

Senate Bill 325

By: Senators Hill of the 32nd, Hill of the 6th, Ligon, Jr. of the 3rd, Thompson of the 14th, Shafer of the 48th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to
2 regulation of aeronautics, aircraft, and airports generally, so as to provide legislative
3 findings; to provide definitions; to provide for preemption of prohibitions, restrictions, and
4 regulation of the testing or operation of unmanned aircraft systems in the State of Georgia;
5 to provide for the establishment of the Georgia Unmanned Aircraft Systems Commission
6 and its composition, duties, and activities; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of
11 aeronautics, aircraft, and airports generally, is amended by designating the existing text as
12 Article 1 and adding a new article to read as follows:

13 "ARTICLE 2

14 6-2-20.

15 The General Assembly finds that:

16 (1) The Federal Aviation Act of 1958 established the Federal Aviation Administration
17 (FAA) and made the FAA responsible for the control and use of navigable airspace
18 within the United States;

19 (2) The FAA regulates unmanned aircraft systems, also known as drones;

20 (3) Public entities, including law enforcement agencies, firefighter units, border and port
21 patrols, disaster relief workers, search and rescue personnel, qualifying public
22 universities, military training facilities, and other government operational mission units,
23 may operate unmanned aircraft systems by applying for a Certificate of Waiver or
24 Authorization from the FAA;

25 (4) In December 2013, the FAA selected six public entities around the nation to develop
26 test sites for unmanned aircraft systems research;

27 (5) The FAA is in the process of developing rules that are intended to safely integrate
28 small unmanned aircraft systems into the national airspace system and that, following
29 issuance of a notice of proposed rulemaking and public comment period, are expected to
30 be released in late 2016 or 2017;

31 (6) The small unmanned aircraft systems rules are anticipated to be similar to the current
32 hobbyist rules for operations of model unmanned aircraft systems that limit the area of
33 operation to low-risk and controlled environments and the size of the systems to less than
34 55 pounds;

35 (7) While the FAA is developing the small unmanned aircraft systems rules, private
36 commercial entities on a company-by-company basis may apply to the FAA for a
37 Section 333 exemption from the current rules for manned aircraft systems by showing
38 that the entity operates with at least an equivalent level of safety;

39 (8) In September, 2014, six companies in the film production industry were granted
40 Section 333 exemptions, and the FAA has stated that many more exemptions are in the
41 processing stage;

42 (9) In addition to being used in military training and operations and public safety areas,
43 unmanned aircraft systems may be used in a wide variety of activities, including oil and
44 natural gas pipeline inspection, transportation, natural disaster aid, precision agriculture,
45 natural resource and environmental protection, bridge and infrastructure inspection,
46 public utility support, construction and building inspection, surveying, golf course
47 marketing, wind turbine inspection, realtor marketing and photography, and prison
48 monitoring;

49 (10) Other countries have advanced in the testing and operation of unmanned aircraft
50 systems; and

51 (11) While the public has expressed concerns with the operation of unmanned aircraft
52 systems, including privacy and public safety issues, there are benefits that may be
53 realized by the state, including the state's various industry sectors, from conducting
54 research on unmanned aircraft systems in the state and from developing, manufacturing,
55 and operating unmanned aircraft systems in the state.

56 6-2-21.

57 (a) As used in this article, the term:

58 (1) 'Unmanned aircraft' means the flying portion of an unmanned aircraft system, flown
59 by a pilot via a ground control system or autonomously through use of an onboard

60 computer, a communication link, and any additional equipment that is necessary for the
 61 unmanned aircraft to operate safely.

62 (2) 'Unmanned aircraft system' means an unmanned aircraft and all the associated
 63 support equipment, control stations, data links, telemetry, communications and navigation
 64 equipment, and other equipment necessary to operate the unmanned aircraft.

65 (b) Only the State of Georgia may enact a law or take any other action to prohibit, restrict,
 66 or regulate the testing or operation of unmanned aircraft systems in the State of Georgia.

67 (c) The State of Georgia fully preempts the authority of any county, municipality, or other
 68 political subdivision of the state to prohibit, restrict, or regulate the testing or operation of
 69 unmanned aircraft systems and supersedes any existing law, regulation, or ordinance of a
 70 county, municipality, or other political subdivision of the state that prohibits, restricts, or
 71 regulates the testing or operation of unmanned aircraft systems in the state.

72 (d) This Code section shall not affect federal preemption of state law.

