

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0435.01 Richard Sweetman x4333

HOUSE BILL 17-1070

HOUSE SPONSORSHIP

Wilson,

SENATE SPONSORSHIP

Coram and Donovan,

House Committees

Judiciary
Appropriations

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE USE OF UNMANNED AIRCRAFT SYSTEMS TO PERFORM**
102 **GOVERNMENT FUNCTIONS RELATING TO CERTAIN**
103 **PUBLIC-SAFETY FUNCTIONS, AND, IN CONNECTION THEREWITH,**
104 **REQUIRING THE CENTER OF EXCELLENCE WITHIN THE**
105 **DEPARTMENT OF PUBLIC SAFETY TO PERFORM A STUDY AND**
106 **OPERATE A PILOT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

The bill requires the center of excellence (center) within the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 10, 2017

SENATE
Amended 2nd Reading
April 7, 2017

HOUSE
3rd Reading Unamended
March 13, 2017

HOUSE
Amended 2nd Reading
March 10, 2017

division of fire prevention and control within the department of public safety (department) to conduct a study concerning the integration of unmanned aircraft systems (UAS) within state and local government operations that relate to public safety. At a minimum, the study must:

- ! Identify the most feasible and readily available ways to integrate UAS technology within local and state government functions relating to public safety; and
- ! Include consideration of privacy concerns, costs, and timeliness of deployment.

The bill also creates an UAS pilot program (pilot program) to integrate UAS within state and local government operations that relate to public safety. The bill requires the center to operate the pilot program. The division of employment and training within the department of labor and employment may provide resources for training and development of eligible candidates of the pilot program.

On or before September 1, 2018, the center shall submit a report to the wildfire matters review committee and to the judiciary committees of the house of representatives and senate, or to any successor committees. The report must address each item of the center's study, as well as the results of the pilot program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) In response to recent devastating fires and floods and the
5 significant expenditures associated with them, the general assembly has
6 made substantial investments in firefighting and other
7 emergency-response technology;

8 (b) Although emergency-response operations are steadily
9 improving, newer technologies, including unmanned aircraft systems
10 (UAS), are becoming available to further decrease response times and
11 save lives and property from future catastrophic disasters;

12 (c) Last year, the United States Congress enacted the "Federal
13 Aviation Administration Extension, Safety, and Security Act of 2016",
14 H.R. 636, section 2204 of which requires the administrator of the federal

1 aviation administration to enter into agreements with other federal
2 agencies to "continue the expeditious authorization of safe unmanned
3 aircraft system operations in support of firefighting operations"; and

4 (d) A memorandum from President Barack Obama, dated
5 February 15, 2015, and entitled "Promoting Economic Competitiveness
6 While Safeguarding Privacy, Civil Rights, and Civil Liberties in
7 Domestic Use of Unmanned Aircraft Systems", stated that "UAS
8 technology continues to improve rapidly, and increasingly UAS are able
9 to perform a variety of missions with greater operational flexibility and
10 at a lower cost than comparable manned aircraft. A wide spectrum of
11 domestic users...are using or expect to use these systems, which may play
12 a transformative role in fields as diverse as urban infrastructure
13 management, farming, public safety, coastal security, military training,
14 search and rescue, and disaster response".

15 (2) The general assembly further finds that:

16 (a) The use of UAS by public safety organizations will create
17 opportunities and jobs;

18 (b) The state should support the integration of UAS as a matter of
19 economic development to develop the workforce, especially in rural areas
20 where disasters sometimes occur;

21 (c) Persons who will find work as UAS operators need
22 specialized, portable skills that involve public safety objectives as well as
23 technical, operational concerns; and

24 (d) The promotion of UAS by the general assembly is consistent
25 with the objectives of the "Colorado Career Advancement Act", part 2 of
26 article 83 of title 8, Colorado Revised Statutes, and the work force
27 development program set forth therein.

1 (3) Now, therefore, the general assembly declares that this act is
2 intended to help make Colorado the nation's center of expertise for the
3 integration of UAS into firefighting and other emergency operations,
4 building on the progress already made by the center of excellence for
5 advanced technology aerial firefighting within the department of public
6 safety.

7 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1228,
8 **amend (3); and add (2.5)(c) and (2)(d) as follows:**

9 **24-33.5-1228. Colorado firefighting air corps - creation -**
10 **powers - aircraft acquisitions required - center of excellence -**
11 **unmanned aircraft systems study and pilot program - Colorado**
12 **firefighting air corps fund - creation - report - rules.** (2.5) (c) (I) IN
13 ADDITION TO PERFORMING THE FUNCTIONS DESCRIBED IN SUBSECTION
14 (2.5)(b) OF THIS SECTION, UPON RECEIVING SUFFICIENT MONEY IN THE
15 FORM OF GIFTS, GRANTS, AND DONATIONS, THE CENTER OF EXCELLENCE
16 SHALL CONDUCT A STUDY CONCERNING THE INTEGRATION OF UNMANNED
17 AIRCRAFT SYSTEMS WITHIN STATE AND LOCAL GOVERNMENT OPERATIONS
18 THAT RELATE TO CERTAIN PUBLIC-SAFETY FUNCTIONS. AT A MINIMUM,
19 THE STUDY MUST:

20 (A) IDENTIFY THE MOST FEASIBLE AND READILY AVAILABLE WAYS
21 TO INTEGRATE UNMANNED AIRCRAFT SYSTEMS TECHNOLOGY WITHIN
22 LOCAL AND STATE GOVERNMENT FUNCTIONS INCLUDING BUT NOT LIMITED
23 TO FIREFIGHTING, SEARCH AND RESCUE, ACCIDENT RECONSTRUCTION, AND
24 EMERGENCY MANAGEMENT; AND

