacent properties is problematic. Often rural properties are owned by out of state landowners who are not easily accessible.

The problem could easily be solved by **deleting** the phrase, "**with the individual's consent**" on page 2, lines 5 & 6.

In conclusion, the North Dakota Association of Builders urges the committee to **amend** House Bill 1429.

Thank you for your consideration, and we look forward to working together to build a stronger, more resilient housing market for North Dakota.

Respectfully submitted,

Brittney Roehrich, *Chief Executive Officer*

**North Dakota Association of Builders**

[brittney@ndbuild.com](mailto:brittney@ndbuild.com)



To advocate for the success of our members in partnership with our local Associations and the National Association of REALTORS®

March 20, 2025

**Testimony in Opposition of HB 1429**

Chairman Luick  
Senate Ag and Veterans Affairs  
North Dakota Senate  
600 East Boulevard Avenue  
Bismarck, ND 58505

Chairman Luick and Members of the Senate Ag and Veteran's Affairs Committee, for the record my name is Jill Beck and I am the CEO representing the North Dakota Association of REALTORS® (NDAR).

The North Dakota Association of REALTORS® membership is made up of more than 2,200 REALTORS® and more than 250 Business Partner members.

We are opposed to HB 1429 in its current form as drone photography is a big component in our industry. While protecting private property rights is part of our mission this bill causes us some concern. It would restrict the use of drones over homesteads, secure farmsteads, and ag operations. We are also unsure of the definition of secure farmsteads.

Drone photography is a tool in marketing for our REALTOR members and this bill would basically eliminate the use of it for this purpose. Gaining adjacent property owners permission for rural properties could be time consuming, especially with out of state homeowners or those not living on the property.

While we are opposed to this bill we would suggest that if the language on page 2, lines 5 & 6 "with the individual's consent" could be removed it would be more palatable.

We urge a DO NOT PASS on House Bill 1496.

My contact info is below if you have any further questions.

**Jill Beck, CEO**  
**North Dakota Association of REALTORS®**  
[Jill@ndrealtors.com](mailto:Jill@ndrealtors.com)  
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**Opposition Testimony – HB 1429**

My name is Ben Kappel, and I am a Realtor from Mandan, ND. I respectfully ask for the removal of page 2, lines 5 and 6 from HB 1429, or just a do not pass.

Real estate professionals regularly use drones to market rural properties, which often requires flying over adjacent land. This bill, as written, could lead to unnecessary conflicts with neighboring landowners who may be unaware of legal exemptions or find them too vague. The last thing we need is arguments on the side of a country road over drone use that is already standard practice.

Additionally, obtaining permission from adjacent landowners is often time-consuming or even impossible, especially in rural areas where land is owned by out-of-state individuals, trusts, or multiple families. Without clear, practical guidelines, this bill could severely limit the ability to market rural properties effectively.

It's also important to note that there are already multiple laws protecting ranchers from harassment of their livestock, including ND Century Code § 12.1-21.1-02, § 12.1-22-03, and § 36-21.1. If an incident of livestock harassment by drones were to occur, ranchers already have strong legal protections under existing laws. This bill unnecessarily duplicates those protections while creating new burdens on lawful drone use.

Thanks for you time.

Ben Kappel  
Realtor, Mandan, ND

# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1429

3/27/2025

A bill relating to surveillance and animal harassment with a robot; and to provide a penalty.

11:32 a.m. Chairman Luick opened the hearing.

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

### Discussion Topics:

- Private property rights
- Intimidating livestock
- Harassment code
- Offensive conduct
- Mental anguish language strikes

11:37 a.m. Senator Myrdal moved to adopt Amendment LC# 25.0908.02001, testimony #44470, and striking "and causes mental anguish".

11:37 a.m. Senator Lemm 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.

11:39 a.m. Senator Myrdal moved to reconsider.

11:39 a.m. Senator Lemm seconded the motion.

11:39 a.m. Voice Vote to Reconsider - Motion passed.

11:39 a.m. Senator Myrdal moved to adopt Amendment LC# 25.0908.02002.

11:40 a.m. Senator Lemm 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 Lemm will carry the bill.

11:42 a.m. Chairman Luick closed the hearing.