73 6-2-22.

74 (a) There is created the Georgia Unmanned Aircraft Systems Commission.

75 (b) The commission shall be composed of:

76 (1) Two members of the Senate appointed by the President of the Senate;

77 (2) Two members of the House of Representatives appointed by the Speaker of the
 78 House of Representatives;

79 (3) Two individuals appointed by the Governor with backgrounds in unmanned aircraft
 80 systems;

81 (4) The commissioner of economic development or his or her designee;

82 (5) One individual appointed by the Governor from the aerospace industry;

83 (6) The executive director of the Georgia Ports Authority or his or her designee;

84 (7) The executive director of the Georgia Sheriffs Association or his or her designee;

85 (8) The director of the Georgia Emergency Management Agency or his or her designee;

86 (9) The director of the Georgia Bureau of Investigation or his or her designee;

87 (10) One individual appointed by the Georgia Municipal Association who is the mayor
 88 of a municipality in Georgia;

89 (11) One individual appointed by the Association County Commissioners of Georgia
 90 who is a county commissioner in Georgia; and

91 (12) One individual who is a representative of the Association of Unmanned Vehicle
 92 Systems International.

93 (c) Appointed members shall be appointed by their respective appointing authorities for
 94 two-year terms of office and may be reappointed upon the expiration of their terms of

95 office. Vacancies shall be filled for the unexpired term by appointment by the respective
96 appointing authority.

97 (d) The President of the Senate shall designate one of the Senate appointees as
98 cochairperson, and the Speaker of the House of Representatives shall designate one of the
99 House of Representatives appointees as cochairperson. The commission shall meet at least
100 four times per year and upon the call of the cochairpersons.

101 (e) Legislative members of the commission shall receive the allowances provided for in
102 Code Section 28-1-8 for attending meetings of the commission. Members of the
103 commission who are state officials, other than legislative members, or who are state
104 employees shall receive no compensation for their services on the commission, but they
105 may be reimbursed for expenses incurred by them in the performance of their duties as
106 members of the commission in the same manner as they are reimbursed for expenses in
107 their capacities as state officials or employees. Members of the commission who are not
108 legislators, state officials, or state employees shall receive a daily expense allowance in an
109 amount the same as that specified in subsection (b) of Code Section 45-7-21 as well as the
110 mileage or transportation allowance authorized for state employees.

111 (f) The commission, in consultation with the Department of Economic Development and
112 other interested parties, shall:

113 (1) Identify the benefits, including job creation, a cleaner environment, positive
114 economic impacts, increased public safety, and enhanced efficiencies, that may be
115 realized by the state from conducting research on unmanned aircraft systems in the state
116 and by developing, manufacturing, and operating unmanned aircraft systems in the state;

117 (2) Determine the benefits that may be realized within each of the various industry
118 sectors in the state that have the potential for the use of unmanned aircraft systems and
119 evaluate the extent to which the use of unmanned aircraft systems in the state is in the
120 public interest;

121 (3) Identify ways in which the benefits and other positive aspects associated with the use
122 of unmanned aircraft systems may be conveyed to the public in order to achieve public
123 support;

124 (4) Identify policies that should be implemented to ensure that any concerns, including
125 privacy and public safety issues, are addressed;

126 (5) As a way to provide certainty to companies that want to use unmanned aircraft
127 systems in the state, develop qualification guidelines for companies to follow when
128 applying to the Federal Aviation Administration for a Section 333 exemption;

129 (6) Identify the state of all unmanned aircraft systems industries in this state, looking
130 comprehensively at the industry, including the supply chain from precompetitive research
131 and development through production and operation;

132 (7) Identify challenges and needs of the unmanned aircraft systems industry that may be
133 met with Georgia assets for each domain of unmanned aircraft systems (aerial, land,
134 maritime), including, but not limited to, workforce, research and engineering expertise,
135 testing facilities, manufacturing facilities, and economic development opportunities
136 within the state;

137 (8) Develop the value proposition for Georgia that will provide a basis for marketing
138 Georgia to the current unmanned aircraft systems industry and that will position Georgia
139 for emerging needs and applications within that industry; and

140 (9) Provide recommendations that will encourage the development of the unmanned
141 aircraft systems industry in Georgia.

142 (g) The commission shall provide an annual report to the General Assembly on its work
143 and findings.

144 (h) The commission shall be abolished on December 31, 2021."

145 **SECTION 2.**

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