

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 4, 2014  
8:08 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Lynn Gattis  
Representative Shelley Hughes  
Representative Doug Isaacson  
Representative Charisse Millett  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 23  
Proclaiming March 27, 2014, as Good Friday Earthquake  
Remembrance Day.

- MOVED HJR 23 OUT OF COMMITTEE

HOUSE BILL NO. 255  
"An Act relating to unmanned aircraft systems; and relating to  
images captured by an unmanned aircraft system."

- MOVED CSHB 255(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 18  
Proposing amendments to the Constitution of the State of Alaska  
relating to the office of attorney general.

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 23  
SHORT TITLE: GOOD FRIDAY EARTHQUAKE REMEMBRANCE DAY  
SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/21/14	(H)	READ THE FIRST TIME - REFERRALS
01/21/14	(H)	STA

01/28/14 (H) STA AT 8:00 AM CAPITOL 106  
01/28/14 (H) Moved CSHJR 23(STA) Out of Committee  
01/28/14 (H) MINUTE(STA)  
02/04/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 255

SHORT TITLE: UNMANNED AIRCRAFT SYSTEMS

SPONSOR(S): REPRESENTATIVE(S) HUGHES, HIGGINS, THOMPSON, PRUITT

01/21/14 (H) PREFILE RELEASED 1/17/14  
01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) STA, JUD  
01/28/14 (H) STA AT 8:00 AM CAPITOL 106  
01/28/14 (H) Heard & Held  
01/28/14 (H) MINUTE(STA)  
02/04/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 18

SHORT TITLE: CONST. AM: ELECTED ATTORNEY GENERAL

SPONSOR(S): REPRESENTATIVE(S) STOLTZE

01/21/14 (H) PREFILE RELEASED 1/10/14  
01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) STA, JUD, FIN  
02/04/14 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

GINGER BLAISDELL, Staff  
Representative Shirley Hughes  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 255 on behalf of  
Representative Hughes, sponsor.

MIKE COONS  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 255.

RO BAILEY  
Alaska Center for Unmanned Aircraft Systems Integration;  
Director  
Federal Aviation Administration (FAA) Test Site  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 255.

LUKE HOPKINS, Mayor

Fairbanks North Star Borough (FNSB)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 255.

STEVE COLLIGAN, Member  
Legislative Task Force on Unmanned Aircraft Systems  
Wasilla, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 255.

RODNEY DIAL, Lieutenant  
Division of Alaska State Troopers  
Department of Public Safety (DPS)  
Ketchikan, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 255.

REPRESENTATIVE BILL STOLTZE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor, presented HJR 18.

#### **ACTION NARRATIVE**

[8:08:01 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Keller, Isaacson, Gattis, Millett, Hughes, Kreiss-Tomkins, and Lynn were present at the call to order.

#### **HJR 23-GOOD FRIDAY EARTHQUAKE REMEMBRANCE DAY**

[8:08:51 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE JOINT RESOLUTION NO. 23, Proclaiming March 27, 2014, as Good Friday Earthquake Remembrance Day.

[8:09:12 AM](#)

REPRESENTATIVE KELLER, at the request of the chair, explained that at its previous committee meeting, the House State Affairs Standing Committee had adopted Amendment 1 to HJR 23 to make March 27 Good Friday Earthquake Remembrance Day [in perpetuity], forgetting that such an action requires a bill rather than a joint resolution; the committee then moved CSHJR 23 (STA) out of

committee. He said a motion to rescind the committee's previous action was necessary.

[8:10:03 AM](#)

REPRESENTATIVE KELLER moved to rescind the committee's action in moving CSHJR 23(STA) out of committee on 1/28/14. There being no objection, the action was rescinded and HJR 23, as amended, was before the committee.

[8:10:24 AM](#)

REPRESENTATIVE KELLER moved to rescind the committee's previous action in adopting Conceptual Amendment 1 to HJR 23. There being no objection, it was so ordered.

[8:10:37 AM](#)

REPRESENTATIVE KELLER moved to report HJR 23 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 23 was reported out of the House State Affairs Standing Committee.

#### **HB 255-UNMANNED AIRCRAFT SYSTEMS**

[8:11:10 AM](#)

CHAIR LYNN announced the next order of business was HOUSE BILL NO. 255, "An Act relating to unmanned aircraft systems; and relating to images captured by an unmanned aircraft system."

[8:11:38 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 255, Version 28-LS1068\C, Gardner/Strasburg, 1/30/14, as a work draft. There being no objection, Version C was before the committee.

[8:12:04 AM](#)

REPRESENTATIVE HUGHES, as sponsor, reviewed that at the previous hearing on HB 255, there had been questions about International Association of Chiefs of Police (IACP) guidelines and municipal ordinance.