*Audrey Oswald, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

VC 3/27/25  
1 of 5

**ENGROSSED HOUSE BILL NO. 1429**

Introduced by

Representatives Holle, Dobervich, Headland, Henderson, Koppelman, Tveit, Brandenburg  
Senators Lemm, Magrum

1 A BILL ~~for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century~~  
2 ~~Code, relating to surveillance and animal harassment with a robot; and to provide a penalty for~~  
3 ~~an Act to amend and reenact sections 12.1-17-07 and 12.1-17-07.1 of the North Dakota~~  
4 ~~Century Code, relating to harassment and stalking with a robot; and to provide a penalty.~~

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

6 ~~— **SECTION 1.** A new chapter to title 12.1 of the North Dakota Century Code is created and~~  
7 ~~enacted as follows:~~

8 ~~— **Definitions.**~~

9 ~~— As used in this chapter:~~

10 ~~— 1. "Harass" means engaging in behavior that annoys, threatens, or intimidates an animal,~~  
11 ~~causing a change in behavior due to stress or perceived harm.~~

12 ~~— 2. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk,~~  
13 ~~fur animals raised for their pelts, and any other animals that are raised, fed, or~~  
14 ~~produced as a part of farming or ranching activities.~~

15 ~~— 3. "Robot" means an artificial object or system that senses, processes, and acts using~~  
16 ~~technology, including the associated elements, communication links, and artificial~~  
17 ~~intelligence. The term includes remotely piloted aircraft.~~

18 ~~— **Surveillance by robot – Penalty.**~~

19 ~~— 1. An individual may not use a robot to:~~

- 1 ~~a. Conduct surveillance of another individual, a residence occupied by another~~  
2 ~~individual, or any private real property, whether owned or rented.~~  
3 ~~b. Photograph another individual under circumstances in which that individual has a~~  
4 ~~reasonable expectation of privacy.~~  
5 ~~2. This section does not apply to:~~  
6 ~~a. Law enforcement activity in accordance with chapter 29-29.4.~~  
7 ~~b. Surveillance conducted in accordance with the exceptions under section~~  
8 ~~29-29.4-04.~~  
9 ~~c. An individual conducting surveillance or photographing another individual or~~  
10 ~~another individual's real property, whether owned or rented, with that individual's~~  
11 ~~consent.~~  
12 ~~d. An individual photographing an event open to the public.~~  
13 ~~3. An individual who violates this section is guilty of a class A misdemeanor.~~  
14 ~~**Harassment by robot - Livestock and wildlife - Penalty.**~~  
15 ~~1. An individual may not intentionally or recklessly harass livestock with a robot. An~~  
16 ~~individual who violates this subsection is guilty of a class B misdemeanor.~~  
17 ~~2. An individual who harasses livestock with a robot, causing physical injury or death to~~  
18 ~~livestock, is guilty of a class A misdemeanor.~~  
19 ~~3. An individual may not intentionally harass wildlife with a robot. An individual who~~  
20 ~~violates this subsection is guilty of a class B misdemeanor.~~

21 **SECTION 1. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **12.1-17-07. Harassment.**

- 24 1. As used in this section "robot" means an artificial object or system that senses,  
25 processes, and acts using technology, including the associated elements,  
26 communication links, and artificial intelligence. The term includes remotely piloted  
27 aircraft.  
28 2. A person is guilty of an offense if, with intent to frighten or harass another, the person:  
29 a. Communicates in writing or by electronic communication a threat to inflict injury  
30 on any person, to any person's reputation, or to any property;  
31 b. Makes a telephone call anonymously or in offensively coarse language;

- c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; ~~or~~
- d. Communicates a falsehood in writing or by electronic communication and causes mental anguish; or
- e. Uses a robot to engage in offensive conduct with no legitimate purpose.

~~2-3.~~ The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.

~~3-4.~~ Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.

~~4-5.~~ A person is guilty of an offense if the person initiates communication with a 911 emergency line, public safety answering point, or an emergency responder communication system with the intent to annoy or harass another person or a public safety agency or who makes a false report to a public safety agency.

a. Intent to annoy or harass is established by proof of one or more calls with no legitimate emergency purpose.

b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred by any unnecessary emergency response.

~~5-6.~~ Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

**SECTION 2. AMENDMENT.** Section 12.1-17-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-17-07.1. Stalking.**

1. As used in this section:

- a. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term includes an act conducted with a

- 1 robot in the direct control of the person. The term does not include constitutionally  
2 protected activity.
- 3 b. "Immediate family" means a spouse, parent, child, or sibling. The term also  
4 includes any other individual who regularly resides in the household or who within  
5 the prior six months regularly resided in the household.
- 6 c. "Robot" means an artificial object or system that senses, processes, and acts  
7 using technology, including the associated elements, communication links, and  
8 artificial intelligence. The term includes remotely piloted aircraft.
- 9 d. "Stalk" means:
- 10 (1) To engage in an intentional course of conduct directed at a specific person  
11 which frightens, intimidates, or harasses that person and which serves no  
12 legitimate purpose. The course of conduct may be directed toward that  
13 person or a member of that person's immediate family and must cause a  
14 reasonable person to experience fear, intimidation, or harassment; or
- 15 (2) The unauthorized tracking of the person's movements or location through  
16 the use of a global positioning system, robot, or other electronic means that  
17 would cause a reasonable person to be frightened, intimidated, or harassed  
18 and which serves no legitimate purpose.
- 19 2. A person may not intentionally stalk another person.
- 20 3. In any prosecution under this section, it is not a defense that the actor was not given  
21 actual notice that the person did not want the actor to contact or follow the person; nor  
22 is it a defense that the actor did not intend to frighten, intimidate, or harass the person.  
23 An attempt to contact or follow a person after being given actual notice that the person  
24 does not want to be contacted or followed is prima facie evidence that the actor  
25 intends to stalk that person.
- 26 4. In any prosecution under this section, it is a defense that a private investigator  
27 licensed under chapter 43-30 or a peace officer licensed under chapter 12-63 was  
28 acting within the scope of employment.
- 29 5. If a person claims to have been engaged in a constitutionally protected activity, the  
30 court shall determine the validity of the claim as a matter of law and, if found valid,  
31 shall exclude evidence of the activity.

- 1       6.   a.   A person who violates this section is guilty of a class C felony if:
- 2               (1)   The person previously has been convicted of violating section 12.1-17-01,
- 3               12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or
- 4               12.1-17-07, or a similar offense from another court in North Dakota, a court
- 5               of record in the United States, or a tribal court, involving the victim of the
- 6               stalking;
- 7               (2)   The stalking violates a court order issued under chapter 14-07.1 protecting
- 8               the victim of the stalking, if the person had notice of the court order; or
- 9               (3)   The person previously has been convicted of violating this section.
- 10       b.   If subdivision a does not apply, a person who violates this section is guilty of a
- 11       class A misdemeanor.

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1429**

**Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS** ([25.0908.02002](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1429 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0908.02001  
Title.

Prepared by the Legislative Council  
staff for Senator Myrdal  
March 26, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED HOUSE BILL NO. 1429

Introduced by

Representatives Holle, Dobervich, Headland, Henderson, Koppelman, Tveit, Brandenburg

Senators Lemm, Magrum

1 A BILL ~~for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century~~  
2 ~~Code, relating to surveillance and animal harassment with a robot; and to provide a penalty for~~  
3 ~~an Act to amend and reenact sections 12.1-17-07 and 12.1-17-07.1 of the North Dakota~~  
4 ~~Century Code, relating to harassment and stalking with a robot; and to provide a penalty.~~

#### 5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. A new chapter to title 12.1 of the North Dakota Century Code is created and~~  
7 ~~enacted as follows:~~

#### 8 ~~Definitions:~~

9 ~~As used in this chapter:~~

10 ~~1. "Harass" means engaging in behavior that annoys, threatens, or intimidates an animal,~~  
11 ~~causing a change in behavior due to stress or perceived harm.~~

12 ~~2. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk,~~  
13 ~~fur animals raised for their pelts, and any other animals that are raised, fed, or~~  
14 ~~produced as a part of farming or ranching activities.~~

15 ~~3. "Robot" means an artificial object or system that senses, processes, and acts using~~  
16 ~~technology, including the associated elements, communication links, and artificial~~  
17 ~~intelligence. The term includes remotely piloted aircraft.~~

#### 18 ~~Surveillance by robot - Penalty:~~

19 ~~1. An individual may not use a robot to:~~

- 1 ~~a. Conduct surveillance of another individual, a residence occupied by another~~
- 2 ~~individual, or any private real property, whether owned or rented.~~
- 3 ~~b. Photograph another individual under circumstances in which that individual has a~~
- 4 ~~reasonable expectation of privacy.~~
- 5 ~~2. This section does not apply to:~~
- 6 ~~a. Law enforcement activity in accordance with chapter 29-29.4.~~
- 7 ~~b. Surveillance conducted in accordance with the exceptions under section~~
- 8 ~~29-29.4-04.~~
- 9 ~~c. An individual conducting surveillance or photographing another individual or~~
- 10 ~~another individual's real property, whether owned or rented, with that individual's~~
- 11 ~~consent.~~
- 12 ~~d. An individual photographing an event open to the public.~~
- 13 ~~3. An individual who violates this section is guilty of a class A misdemeanor.~~
- 14 ~~Harassment by robot - Livestock and wildlife - Penalty.~~
- 15 ~~1. An individual may not intentionally or recklessly harass livestock with a robot. An~~
- 16 ~~individual who violates this subsection is guilty of a class B misdemeanor.~~
- 17 ~~2. An individual who harasses livestock with a robot, causing physical injury or death to~~
- 18 ~~livestock, is guilty of a class A misdemeanor.~~
- 19 ~~3. An individual may not intentionally harass wildlife with a robot. An individual who~~
- 20 ~~violates this subsection is guilty of a class B misdemeanor.~~

21 **SECTION 1. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **12.1-17-07. Harassment.**

