

The Senate Committee on Science and Technology offered the following substitute to HB 988:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 6, Chapter 80 of Title 36, Article 2A of Chapter 3 of Title 38,
2 and Title 50 of the Official Code of Georgia Annotated, relating to general provisions
3 relative to aviation; provisions applicable to counties, municipalities, corporations, and other
4 governmental entities; the Board of Homeland Security; and state government, respectively,
5 so as to provide for the development of a list of approved unmanned aircraft systems by the
6 Board of Homeland Security; to provide for standards for the development of such list; to
7 prohibit the operation of unmanned aircraft systems in this state other than those upon such
8 approved list; to prohibit the purchase or expenditure of public funds for the contractual use
9 of unmanned aircraft systems not on such approved list by state agencies or local
10 governments; to exempt records relating to the development of an approved unmanned
11 aircraft system list from the Open Records Act; to provide for an annual inventory of
12 artificial intelligence usage by state agencies; to provide for annual reports of such; to
13 provide for the authority to develop and establish certain policies; to provide for related
14 matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16

SECTION 1.

17 Chapter 1 of Title 6 of the Official Code of Georgia Annotated, relating to general provisions
 18 relative to aviation, is amended by revising Code Section 6-1-4, relating to unmanned aircraft
 19 system defined, preemption for unmanned aircraft systems, and operations, as follows:

20 "6-1-4.

21 (a)(~~1~~) As used in this Code section, the term:

22 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
 23 by the Board of Homeland Security pursuant to Code Section 38-3-43.

24 (2) 'Unmanned ~~unmanned~~ aircraft system' means a powered, aerial vehicle that is not a
 25 satellite and that:

26 (A) Does not carry a human operator and is operated without the possibility of direct
 27 human intervention from within or on the aircraft;

28 (B) Uses aerodynamic forces to provide vehicle lift;

29 (C) Can fly autonomously or be piloted remotely; and

30 (D) Can be expendable or recoverable.

31 ~~(2) Such term shall not include a satellite.~~

32 (b) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 33 political subdivision of this state regulating the testing or operation of unmanned aircraft
 34 systems shall be deemed preempted and shall be null, void, and of no force and effect;
 35 provided, however, that a county, municipality, or other political subdivision of this state
 36 may:

37 (1) Enforce any ordinance that was adopted on or before April 1, 2017;

38 (2) Adopt an ordinance that enforces Federal Aviation Administration restrictions; ~~or~~

39 (3) Adopt an ordinance that ~~provides for or~~ prohibits the launch or intentional landing
 40 of an unmanned aircraft system from or on its public property except with respect to the
 41 operation of an approved unmanned aircraft system for commercial purposes; or

42 (4) Adopt an ordinance that provides for the launch or intentional landing of an approved
 43 unmanned aircraft system from or on its public property.

44 (c) The state, through agency or departmental rules and regulations, may ~~provide for or~~
 45 prohibit the launch or intentional landing of an unmanned aircraft system from or on its
 46 public property. The state, through agency or departmental rules and regulations, may
 47 provide for the launch or intentional landing of an approved unmanned aircraft system from
 48 or on its public property."

49 **SECTION 2.**

50 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
 51 applicable to counties, municipalities, corporations, and other governmental entities, is
 52 amended by adding a new Code section to read as follows:

53 "36-80-32.

54 (a) As used in this Code section, the term:

55 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
 56 by the Board of Homeland Security pursuant to Code Section 38-3-43.

57 (2) 'Unmanned aircraft system' shall have the same meaning as set forth in Code
 58 Section 6-1-4.

59 (b) No county, municipality, school district, local authority, local governmental unit, or
 60 other political subdivision of this state shall purchase or expend public funds for the
 61 contractual use of an unmanned aircraft system that is not an approved unmanned aircraft
 62 system."

63 **SECTION 3.**

64 Article 2A of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to the
 65 Board of Homeland Security, is amended by adding a new Code section to read as follows:

66 "38-3-43.

67 (a) As used in this Code section, the term 'unmanned aircraft system' shall have the same
68 meaning as provided for in Code Section 6-1-4.

69 (b) No later than December 1, 2024, the board shall develop a list of unmanned aircraft
70 systems approved for use within this state. Such list shall be developed in coordination
71 with the Department of Administrative Services and shall include unmanned aircraft
72 systems determined by the board to be compliant with Federal Aviation Administration
73 standards and to present no threat to the security of this state. Such list shall be published
74 upon the Georgia Emergency Management and Homeland Security Agency website.

75 (c) The board shall review and update the list compiled pursuant to subsection (b) of this
76 Code section every six months. Any records of the board relative to the development of
77 the list compiled pursuant to subsection (b) of this Code section shall be exempt from
78 Article 4 of Chapter 18 of Title 50, relating to open records."

79

SECTION 4.

80 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
81 by adding a new Code section to read as follows:

82 "50-5-86.

83 (a) As used in this Code section, the term:

84 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
85 by the Board of Homeland Security pursuant to Code Section 38-3-43.

86 (2) 'State agency' means any authority, board, department, instrumentality, institution,
87 agency, or other unit of state government.

88 (3) 'Unmanned aircraft system' shall have the same meaning as set forth in Code
89 Section 6-1-4.

90 (b) No state agency shall purchase or expend public funds for the contractual use of an
91 unmanned aircraft system that is not an approved unmanned aircraft system."

SECTION 5.

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93 Said title is further amended by revising Code Section 50-25-7.9, which is reserved, as
94 follows:

95 "50-25-7.9.

96 (a) As used in this Code section, the term 'artificial intelligence' means a machine based
97 system that can, for a given set of human defined objectives, make predictions,
98 recommendations, or decisions influencing real or virtual environments. Artificial
99 intelligence systems use machine based and human based inputs to perceive real and virtual
100 environments, abstract such perceptions into models through analysis in an automated
101 manner, and use model inference to formulate options for information or action.

102 (b) The authority shall:

103 (1) Not later than December 31, 2024, and annually thereafter, conduct an inventory of
104 all systems that employ artificial intelligence and are in use by any agency. Each
105 inventory shall include, but not be limited to, the following information for each such
106 system:

107 (A) The name of the system and the vendor, if any, that provided such system;

108 (B) A description of the general capabilities and uses of such system;

109 (C) Whether such system was used to independently make, inform, or materially
110 support a conclusion, decision, or judgment; and

111 (D) Whether such system underwent an impact assessment prior to implementation;
112 and

113 (2) Not later than December 31, 2025, develop and establish policies and procedures
114 concerning the development, procurement, implementation, utilization, and ongoing
115 assessment of systems that employ artificial intelligence and are in use by agencies. Such
116 policies and procedures shall, at a minimum:

117 (A) Govern the procurement, implementation, and ongoing assessment of such systems
118 by agencies; and

119 (B) Ensure that no such system results in any unlawful discrimination against any
120 individual or group of individuals.

121 (c) The Georgia Technology Authority shall prepare an annual report on the inventory of
122 artificial intelligence in use by agencies, as provided for in paragraph (1) of subsection (b)
123 of this Code section. Such report shall be provided to the Governor, Lieutenant Governor,
124 and members of the House of Representatives and Senate; provided, however, that the
125 authority shall not be required to distribute copies of the report but shall notify the
126 recipients of the availability of such report in the manner deemed by the authority to be
127 most effective and efficient.

128 (d) All state agencies shall cooperate with the authority in the administration of this Code
129 section. Reserved."

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SECTION 6.

131 All laws and parts of laws in conflict with this Act are repealed.