**Unmanned Aircraft Systems Legislative Task Force**

**October 24, 2013 Meeting at Anchorage LIO Room 220**

**Task Force Members:**

* Representative Shelley Hughes, Co-Chair
* Senator Donny Olson, Co-Chair
* Ginger Blaisdell, Staff to Rep. Hughes
* David Scott, Staff to Senator Donny Olson
* McHugh Pierre, Department of Military and Veterans’ Affairs
* Greg Walker, University of Alaska Fairbanks
* Ro Bailey, University of Alaska Fairbanks
* Lieutenant Steve Adams, Commissioner Designee, Department of Public Safety
* Steve Strait, Aviation Advisory Board, Governor’s Office and DOT/PF
* Steve Colligan, Representative Member for the Academy of Model Aeronautics

Guest Attendee:

* Jay Skaggs, FAA
* Harry Kieling, Dept of InterioR

**A G E N D A**

**8:30am** Welcome and Introductions Representative Shelley Hughes

**Task Force responsibilities per HCR6**

The duties of the task force shall include (1) reviewing regulations and guidance from the Federal Aviation Administration regarding unmanned aircraft systems; (2) providing written recommendations, together with suggested legislation, for a comprehensive state policy for unmanned aircraft that protects privacy and allows the use of unmanned aircraft systems for public and private applications; and (3) submitting, not later than January 15, 2014, an initial report to the legislature and, not later than July 1, 2014, submitting a final report to the legislature.

**Brief Remarks About October 23rd Testimony**

* **General Theme of Remarks**
* **Lessons Learned by Testifiers**
* **Continue to accept public testimony in writing**

**8:35am List of Documents Provided Ginger Blaisdell, staff**

1. **FAA Guidelines document N8900**
2. **Legal Services Memo**: Alaska Laws Protecting Privacy
3. **Observations from Above**: Unmanned Aircraft Systems and Privacy
4. **Alaska Law Review**, June 1995
5. **Aerospace States Association**: UAS Privacy Considerations and correspondence from ACLU, AK Department of Law, Airborne Law Enforcement Association, International Association of Chiefs of Police Aviation Committee, American Legislative Exchange Council, AUVSI, Electric Frontier Foundation, Electronic Privacy Information Center, Douglas Marshall, NACDL, and a sample bill.
6. **International Association of Chiefs of Police Aviation Committee**
7. **Academy of Model Aeronautics Policy**
8. **State of Texas Privacy Act**
9. **Homeland Security:** Privacy Impact Assessment for the Aircraft Systems

**8:40am-10:00am Overview of FAA Guidelines Greg Walker and Ro Bailey, UAF**

US DOT, FAA N8900.207

Unmanned Aircraft Systems (UAS) Operational Approval

**10:00am-10:30am Law Enforcement Review Lt Steve Adams, AK State Troopers**

International Association of Chiefs of Police Aviation Committee

Recommendations from experience in Alaska

As we go through these documents and listen to presentations, the task force may want to consider the legislative approach to the following topics:

**Report/Bill**

* Does the Task Force want to introduce a report separate from the introduction of a bill as requested in HCR6?
* What does the task force want in a report to the legislature?
* What kind of supporting documentation should be provided with the bill?

Legal Services Memo: Page 2

“The Court might find the use of a technology that exceeds human observational capacity the sort of intrusion that constitutes a search requiring a warrant or an accepted exception.”

State of Texas Privacy Act: Page 1

***What exceptions may need to be considered in legislation? Should the legislation prohibit uses and allow exceptions – OR – allow everything and specify prohibited uses?***

Legal Services Memo: Page 4 and 5

“If the data is gathered by a government agency, it is a public record. However, AS 40.25.120 provides certain protections for private information.” Inadvertent capture of evidence of illegal activity: “Use of inadvertently captured information in a criminal prosecution may depend on who captures the information, and whether the person whose actions have been captured has a reasonable expectation of privacy.”

***Under what circumstances would a court grant a search warrant to follow up on information inadvertently obtained, but not in “plain view?”***

Observations from Above: Page 487-488

As technology continues to advance beyond ‘normal’ application of current laws, drafting new laws must adopt a balanced approach that recognizes the inherent difficulty in predicting the future.

***How should Alaska law address law enforcement activities that might be considered ‘uncommon practice’ or ‘routine’ in reference to advanced technological capabilities? (such as thermal imaging)***

Observations from Above: Page 495

“… But future (technological) developments will make long-term surveillance with UAS possible.”

***Should duration of flight hours be a consideration for exemptions of warrantless observations and intelligence collection or general flight use for any purpose?***

Observations from Above: Page 503

“… in common law, a plaintiff generally must establish, at a minimum, that the intrusion was intentional and that it would be highly offensive to a reasonable person.”

***Do we need to consider a definition for “highly offensive to a reasonable person?”***

Observations from Above: Page 508

Voluntary approaches of self-managed rules of UAS.

***Do we want to adopt specific guidelines from the International Association of Chiefs of Police, AUVSI, Academy of Model Aeronautics, etc.? What if these guidelines make changes that are in conflict with Alaska Constitution or Alaska Law?***

Observations from Above: Page 511

Suggestions for legislation:

* Consider the role that could be played by unintentionally captured images
* Legislation that would include a blanket prohibition on government use of private UAS data in criminal investigations would also be ill advised, as well as inconsistent with what routinely occurs in noninvasive settings.
* Any new legislation should recognize that images of public spaces from UAS will sometimes also include images of private spaces (nearby homes).
* State statute and scope of Federal Preemption: does not prevent state from passing any laws relating to how aircraft are flown.
* A state does not have the authority to enact UAS privacy laws that would decrease the safety of flight operations.

**Miscellaneous comments from the public for the task force to consider:**

1. Certification of Aircraft – who would certify, license, fee associated, “FAA is short on inspectors”
2. UAS pilot’s license with differing levels of certification (hobbyist – commercial pilot plus UAS training hours)
3. Education provisions to train UAS Pilots
4. Specialized (high visibility) marking of UAS or lighting so that other aircraft can spot them
5. Insurance needs for private UAS operators
6. Who is responsible in educating the public
7. Disclaimer or disclosure for hobbyists when they purchase UAS
8. How to market Alaska as “Open for Business” for UAS operations
9. Public reporting requirements of UAS missions
10. Audits of UAS operators

**1:30pm – 4:30pm Public Testimony**

Calls limited to 3 minutes each

**4:30pm Wrap Up Representative Hughes**

Ginger will summarize the documents discussed at this meeting and request a bill draft for our next meeting.

**Task Force Timeline and Next Meeting Date/Time**

**Adjournment**