25 (B) FOR EACH APPLICATION OF UNMANNED AIRCRAFT SYSTEMS
26 THAT THE CENTER OF EXCELLENCE IDENTIFIES PURSUANT TO SUBSECTION
27 (2.5)(c)(I)(A) OF THIS SECTION, INCLUDE CONSIDERATION OF PRIVACY

1 CONCERNS, COSTS, AND TIMELINESS OF DEPLOYMENT.

2 (II) NOT LATER THAN ONE MONTH AFTER COMPLETING THE STUDY
3 DESCRIBED IN SUBSECTION (2.5)(c)(I) OF THIS SECTION, THE CENTER OF
4 EXCELLENCE SHALL SUBMIT A REPORT DESCRIBING THE RESULTS OF ITS
5 STUDY TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN
6 SECTION 2-3-1602 AND THE HOUSE AGRICULTURE, LIVESTOCK, AND
7 NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE,
8 NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR
9 COMMITTEES. THE REPORT MUST ADDRESS EACH ITEM DESCRIBED IN
10 SUBSECTION (2.5)(c)(I) OF THIS SECTION, AS WELL AS THE RESULTS OF THE
11 UNMANNED AIRCRAFT SYSTEM PILOT PROGRAM DESCRIBED IN SUBSECTION
12 (2.5)(d) OF THIS SECTION.

13 (d) (I) AS PART OF THE STUDY DESCRIBED IN SUBSECTION
14 (2.5)(c)(I) OF THIS SECTION, UPON RECEIVING SUFFICIENT MONEY IN THE
15 FORM OF GIFTS, GRANTS, AND DONATIONS, ON AND AFTER THE EFFECTIVE
16 DATE OF THIS SECTION, THE CENTER OF EXCELLENCE SHALL OPERATE AN
17 UNMANNED AIRCRAFT SYSTEM PILOT PROGRAM, REFERRED TO WITHIN THIS
18 SECTION AS THE "PILOT PROGRAM", TO INTEGRATE UNMANNED AIRCRAFT
19 SYSTEMS WITHIN STATE AND LOCAL GOVERNMENT OPERATIONS THAT
20 RELATE TO CERTAIN PUBLIC-SAFETY FUNCTIONS.

21 (II) AS PART OF THE PILOT PROGRAM, THE DEPARTMENT OF PUBLIC
22 SAFETY SHALL DEPLOY AT LEAST ONE TEAM OF UNMANNED AIRCRAFT
23 SYSTEM OPERATORS TO A REGION WITHIN THE STATE THAT HAS BEEN
24 DESIGNATED BY THE DIVISION AS A FIRE HAZARD. THE PILOT PROGRAM
25 MUST TRAIN THE UNMANNED AIRCRAFT SYSTEM OPERATORS TO OPERATE
26 UNMANNED AIRCRAFT SYSTEMS IN VARIOUS CONTEXTS INCLUDING BUT
27 NOT LIMITED TO FIREFIGHTING, SEARCH AND RESCUE, ACCIDENT

1 RECONSTRUCTION, AND EMERGENCY MANAGEMENT. UNMANNED
2 AIRCRAFT SYSTEM OPERATORS MAY BE COMPENSATED BY THE CENTER
3 DURING THEIR TRAINING.

4 (III) IN OPERATING THE PILOT PROGRAM, THE CENTER OF
5 EXCELLENCE SHALL NOT INTERFERE WITH ANY ACTIVE WILDFIRE
6 SUPPRESSION EFFORT UNLESS THE CENTER IS GRANTED PERMISSION TO
7 ASSIST IN SUCH EFFORT BY A SUPERVISING AGENCY WITH THE AUTHORITY
8 TO GRANT SUCH PERMISSION.

9
10 (3) (a) The division shall administer the Colorado firefighting air
11 corps fund, which fund is hereby created in the state treasury. The
12 division is ~~authorized to~~ MAY seek and accept gifts, grants,
13 reimbursements, investments, bond revenues, sales proceeds,
14 commissions for services, sponsorships, advertising fees, licensing fees,
15 profits, or donations from private or public sources for the purposes of
16 this section. The fund consists of all ~~moneys~~ MONEY that may be
17 appropriated to the fund by the general assembly, and all private and
18 public funds received through gifts, grants, reimbursements, investments,
19 bond revenues, sales proceeds, commissions for services, sponsorships,
20 advertising fees, licensing fees, profits, or donations that are transmitted
21 to the state treasurer and credited to the fund. All interest earned from the
22 investment of ~~moneys~~ MONEY in the fund ~~are~~ IS credited to the fund. The
23 ~~moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated for
24 the purposes indicated in ~~paragraph (c) of this subsection (3)~~ SUBSECTION
25 (3)(c) OF THIS SECTION. Any ~~moneys~~ MONEY not expended at the end of
26 the fiscal year ~~remain~~ REMAINS in the fund.

27 (b) The general assembly finds that the implementation of this

1 section does not rely entirely ~~or in any part~~ on the receipt of adequate
2 funding through gifts, grants, or donations. Therefore, the division is not
3 subject to the notice requirements specified in section 24-75-1303 (3).

4 (c) The division shall use the ~~moneys~~ MONEY in the Colorado
5 firefighting air corps fund for the PURPOSES OF SUBSECTION (2.5) OF THIS
6 SECTION AND FOR PAYING THE direct and indirect costs of maintaining the
7 Colorado firefighting air corps, including expenses associated with
8 acquisition, retrofitting, labor, equipment, supply, transportation, air,
9 mobilization, repair, maintenance, and demobilization.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.