

HB

255

<TARGET><BILL>HB 255</BILL><SUBJECT>HB
255</SUBJECT><COMM>SJUD28</COMM></TARGET>

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 255(STA)
Fiscal Note Number: 1
(H) Publish Date: 2/5/14

Identifier: HB255-LAW-CRIM-01-24-14
Title: UNMANNED AIRCRAFT SYSTEMS
Sponsor: ** HUGHES, HIGGINS
Requester: (H) STATE AFFAIRS

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0

Estimated CAPITAL (FY2015) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

Prepared By: <u>Loretta Withington, Division Operations Manager</u>	Phone: <u>(907)465-5427</u>
Division: <u>Administrative Services Division</u>	Date: <u>01/24/2014 04:28 PM</u>
Approved By: <u>Michael C. Geraghty, Attorney General</u>	Date: <u>01/24/14</u>
Agency: <u>Department of Law, Attorney General's Office</u>	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 255(STA)

Analysis

HB 255 requires a law enforcement agency to adopt procedures regarding the use of unmanned aircraft systems. These procedures must include several parts, including that every flight of the craft be approved by the chief administrative officer of the agency.

The bill allows the use of evidence obtained from such a system under a search warrant or an exception to the warrant requirement.

The Department of Law does not anticipate a fiscal impact.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 255(STA)
Fiscal Note Number: 2
(H) Publish Date: 2/5/14

Identifier: HB255-DPS-DET-01-24-14
Title: UNMANNED AIRCRAFT SYSTEMS
Sponsor: ** HUGHES, HIGGINS
Requester: House State Affairs

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0

Estimated CAPITAL (FY2015) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Lieutenant Rodney Dial	Phone: (907)254-1284
Division: Alaska State Troopers	Date: 01/24/2014 11:09 AM
Approved By: Gary Folger, Commissioner	Date: 01/24/14
Agency: Office of the Commissioner	

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 255(STA)

Analysis

This bill requires law enforcement agencies to adopt procedures for the use of unmanned aircraft systems (UAS) and specifies the minimum requirements those procedures must contain, provides that a law enforcement agency may use a UAS in a criminal investigation under the terms of a search warrant or in an instance where there is an allowable exception to a search warrant, and specifies the circumstances under which images captured by a UAS may be retained.

The Department of Public Safety (DPS) would address procedures for the department's use of UAS in its Operating Procedures Manual. The other provisions of the bill address procedural issues related to the use of UAS by law enforcement agencies. Passage of this bill would have no fiscal impact to DPS.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 255(STA)
Fiscal Note Number: 3
(H) Publish Date: 2/5/14

Identifier: HB255-UA-SYSBRA-1-27-14
Title: UNMANNED AIRCRAFT SYSTEMS
Sponsor: ** HUGHES, HIGGINS
Requester: House State Affairs

Department: University of Alaska
Appropriation: University of Alaska
Allocation: Budget Reductions/Additions - Systemwide
OMB Component Number: 1296

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version

Prepared By: <u>Michelle Rizk</u>	Phone: <u>(907)450-8187</u>
Division: <u>University of Alaska</u>	Date: <u>01/27/2014 08:00 AM</u>
Approved By: <u>Michelle Rizk</u>	Date: <u>01/27/14</u>
Agency: <u>University of Alaska</u>	

FISCAL NOTE ANALYSIS #3

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 255(STA)

Analysis

This bill states that the University of Alaska may establish a training program in the operation of unmanned aircraft systems; therefore passage of this bill in itself would not have a fiscal impact on the University.

ALASKA STATE LEGISLATURE



SESSION ADDRESS:
Alaska State Capitol
Juneau Alaska 99801
Phone: 907-465-3743
Toll-free: 1-800-565-3743
Fax: 907-465-2381
Rep.Shelley.Hughes@akleg.gov

INTERIM ADDRESS:
600 E Railroad Avenue
Wasilla AK 99654
Phone: 907-376-3725
Fax: 907-376-4768

Representative Shelley Hughes
House District 8 - Greater Palmer

Honorable Representative Bob Lynn, Chair
State Affairs Committee
State Capitol Room 108
Juneau, AK 99801

HB255 Unmanned Aircraft Systems

Sponsor Statement

January 21, 2014

The Legislative Task Force on Unmanned Aircraft Systems (UAS) was formed under HCR 6 to review regulations and guidance regarding UAS and provide recommendations for a comprehensive state policy for unmanned aircraft that protects privacy and allows the use of UAS for public and private applications.