- 24 1. As used in this section "robot" means an artificial object or system that senses,  
25 processes, and acts using technology, including the associated elements,  
26 communication links, and artificial intelligence. The term includes remotely piloted  
27 aircraft.
- 28 2. A person is guilty of an offense if, with intent to frighten or harass another, the person:
  - 29 a. Communicates in writing or by electronic communication a threat to inflict injury
  - 30 on any person, to any person's reputation, or to any property;
  - 31 b. Makes a telephone call anonymously or in offensively coarse language;

- 1 c. Makes repeated telephone calls or other electronic communication, whether or  
2 not a conversation ensues, with no purpose of legitimate communication; ~~or~~  
3 d. Communicates a falsehood in writing or by electronic communication and causes  
4 mental anguish; or  
5 e. Uses a robot to engage in offensive conduct with no legitimate purpose and  
6 causes mental anguish.

7 2.3. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or  
8 subsection 4. Otherwise it is a class B misdemeanor.

9 3.4. Any offense defined herein and committed by use of electronic communication may be  
10 deemed to have been committed at either the place at which the electronic  
11 communication was made or at the place where the electronic communication was  
12 received.

13 4.5. A person is guilty of an offense if the person initiates communication with a  
14 911 emergency line, public safety answering point, or an emergency responder  
15 communication system with the intent to annoy or harass another person or a public  
16 safety agency or who makes a false report to a public safety agency.

17 a. Intent to annoy or harass is established by proof of one or more calls with no  
18 legitimate emergency purpose.

19 b. Upon conviction of a violation of this subsection, a person is also liable for all  
20 costs incurred by any unnecessary emergency response.

21 5.6. Any offense defined herein is deemed communicated in writing if it is transmitted  
22 electronically, by electronic mail, facsimile, or other similar means. Electronic  
23 communication means transfer of signs, signals, writing, images, sounds, data, or  
24 intelligence of any nature transmitted in whole or in part by a wire, radio,  
25 electromagnetic, photo-electronic, or photo-optical system.

26 **SECTION 2. AMENDMENT.** Section 12.1-17-07.1 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **12.1-17-07.1. Stalking.**

29 1. As used in this section:

- 30 a. "Course of conduct" means a pattern of conduct consisting of two or more acts  
31 evidencing a continuity of purpose. The term includes an act conducted with a

- 1        robot in the direct control of the person The term does not include constitutionally  
2        protected activity.
- 3        b. "Immediate family" means a spouse, parent, child, or sibling. The term also  
4        includes any other individual who regularly resides in the household or who within  
5        the prior six months regularly resided in the household.
- 6        c. "Robot" means an artificial object or system that senses, processes, and acts  
7        using technology, including the associated elements, communication links, and  
8        artificial intelligence. The term includes remotely piloted aircraft.
- 9        d. "Stalk" means:
- 10        (1) To engage in an intentional course of conduct directed at a specific person  
11        which frightens, intimidates, or harasses that person and which serves no  
12        legitimate purpose. The course of conduct may be directed toward that  
13        person or a member of that person's immediate family and must cause a  
14        reasonable person to experience fear, intimidation, or harassment; or
- 15        (2) The unauthorized tracking of the person's movements or location through  
16        the use of a global positioning system, robot, or other electronic means that  
17        would cause a reasonable person to be frightened, intimidated, or harassed  
18        and which serves no legitimate purpose.
- 19        2. A person may not intentionally stalk another person.
- 20        3. In any prosecution under this section, it is not a defense that the actor was not given  
21        actual notice that the person did not want the actor to contact or follow the person; nor  
22        is it a defense that the actor did not intend to frighten, intimidate, or harass the person.  
23        An attempt to contact or follow a person after being given actual notice that the person  
24        does not want to be contacted or followed is prima facie evidence that the actor  
25        intends to stalk that person.
- 26        4. In any prosecution under this section, it is a defense that a private investigator  
27        licensed under chapter 43-30 or a peace officer licensed under chapter 12-63 was  
28        acting within the scope of employment.
- 29        5. If a person claims to have been engaged in a constitutionally protected activity, the  
30        court shall determine the validity of the claim as a matter of law and, if found valid,  
31        shall exclude evidence of the activity.

- 1       6.   a.   A person who violates this section is guilty of a class C felony if:
  - 2               (1)   The person previously has been convicted of violating section 12.1-17-01,
  - 3                       12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or
  - 4                       12.1-17-07, or a similar offense from another court in North Dakota, a court
  - 5                       of record in the United States, or a tribal court, involving the victim of the
  - 6                       stalking;
  - 7               (2)   The stalking violates a court order issued under chapter 14-07.1 protecting
  - 8                       the victim of the stalking, if the person had notice of the court order; or
  - 9               (3)   The person previously has been convicted of violating this section.
- 10       b.   If subdivision a does not apply, a person who violates this section is guilty of a
- 11               class A misdemeanor.