

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.~~

1 ~~Exceptions – Intrusion and surveillance.~~

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

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

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

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

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

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

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

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

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

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

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

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

20 2. This section does not apply to:

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

22 b. Surveillance conducted in accordance with the exceptions under section
23 29-29.4-04.

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

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

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

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

29 1. For purposes of this section:

30 a. "Harass" means engaging in behavior that annoys, threatens, or intimidates an
31 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.