

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 17-1070

BY REPRESENTATIVE(S) Wilson, Arndt, Esgar, Exum, Pabon, Rankin, Singer, Valdez, Young, Buckner, Hooton, Melton, Pettersen, Rosenthal, Salazar, Willett, Duran;
also SENATOR(S) Coram and Donovan, Cooke, Crowder, Garcia, Gardner, Kerr, Merrifield, Scott, Williams A.

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

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

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

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

(b) Although emergency-response operations are steadily

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

improving, newer technologies, including unmanned aircraft systems (UAS), are becoming available to further decrease response times and save lives and property from future catastrophic disasters;

(c) Last year, the United States Congress enacted the "Federal Aviation Administration Extension, Safety, and Security Act of 2016", H.R. 636, section 2204 of which requires the administrator of the federal aviation administration to enter into agreements with other federal agencies to "continue the expeditious authorization of safe unmanned aircraft system operations in support of firefighting operations"; and

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

(2) The general assembly further finds that:

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

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

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

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

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

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

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

(A) IDENTIFY THE MOST FEASIBLE AND READILY AVAILABLE WAYS TO INTEGRATE UNMANNED AIRCRAFT SYSTEMS TECHNOLOGY WITHIN LOCAL AND STATE GOVERNMENT FUNCTIONS RELATING TO FIREFIGHTING, SEARCH AND RESCUE, ACCIDENT RECONSTRUCTION, CRIME SCENE DOCUMENTATION, EMERGENCY MANAGEMENT, AND EMERGENCIES INVOLVING SIGNIFICANT PROPERTY LOSS OR POTENTIAL FOR INJURY OR DEATH; AND

(B) FOR EACH APPLICATION OF UNMANNED AIRCRAFT SYSTEMS THAT THE CENTER OF EXCELLENCE IDENTIFIES PURSUANT TO SUBSECTION (2.5)(c)(I)(A) OF THIS SECTION, INCLUDE CONSIDERATION OF PRIVACY CONCERNS, COSTS, AND TIMELINESS OF DEPLOYMENT.

(II) NOT LATER THAN ONE MONTH AFTER COMPLETING THE STUDY DESCRIBED IN SUBSECTION (2.5)(c)(I) OF THIS SECTION, THE CENTER OF EXCELLENCE SHALL SUBMIT A REPORT DESCRIBING THE RESULTS OF ITS STUDY TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION 2-3-1602 AND THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL

RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST ADDRESS EACH ITEM DESCRIBED IN SUBSECTION (2.5)(c)(I) OF THIS SECTION, AS WELL AS THE RESULTS OF THE UNMANNED AIRCRAFT SYSTEM PILOT PROGRAM DESCRIBED IN SUBSECTION (2.5)(d) OF THIS SECTION.

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

(II) AS PART OF THE PILOT PROGRAM, THE DEPARTMENT OF PUBLIC SAFETY SHALL DEPLOY AT LEAST ONE TEAM OF UNMANNED AIRCRAFT SYSTEM OPERATORS TO A REGION WITHIN THE STATE THAT HAS BEEN DESIGNATED BY THE DIVISION AS A FIRE HAZARD. THE PILOT PROGRAM MUST TRAIN THE UNMANNED AIRCRAFT SYSTEM OPERATORS TO OPERATE UNMANNED AIRCRAFT SYSTEMS IN VARIOUS CONTEXTS RELATING TO FIREFIGHTING, SEARCH AND RESCUE, ACCIDENT RECONSTRUCTION, CRIME SCENE DOCUMENTATION, EMERGENCY MANAGEMENT, AND EMERGENCIES INVOLVING SIGNIFICANT PROPERTY LOSS OR POTENTIAL FOR INJURY OR DEATH. UNMANNED AIRCRAFT SYSTEM OPERATORS MAY BE COMPENSATED BY THE CENTER DURING THEIR TRAINING.

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

(3) (a) The division shall administer the Colorado firefighting air corps fund, which fund is hereby created in the state treasury. The division ~~is authorized to~~ MAY seek and accept gifts, grants, reimbursements, investments, bond revenues, sales proceeds, commissions for services, sponsorships, advertising fees, licensing fees, profits, or donations from private or public sources for the purposes of this section. The fund consists of all ~~moneys~~ MONEY that may be appropriated to the fund by the general

assembly, and all private and public funds received through gifts, grants, reimbursements, investments, bond revenues, sales proceeds, commissions for services, sponsorships, advertising fees, licensing fees, profits, or donations that are transmitted to the state treasurer and credited to the fund. All interest earned from the investment of ~~moneys~~ MONEY in the fund ~~are~~ IS credited to the fund. The ~~moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated for the purposes indicated in ~~paragraph (c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS SECTION. Any ~~moneys~~ MONEY not expended at the end of the fiscal year ~~remain~~ REMAINS in the fund.

(b) The general assembly finds that the implementation of this section does not rely entirely ~~or in any part~~ on the receipt of adequate funding through gifts, grants, or donations. Therefore, the division is not subject to the notice requirements specified in section 24-75-1303 (3).

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

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO