

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.

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

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

7 **Definitions.**

8 As used in this chapter:

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

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

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

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

18 a. Production of timber or forest products; or

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

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

1 **Intrusion by remotely piloted aircraft.**

- 2 1. An individual commits intrusion by use of a remotely piloted aircraft if the individual
3 knowingly controls the flight of a remotely piloted aircraft:
- 4 a. Over a homestead, if the homestead is not owned or leased by the individual and
5 the remotely piloted aircraft remains over the homestead.
- 6 b. Over a secure farmstead area if the secure farm area is not owned or leased by
7 the individual and the remotely piloted aircraft remains over the secure farmstead
8 area.
- 9 c. Over a secure animal feeding, farming, ranching, or livestock operation area, if
10 the operation is not owned or leased by the individual and the remotely piloted
11 aircraft remains over the secure operation area.
- 12 2. An individual who violates this section is guilty of a class B misdemeanor. A second or
13 subsequent offense under this section is a class A misdemeanor.

14 **Surveillance by remotely piloted aircraft.**

- 15 1. An individual commits surveillance use of a remotely piloted aircraft if the individual
16 knowingly controls the flight of a remotely piloted aircraft equipped with a surveillance
17 device:
- 18 a. Over a homestead, if the homestead is not owned or leased by the individual and
19 the remotely piloted aircraft remains over the homestead.
- 20 b. Over a secure farmstead area, if the secure farmstead area is not owned or
21 leased by the individual and the remotely piloted aircraft remains over the secure
22 farmstead area.
- 23 c. Over a secure animal feeding operation, or a secure farming, ranching, or
24 livestock operation area, if the operation is not owned or leased by the individual
25 and the remotely piloted aircraft remains over the secure operation area.
- 26 2. An individual who violates this section is guilty of a class A misdemeanor.

27 **Exceptions - Intrusion and surveillance.**

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

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

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- 1 2. For a reasonable commercial or agricultural purpose in compliance with federal
- 2 aviation administration regulations, authorizations, or exemptions.
- 3 3. For the purpose of collecting weather or climate information.
- 4 4. Over four hundred feet from the earth's surface.
- 5 5. On behalf of any state, political subdivision, or federal government entity with authority
- 6 established under state or federal law.
- 7 6. On behalf of a public utility as defined under section 49-01-01.