[8:12:35 AM](#)

GINGER BLAISDELL, Staff, Representative Shirley Hughes, Alaska State Legislature, presented HB 255 on behalf of Representative Hughes, sponsor. She stated that on page 2, line 24, of the original bill version, there was language that required law enforcement agencies to adopt the IACP guidelines for the use of unmanned aircraft. That language was removed in Version C to avoid conflict related to a law enforcement agency adopting the guidelines and changing "the (indisc.) of the bill." She said that is the only change in Version C.

[8:13:36 AM](#)

REPRESENTATIVE HUGHES pointed out that the major points in the aforementioned guidelines are already incorporated in the proposed legislation. The guidelines addressed the protection of citizens' privacy.

[8:14:26 AM](#)

REPRESENTATIVE HUGHES, in response to the chair, offered a brief recap of the purpose of HB 255. She said the proposed legislation addresses the uses of unmanned aircraft, particularly by law enforcement; it would allow the University of Alaska to set up an unmanned aerial systems operation training program; it is the result of the work of a task force, which convened over the interim; it views the unmanned aircraft as a tool, with a focus on harnessing that tool for good; and it would require a search warrant for criminal investigation use, with specific exceptions, such as when a judge might rule in a case of foul play, for instance.

[8:16:44 AM](#)

MIKE COONS testified in support of HB 255. He said he attended at least one of the task force meetings and observed the attention of the task force to details of unmanned aircraft use. He said there have been "knee-jerk" reactions regarding unmanned aircraft use, for example, a man in the Lower 48 who claimed he was arrested by a drone, news of which filled social media. It turned out that [law enforcement] used the drone to see where the man was, because he was apparently armed. Mr. Coons explained the issue was that local law enforcement utilized the predator drone of a federal agency, and there is a huge concern about using federal assets. He said the Department of Public Safety (DPS) in Alaska has assured him that would not happen.

[8:19:17 AM](#)

MR. COONS suggested one solution would be to figure out a way to educate the public, either through media reports and interviews or advertisements showing what the unmanned aircraft does and does not do. He acknowledged that public outreach would cost money, but said it would be effective in allaying the fears of the public.

[8:20:16 AM](#)

REPRESENTATIVE KELLER asked Mr. Coons if he thinks the proposed bill should be amended to prohibit armed unmanned aircraft.

[8:20:50 AM](#)

MR. COONS indicated that according to the task force, the size of the [unmanned aircraft] would not be large enough to carry weapons. He surmised that the only people that would entertain [the use of weapons on unmanned aircraft] would be DPS, and that entity would have to come to the legislature to get funding and authorization for use of weapons on unmanned aircraft; therefore, he stated that he does not think the language of the bill needs to be amended.

[8:21:56 AM](#)

REPRESENTATIVE HUGHES stated that at present, the Federal Aviation Administration (FAA) does not allow anything to be dropped from unmanned aerial systems or allow unmanned aircraft to be fitted with weapons; that is why language forbidding weaponry on unmanned aircraft was not included in the proposed legislation. She said the legislature would need to step in if the FAA changes its rules. She stated that public education is in "another piece of legislation," and the continuation of the task force would not only serve to educate the public, but also to address any changes made by the FAA.

[8:23:22 AM](#)

REPRESENTATIVE HUGHES, in response to the chair, indicated that there is no language in Version C that would limit the size of an unmanned aircraft.

[8:23:39 AM](#)

CHAIR LYNN recollected that he first heard about [the use of unmanned aircraft] in the '60s.

8:24:08 AM

RO BAILEY, Alaska Center for Unmanned Aircraft Systems Integration; Director, FAA Test Site, stated that the FAA has established a special rule that restricts law enforcement's use of unmanned aircraft to that which is no more than 25 pounds. Law enforcement agencies would have to go through significant steps to be approved for a larger system. At 25 pounds or less, the ability to put any kind of weaponry on board would be extremely problematic. She stated, "Our overriding goal is safety and beneficial use to the state." She said HB 255 and the companion bill in the Senate were factors in the FAA's selection, because of the methodical approach to the challenge of an unmanned aircraft.

8:25:58 AM

MS. BAILEY, in response to the chair, said a fixed wing unmanned aircraft weighing up to 25 pounds could have a wing span of 10-12 feet, but is not capable of carrying heavy weight. The power source - electric or fuel - determines how long an unmanned aircraft can fly.

8:28:02 AM

REPRESENTATIVE ISAACSON noted that Amazon.com, Inc., has proposed being able to deliver packages [via unmanned aircraft]. He asked what the future holds in terms of the use of unmanned aircraft.

