

# USE OF UNMANNED AIRCRAFT

## Policy EC-11

### PURPOSE

The purpose of this policy is to establish standards of conduct and use of unmanned aircraft on the state capitol complex and grounds to maintain its beauty and historical nature consistent with SDCL Ch. 5-15, protect state property and create a safe environment for state employees, elected officials, and the general public. Because of this, the state capitol grounds and complex are closed to launching, landing, or operating unmanned aircraft, subject to the conditions and exceptions described below.

### POLICY REQUIREMENTS

- A. **Definitions.** As used in this policy, unmanned aircraft means a drone or other powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely, used for governmental, private, recreational/hobby, or commercial purposes or activities.
- B. **Use Prohibited.** Launching, landing, or operating an unmanned aircraft from or on lands and waters within the boundaries of the state capitol complex and grounds is prohibited except for the exclusions listed herein. No unmanned aircraft may be operated in the interior of buildings.
- C. **Exclusions.** The prohibition on launching, landing, or operating unmanned aircraft on the state capitol complex and grounds does not apply to:
1. Law enforcement and fire response operations;
  2. Other operations designed to support responses to health and human safety emergencies such as search and rescue, health and environmental incidents;
  3. National defense activities;
  4. Activities necessary for the care and custody of the state capitol complex and grounds; or
  5. Other permitted activities when those activities follow the guidelines and requirements of the Federal Aviation Administration and have prior written approval by the Bureau of Administration obtained through the Unmanned Aircraft Use Application and Permit.
- D. **Requirements For Obtaining Advance Approval.**
1. Use of unmanned aircraft must be approved in advance and in writing by the Bureau of Administration by completing the Unmanned Aircraft Use Permit.
  2. When considering approval, the Bureau of Administration will consider the criteria for the exception and whether the activity will:
    - a. Present a clear and present danger to public health and safety;
    - b. Cause injury or damage to state resources;

- c. Be contrary to the purposes for which the state capitol complex and grounds were established, or unacceptably impact the atmosphere of peace and tranquility maintained in natural, historic, or commemorative locations within the state capitol complex and grounds;
  - d. Unreasonably interfere with the Capitol, Governor’s Mansion, Visitor’s Center, and other state office building activities or programs of the State of South Dakota;
  - e. Substantially impair the operations of governmental activities or use of the capitol complex or grounds;
  - f. Result in significant conflict with other existing uses; or
  - g. Supports state commerce.
3. The Bureau of Administration may condition any approval with appropriate time, place, and manner restrictions, and reserves the discretion to approve or deny a request for any reason, including reasons not listed above. The Bureau of Administration or Capitol Protective Services may revoke the approval at any time or terminate the operation of the unmanned aircraft.
  4. Applicable state regulations and the requirements put in place by the Federal Aviation Administration on the use or operation of unmanned aircraft in the national airspace system must be followed. Nothing in this rule is intended to modify any requirement put in place by the Federal Aviation Administration. An approval issued by the Bureau of Administration does not exempt the operator from obtaining the appropriate authorization from the Federal Aviation Administration and following the Federal Aviation Administration and state regulations and requirements.
  5. The State of South Dakota may coordinate with the Federal Aviation Administration regarding the use of unmanned aircraft on the state capitol complex and grounds as may be required.

<i>Scott W. Bollinger. (original signature on file)</i>	1/19/2018
Scott W. Bollinger, Commissioner	Date

**POLICY INDEX**

**Scope:** Capitol Complex  
**Effective Date:** January 2018  
**Office of Primary Responsibility:** Bureau of Administration

**REVISION LOG**