

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.~~

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 **Definitions.**

15 As used in this chapter:

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

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

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

24 **Surveillance by robot - Penalty.**

25 1. An individual may not use a robot to:

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

28 b. Photograph another individual under circumstances in which that individual has a
29 reasonable expectation of privacy.

30 2. This section does not apply to:

31 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.