8:28:57 AM

MS. BAILEY indicated that she cannot predict the future, but the expectation is that any use of unmanned aircraft for deliveries is likely to be restricted to remote areas. She said the Marines are already using significantly larger unmanned aircraft to deliver supplies to areas in Afghanistan where it is too difficult to supply them by road. She said she could envision the use of unmanned aircraft to deliver supplies to Alaskans living in the Bush. She talked about the traffic on roads, in terms of deliveries, and said she does not foresee that kind of air traffic for deliveries used "any time soon."

8:30:48 AM

REPRESENTATIVE HUGHES stated that one of the reasons the task force is working on this issue is because the target date for commercial use of unmanned aerial systems is by the end of 2015. She mentioned reading an article describing one state's use of unmanned aerial systems to survey roads, and she said she can see how being able to take high resolution photos over a large area would be beneficial to Alaska.

[8:32:10 AM](#)

REPRESENTATIVE KELLER offered his understanding that Section 1 would give the University of Alaska the ability to establish a training program. He noted that [Section 2] would require unmanned aircraft systems pilots and crew members to be trained and certified. He observed that there is no authorization in the proposed legislation for the University of Alaska to set up a certification process, which he surmised will be something that develops. He ventured that the task force knows that number of unmanned vehicle users is growing; he related that he bought one that takes photographs. He expressed appreciation to those paying attention to the economic opportunity for the University of Alaska and the state, and he predicted there may be a lot of competition over who will train and certify.

[8:34:22 AM](#)

LUKE HOPKINS, Mayor, Fairbanks North Star Borough (FNSB), noted that he had testified during the prior hearing of HB 255, [on 1/28/14]. He stated that as the local municipality, FNSB is partnering with UAF in the test center program, and is "supporting this endeavor of expanding the University of Alaska's opportunities to assist in this economic development piece for the State of Alaska." He said [Section 2] of HB 255 deals with how law enforcement agencies would be required to manage and operate the unmanned aerial systems to which they have access. He offered his understanding that "through all the testimony you've heard, it appears that this bill is appropriate with the amendment in it."

[8:36:11 AM](#)

STEVE COLLIGAN, Member, Legislative Task Force on Unmanned Aircraft Systems, indicated that the task force represents the Academy of Model Aeronautics (AMA) - a self-regulating organization, which has been around for 77 years in cooperation with the Federal Communications Commission (FCC) and the FAA. He said there have been many changes in technology over that

period of time. He stated support for the continuation of the task force, which he indicated was put together to address immediate concerns about public safety and privacy, while the FAA has been focused on integrating this technology safely into air space by setting operational parameters, which is where the University of Alaska's involvement is. He said the Academy of Model Aeronautics' focus is on the sport side of unmanned aircraft systems. He indicated that the FAA is identifying 7,500 unmanned aircraft systems in the air space over the next five years or so. He said there are 15,000 of the "DGI Phantom" brand being sold per month for hobbyists' use, and so the AMA is heavily involved, under FAA guidelines, to provide safety training to "keep that end of the spectrum safe."

MR. COLLIGAN opined it is most important for the task force to keep track of legislation and keep the legislature informed of activities as the FAA "migrates through" its "roll-out" over the next three to five years. He indicated that the task force's members bring to it a wide variety of skills, but said there are many activities already going on in the community. He said he has been involved with the AMA providing education through stem programs at the high school and middle school level. Mr. Colligan said that as mentioned previously, the certification and operations have not been defined. He said, "It'll be interesting." He recommended following a practical approach by continuing the task force and looking out for the safety and privacy of Alaska residents, rather than having a knee-jerk reaction to the media.

[8:40:06 AM](#)

MR. COLLIGAN, in response to the chair, said under AMA [rules], operation of unmanned aircraft is restricted to 400 feet and below; however, FAA airspace is 500 feet and above. He said there is a technology called FPD, where a camera can be affixed to an unmanned aircraft system that can be flown "out of line of sight"; however, those systems are being monitored and restricted. He said under FAA guidelines, special permission and authorization is needed in a certificate of authorization (COA) area. In response to a follow-up question, he confirmed that the 400 feet are counted above ground level, not sea level.

[8:41:30 AM](#)

RODNEY DIAL, Lieutenant, Division of Alaska State Troopers, Department of Public Safety (DPS), in response to the chair, stated that [HB 255] would not hamper DPS in any way. He stated

that DPS has no concerns with HB 255, and it supports Version C. He relayed that the department is currently in the planning phase of an unmanned aircraft vehicle (UAV) program to evaluate the potential benefits to the state and the department. He said DPS is currently in the process of receiving - at no cost - a small UAV from the National Institute of Justice. He said it is a small, four-pound Aeryon Scout vehicle, which has no payload capacity. He said the department will use that vehicle and work with the FAA to develop a training program, at which point it will work on getting a statewide certification to use in very limited circumstances in compliance with HB 255. He said DPS anticipates that it will be about one or two years before it can use [unmanned aircraft systems] in an operational setting. In response to the chair, he said the department does not currently have one of these vehicles; however, he noted that he brought a photograph [included in the committee packet] depicting the aforementioned vehicle. He said it is about the size of a basketball hoop in diameter, has a range of approximately three kilometers, and would be used at line-of-sight only, at an altitude of about 400 feet. He said it is equipped with a camera system and "several fail-safes." The vehicle is worth about \$70,000, provided by the federal government.