The Task Force reviewed multiple potential UAS scenarios focusing on privacy issues, economic development, public safety, anticipated mission types, and safety. The Task Force evaluated existing privacy laws for Alaska to avoid recommending duplicative law, and stressed the importance of public education to address concerns regarding UAS use in the state. The Task Force recognized the beneficial uses of UAS for life-saving, cost-saving and beneficial applications.

It was clear in the Task Force meetings that the stakeholders, industry and the public wanted a single point of contact for monitoring the status of this emerging technology and the resulting UAS industry growing in Alaska. The single point of contact would consider comments and concerns, help with public education, and direct specific inquiries to the correct entity that may be conducting UAS missions.

HB255 also comes with a companion resolution to extend the duties and length of the Task Force for an additional three years to coincide with the FAA test site period for UAS in Alaska. The resolution will allow a continued and necessary review of the use of UAS in Alaska and further consider state laws to protect privacy, educate the public and be a central point of contact as we monitor this new industry.

Patrick Gamble, President
Phone: (907) 450-8000
Fax: (907) 450-8012
Email: ua.president@alaska.edu



UNIVERSITY
of ALASKA

Many Traditions One Alaska

202 Butrovich Building
910 Yukon Drive
P.O. Box 755000
Fairbanks, AK 99775-5000

January 24, 2014

The Honorable Shelley Hughes
Legislative Affairs
State Capitol
Room 409
Juneau, AK 99801-1182

via email: rep.shelley.hughes@akleg.gov

Re: UAS test facility award

Dear Ms. Hughes:

As you have probably heard, the Federal Aviation Administration (FAA) announced on December 30 that the University of Alaska has been selected as one of six public entities that will develop unmanned aircraft systems (UAS) research and test sites around the country. I wanted to take this opportunity to thank you for your support of the university's successful efforts to seize a leadership role in the development and deployment of unmanned aircraft systems, and their safe integration into the national airspace.

Alaska has an abundance of natural resources, but its vast size and limited road access have provided substantial challenges for the management and utilization of those resources. Aviation is the only way to access large parts of the state. Recognizing the potential commercial and scientific benefits of the emerging technology of civilian unmanned aircraft systems over a decade ago, the University of Alaska Fairbanks Geophysical Institute (UAF-GI) began working aggressively with this technology, and rapidly became a world leader in civilian UAS.

In 2012, Congress passed the Federal Aviation Administration Modernization and Reform Act. Among other things, this Act addressed the issue of integrating unmanned aircraft systems into the national air space. It provided for the establishment of six separate UAS test ranges around the country aimed at safe implementation of these new technologies for commercial and scientific applications. An industry-commissioned study has predicted that more than 70,000 jobs would develop in the first three years after UAS restrictions are eventually eased by the FAA. Our own study suggests the numbers are much bigger, and can bring significant industry and jobs to Alaska.

The Honorable Shelley Hughes

January 24, 2014

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Realizing the enormous opportunity for Alaska to develop and exploit the benefits of this new technology, and leveraging the work already done by UAF-GI, it was decided that the university would submit a proposal to operate one of these test sites. After a rigorous 10-month selection process involving 25 proposals from 24 states, the university team prevailed.

This success took a collective effort: the university, the Alaska Legislature, the offices of the governor and the lieutenant governor, and Alaska's congressional delegation were all involved. A critical element was the state's decision to appropriate \$5 million to the university in the FY13 capital budget, to be used for "Research and Development of Unmanned Aerial Systems" and to help position UAF-GI to compete for one of the new UAS test ranges. This appropriation supplemented the significant external funding received by the university from a variety of federal and non-federal sources that support UAF-GI's Alaska Center for Unmanned Aircraft Systems Integration (ACUASI). It demonstrated the state's commitment to the project, and was an important factor in the FAA's decision. ACUASI anticipates 20 full-time employees by 2016, with the necessary funding coming from private investors and project work. In addition, the state legislature's efforts to establish a task force to pursue legislation that would both protect Alaskans' privacy while encouraging the industry here were another positive factor in the FAA's review of our proposal.

Again, my thanks for your support. Through collaborations like this, we will make a better future for Alaska.

Sincerely,



Patrick Gamble

cc: Brian Rogers, Chancellor, UAF
Mark Myers, Vice Chancellor for Research, UAF
Ro Bailey, Special Projects Coordinator, UAF
Greg Walker, Director, Alaska Center for UAS Integration, UAF
Bob McCoy, Director, Geophysical Institute, UAF
Chris Christensen, Associate Vice President for State Relations, UA System
Michelle Rizk, Associate Vice President, UA System



INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

AVIATION COMMITTEE

Recommended Guidelines for the use of Unmanned Aircraft

BACKGROUND:

Rapid advances in technology have led to the development and increased use of unmanned aircraft. That technology is now making its way into the hands of law enforcement officers nationwide.