CHAIR LYNN stated that he wants to ensure that nothing in the proposed legislation would hamper law enforcement in any way.

LIEUTENANT DIAL reiterated that it would not.

[8:44:07 AM](#)

REPRESENTATIVE HUGHES asked Lieutenant Dial if there is a plan to provide public education in the next couple years.

LT. DIAL answered yes. He pointed out that one element of the proposed legislation would require that DPS maintain public records, and he stated the intent of the department to list all uses on its web site to maintain transparency with the public.

[8:44:46 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[8:44:53 AM](#)

REPRESENTATIVE KELLER moved to report (CS) for HB 255, Version 28-LS1068\C, Gardner/Strasburg, 1/30/14, out of committee with

individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 255(STA) was reported out of the House State Affairs Standing Committee.

**HJR 18-CONST. AM: ELECTED ATTORNEY GENERAL**

[8:45:22 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE JOINT RESOLUTION NO. 18, Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

[8:45:38 AM](#)

REPRESENTATIVE BILL STOLTZE, Alaska State Legislature, as sponsor, presented HJR 18. He said the proposed joint resolution is for a constitutional amendment that would change the selection of the attorney general from an appointed process to "another political process directly to the people." He acknowledged that constitutional amendments are not entered into lightly. He said the legislature has initiated other constitutional changes, covering subjects such as privacy and exclusive rights of a fishery in 1972, victims' rights in 1994, and change in the redistricting process in 1998, all of which were approved by the voters. He suggested one of the most important constitutional amendments was the one that established the permanent fund dividend through an exemption in the prohibition against dedicated funds in 1976. He opined that the people who drafted the Constitution of the State of Alaska did a good job, but did not make it perfect. He said he knows the committee will deliberate the proposed joint resolution, and the public will have an opportunity to weigh in on the subject.

[8:48:58 AM](#)

REPRESENTATIVE STOLTZE said appointing the attorney general has been done since territorial times; currently it is the governor who makes the appointment through a confirmation process. He stated that Representatives and Senators in Alaska have disagreed on one occasion and rejected the appointee. He said the process of appointing an attorney general is political. He stated, "There's no perfect, right answer whether election or appointment is less political." He said he welcomes suggestions and changes through the process in order to put the best possible amendment before the voters. He relayed that Alaska is one of seven states that still appoints its attorney general.

8:51:07 AM

REPRESENTATIVE ISAACSON suggested one possible negative outcome of switching to an elected attorney general may be the conflict that could arise if the governor and attorney general do not share the same political party and are not supportive of the same issues.

CHAIR LYNN stated that is precisely his concern.

REPRESENTATIVE STOLTZE responded that that is a valid concern, but said he goes to a deeper fundamental principal, which is that the attorney general should, first and foremost, be the representative of the people of Alaska on all matters legal. He said he thinks the governor would be better served by getting a personal advisor.

CHAIR LYNN asked who would pay for the advisor.

REPRESENTATIVE STOLTZE indicated that the governor has enough flexibility in staff to switch a position for a personal advisor.

REPRESENTATIVE ISAACSON asked if it would be possible to have the attorney general on the same ballot ticket as the governor and lieutenant governor.

REPRESENTATIVE STOLTZE answered yes. He noted that the lieutenant governor is listed as a department head and exempted from confirmation process. He said, "If you look at the language of our proposed amendment, it ... adds the attorney general to that same language that references the lieutenant governor, which was amended from secretary of state, also another change in the constitution made by the legislature and the people of Alaska, I believe in 1970, probably."

8:54:09 AM

REPRESENTATIVE KELLER asked if the sponsor had intended to imply that the political process is bad. He remarked that sometimes hammering out an issue sheds light on it.

REPRESENTATIVE STOLTZE explained that he was responding to a question about politics. He said there are politics "in both positions." He reiterated that the proposed joint resolution

could be molded by the committee to craft the best possible document to present to the voters.

[8:55:37 AM](#)

CHAIR LYNN asked if he anticipates anyone calling to testify on HJR 18.

REPRESENTATIVE STOLTZE replied that many Alaskans have contacted him and expressed an interest in testifying.

CHAIR LYNN opined that the more opinions the committee hears, the better the decision it can reach.

CHAIR LYNN announced that HJR 18 was held over.

[8:58:03 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:58 a.m.