We also live in a culture that is extremely sensitive to the idea of preventing unnecessary government intrusion into any facet of our lives. Personal rights are cherished and legally protected by the Constitution. Despite their proven effectiveness, concerns about privacy threaten to overshadow the benefits this technology promises to bring to public safety. From enhanced officer safety by exposing unseen dangers, to finding those most vulnerable who may have wandered away from their caregivers, the potential benefits are irrefutable. However, privacy concerns are an issue that must be dealt with effectively if a law enforcement agency expects the public to support the use of UA by their police.

The Aviation Committee has been involved in the development of unmanned aircraft policy and regulations for several years. The Committee recommends the following guidelines for use by any law enforcement agency contemplating the use of unmanned aircraft.

DEFINITIONS:

1. **Model Aircraft** - A remote controlled aircraft used by hobbyists, which is manufactured and operated for the purposes of sport, recreation and/or competition.
2. **Unmanned Aircraft (UA)** – An aircraft that is intended to navigate in the air without an on-board pilot. Also called Remote Piloted Aircraft and “drones.”
3. **UA Flight Crewmember** - A pilot, visual observer, payload operator or other person assigned duties for a UA for the purpose of flight.
4. **Unmanned Aircraft Pilot** - A person exercising control over an unmanned aircraft during flight.

COMMUNITY ENGAGEMENT:

1. Law enforcement agencies desiring to use UA should first determine how they will use this technology, including the costs and benefits to be gained.
2. The agency should then engage their community early in the planning process, including their governing body and civil liberties advocates.
3. The agency should assure the community that it values the protections provided citizens by the U.S. Constitution. Further, that the agency will operate the aircraft in full compliance with the mandates of the Constitution, federal, state and local law governing search and seizure.
4. The community should be provided an opportunity to review and comment on agency procedures as they are being drafted. Where appropriate, recommendations should be considered for adoption in the policy.
5. As with the community, the news media should be brought into the process early in its development.

SYSTEM REQUIREMENTS:

1. The UA should have the ability to capture flight time by individual flight and cumulative over a period of time. The ability to reset the flight time counter should be restricted to a supervisor or administrator.
2. The aircraft itself should be painted in a high visibility paint scheme. This will facilitate line of sight control by the aircraft pilot and allow persons on the ground to monitor the location of the aircraft. This recommendation recognizes that in some cases where officer safety is a concern, such as high risk warrant service, high visibility may not be optimal. However, most situations of this type are conducted covertly and at night. Further, given the ability to observe a large area from an aerial vantage point, it may not be necessary to fly the aircraft directly over the target location.
3. Equipping the aircraft with weapons of any type is strongly discouraged. Given the current state of the technology, the ability to effectively deploy weapons from a small UA is doubtful. Further, public acceptance of airborne use of force is likewise doubtful and could result in unnecessary community resistance to the program.
4. The use of model aircraft, modified with cameras, or other sensors, is discouraged due to concerns over reliability and safety.

OPERATIONAL PROCEDURES:

1. UA operations require a Certificate of Authorization (COA) from the Federal Aviation Administration (FAA). A law enforcement agency contemplating the use of UA should contact the FAA early in the planning process to determine the requirements for obtaining a COA.
2. UA will only be operated by personnel, both pilots and crew members, who have been trained and certified in the operation of the system. All agency personnel with UA responsibilities, including command officers, will be provided training in the policies and procedures governing their use.
3. All flights will be approved by a supervisor and must be for a legitimate public safety mission, training, or demonstration purposes.
4. All flights will be documented on a form designed for that purpose and all flight time shall be accounted for on the form. The reason for the flight and name of the supervisor approving will also be documented.
5. An authorized supervisor/administrator will audit flight documentation at regular intervals. The results of the audit will be documented. Any changes to the flight time counter will be documented.
6. Unauthorized use of a UA will result in strict accountability.
7. Except for those instances where officer safety could be jeopardized, the agency should consider using a "Reverse 911" telephone system to alert those living and working in the vicinity of aircraft operations (if such a system is available). If such a system is not available, the use of patrol car public address systems should be considered. This will not only provide a level of safety should the aircraft make an uncontrolled landing, but citizens may also be able to assist with the incident.
8. Where there are specific and articulable grounds to believe that the UA will collect evidence of criminal wrongdoing and if the UA will intrude upon reasonable expectations of privacy, the agency will secure a search warrant prior to conducting the flight.

IMAGE RETENTION:

1. Unless required as evidence of a crime, as part of an on-going investigation, for training, or required by law, images captured by a UA should not be retained by the agency.
2. Unless exempt by law, retained images should be open for public inspection.



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100 Cushman St., Suite 102 | Fairbanks, Alaska 99701-4665
ph (907) 452-1105 | fax (907) 456-6968 | www.FairbanksChamber.org

February 25, 2014

Representative Shelley Hughes
State Capitol Building
Room #409
Juneau, AK 99801

RE: Letter of Support for HB255 & HCR15: Unmanned Aircraft Systems

Dear Representative Hughes,

On behalf of the over 700 businesses and organizations we represent, the Greater Fairbanks Chamber of Commerce advocates for a healthy economic environment to ensure that Fairbanks is an attractive place for both business and community. Today, we wish to express our support of House Bill 255 and the companion legislation of House Concurrent Resolution 15, related to Unmanned Aircraft Systems.

The University of Alaska has led the way for research on unmanned aircraft systems (UAS) and will continue this pioneering work as one of the nation’s six test sites selected for aircraft systems testing and research. Passage of these pieces of legislation will continue to ensure that Alaska has a stake in the growing UAS industry.

Sincerely,

THE GREATER FAIRBANKS CHAMBER OF COMMERCE

Steve Lundgren
Board of Directors, Chair

Lisa Herbert
Executive Director

INVESTORS

DIAMOND

- BP Exploration
- ConocoPhillips
- ExxonMobil
- Fairbanks Daily News-Miner
- Fairbanks Memorial Hospital & Denali Center
- Flint Hills Resources Alaska
- Mt. McKinley Bank

PLATINUM

- Alyeska Pipeline Service Co.
- Doyon, Limited
- Fred Meyer Stores
- Golden Heart Utilities
- Wells Fargo Bank Alaska

GOLD

- Birchwood Homes
- Carlson Center
- Denali State Bank
- Design Alaska
- Doyon Utilities LLC
- First National Bank Alaska
- Kinross Fort Knox Mine
- Lynden
- Northrim Bank
- Sumitomo Metal Mining Pogo LLC
- Usibelli Coal Mine

SILVER

- Alaska Communications
- Alaska Airlines
- Alaska Railroad
- Alaska USA
- Dr. Christopher Henry – Henry Orthodontics
- Everts Air Cargo, Everts Air AK
- Exclusive Paving/Univ. Redi-Mix
- Fairbanks Natural Gas
- Flowline Alaska
- GCI
- General Teamsters Local 959
- Golden Valley Electric Association
- Hale & Associates, Inc.
- JL Properties, Inc.
- Key Bank
- MAC Federal Credit Union
- Personnel Plus
- Sam’s Club
- Shell Exploration & Production Co.
- Spirit of Alaska FCU
- Tanana Valley Clinic
- TDL Staffing
- Tower Hill Mines-Livengood Gold Project
- University of Alaska Fairbanks
- Verizon Wireless
- Vivamore Companies
- Yukon Title Company



CITY OF FAIRBANKS

John Eberhart, Mayor

800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615

OFFICE: 907-459-6793

FAX: 907-459-6787

mayor@ci.fairbanks.ak.us

February 10, 2014

Honorable Representative Shelley Hughes
State of Alaska-House of Representatives
State Capitol, Room 409
Juneau AK 99801

Re: Support for HB 255 Unmanned Aircraft Systems Test Site

Dear Representative Hughes:

The City of Fairbanks supports military and related research operations in Interior Alaska, and particularly the proposed University of Alaska Unmanned Aircraft Systems (UAS) operations training program.

The Joint Pacific Alaska Range Complex, south of our community, is a premiere environment for military training and provides the largest restricted airspace in the United States. Fort Wainwright is also part of the City of Fairbanks and we embrace the Air Force members from Eielson Air Force Base. **We are a military community** and we support industries that provide research and tools for the military forces.

The addition of the operations training program under the University of Alaska is a feasible plan and an investment in our future. Our community is ideal due to our access to aircraft training sites and housing and amenities for personnel.

Thank you for creating this opportunity for the people of the Interior.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Eberhart", is written over a horizontal line.

Mayor John Eberhart

cc: City Council Members