

LEGISLATIVE COMMITTEE MINUTES

SB218

Bill as Introduced

SB 218 - AS INTRODUCED

2019 SESSION

19-1001
04/10

SENATE BILL **218**

AN ACT relative to duties of the commissioner of transportation regarding air navigation facilities.

SPONSORS: Sen. Watters, Dist 4

COMMITTEE: Transportation

ANALYSIS

This bill inserts definitions of small unmanned aircraft and small unmanned aircraft system into the New Hampshire Aeronautics Act and authorizes the commissioner of the department of transportation to regulate small unmanned aircraft systems.

This bill is a request of the department of transportation.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to duties of the commissioner of transportation regarding air navigation facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1

2 1 New Paragraphs; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
3 inserting after paragraph XXVII the following new paragraphs:

4 XXVII-a. "Small unmanned aircraft" means an unmanned aircraft weighing less than 55
5 pounds, including everything onboard or attached to the aircraft, which can be flown without the
6 possibility of direct human intervention from within or on the aircraft.

7 XXVII-b. "Small unmanned aircraft system" means a small unmanned aircraft and its
8 associated elements, including communication links and the components that control the small
9 unmanned aircraft, that are required for the safe and efficient operation of the small unmanned
10 aircraft.

11 2 New Paragraph; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
12 inserting after paragraph XXIX the following new paragraph:

13 XXX. "Unmanned aircraft" means an aircraft operated without the possibility of direct
14 human intervention from within or on the aircraft.

15 3 New Hampshire Aeronautics Act; Duties of Commissioner. Amend RSA 422:4, VI to read as
16 follows:

17 VI. Effecting uniformity in the regulations pertaining to the operation of aircraft by
18 adopting uniform rules consistent with federal regulations and making noncompliance with federal
19 regulations a violation of state law, thereby enabling the law enforcement agencies of the state to
20 enforce the laws regulating the operation of aircraft. For the purposes of this paragraph, aircraft
21 shall include ultralight vehicles as defined in 14 C.F.R. part 103 *and small unmanned aircraft*
22 *systems as defined in 14 C.F.R. parts 101 and 107 and in RSA 422:3.*

23 4 Effective Date. This act shall take effect 60 days after its passage.

SB 218 - FINAL VERSION

2019 SESSION

19-1001

04/10

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to duties of the commissioner of transportation regarding air navigation facilities.

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20 shall include ultralight vehicles as defined in 14 C.F.R. part 103 *and small unmanned aircraft*
21 *systems as defined in 14 C.F.R. parts 101 and 107 and in RSA 422:3.*

22 4 Effective Date. This act shall take effect 60 days after its passage.

23 VETOED July 10, 2019

24 Veto Sustained September 19, 2019

Committee Minutes

**AMENDED TIME CHANGE
SENATE CALENDAR NOTICE
Transportation**

Sen David Watters, Chair
Sen Regina Birdsell, Vice Chair
Sen Martha Hennessey, Member
Sen Melanie Levesque, Member
Sen Ruth Ward, Member

Date: February 20, 2019

HEARINGS

Tuesday	03/05/2019	
(Day)	(Date)	
Transportation	LOB 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	SB 188	relative to shore lights.
1:15 p.m.	SB 218	relative to duties of the commissioner of transportation regarding air navigation facilities.
1:30 p.m.	SB 219	relative to the disposal of highway or turnpike funded real estate.
1:45 p.m.	SB 220	relative to department of transportation access to crash data.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 188

Sen. Giuda
Sen. Ward

Sen. Birdsell
Sen. Watters

Sen. Kahn
Rep. Gordon

Sen. Starr
Rep. Viens

SB 218

Sen. Watters

SB 219

Sen. Watters

SB 220

Sen. Watters

Sen. Birdsell

Sonja Caldwell 271-2117

David H Watters
Chairman

Senate Transportation Committee

Sonja Caldwell 271-2117

SB 218, relative to duties of the commissioner of transportation regarding air navigation facilities.

Hearing Date: March 5, 2019

Members of the Committee Present: Senators Watters, Birdsell, Hennessey, Levesque and Ward

Members of the Committee Absent : None

Bill Analysis: This bill inserts definitions of small unmanned aircraft and small unmanned aircraft system into the New Hampshire Aeronautics Act and authorizes the commissioner of the department of transportation to regulate small unmanned aircraft systems.

This bill is a request of the department of transportation.

Sponsors:

Sen. Watters

Who supports the bill: Sen. Watters, Patrick Herlihy (NHDOT), Tricia Lambert (NHDOT), Carol Niewola (NHDOT), James Cloutier (Red Dog Aerial Media)

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented:

Sen. Watters

- This bill was a request of the NHDOT.
- It provides definitions for small unmanned aircraft and small unmanned aircraft systems (drones). It includes these systems in the duties of the commissioner to effect uniformity and regulations.
- This bill catches NH up with regard to something that should be appropriately regulated and it gives the commissioner the authority to do that.

Patrick Herlihy and Tricia Lambert (NHDOT)

- Over the last few sessions there have been bills around drone usage and the department saw that those bills had different definitions of drones. They thought that the definitions should be spelled out clearly and this bill does that. They are taking the definitions from the FAA.

Sen. Hennessey asked why the definition in the bill says less than 55 pounds.

Ms. Lambert stated that is what the FAA has determined. The measurements are over half a pound up to 55 pounds. That measurement covers a large portion of drones being used in the state.

Sen. Hennessey asked if the drones over 55 pounds are already regulated.

Ms. Lambert answered that the drones that are over 55 pounds are mostly used by the military and the FAA and state do not regulate those types.

James Cloutier (Red Dog Aerial Media)

- Mr. Cloutier and his wife founded this company in 2013. As FAA regulations have changed, they put forth time into understanding them and working within that framework. They have worked with UNH to design a curriculum, and an unmanned aerial system (UAS) operator program.
- This bill is just one step in making UAS use in NH safer.
- Law enforcement needs to be coupled with education and communication to be successful. In many cases, general knowledge of UAS regulations is lacking. It is difficult to enforce what you do not know and communicating UAS regulations to the public is critical.
- There are 5,300 registered UAS hobbyists in NH; that number could triple if everyone who had a UAS knew the requirement to register. Many owners do not know about the requirement to register their UAS and if they do, many choose not to register them.
- A lot of social media information is out of date or simply wrong.
- Mr. Cloutier suggests that there be public service commercials, digital advertisements on social media sites, or a website dedicated to UAS education.

Sen. Hennessey asked how law enforcement knows if something has been registered.

Mr. Cloutier said he does not have that answer. Once someone registers their UAS, they are supposed to put a sticker on the drone. If they register as a hobbyist, they register themselves, and the registration applies to as many drones as they own. As a commercial operator, he explained that he registers each of his units and they all have an FAA registration number.

Sen. Hennessey asked if a citizen is on the ground and sees a drone being a nuisance, can that person find out to whom it is registered.

Mr. Cloutier explained that is a challenge for the general public and law enforcement, but there is technology being developed that would give that information.

Sen. Levesque asked what people use his drones for.

Mr. Cloutier said they educate people on how to fly a UAS, take real estate photos, do mapping for companies and stockpile measurements. There is a myriad of things a UAS can do.

Sen. Birdsell asked if the new technology being developed will help airports with issues with drones.

Mr. Cloutier said that it is one technology that might help but different agencies have been tasked with finding a solution to that problem.

Speakers

Voting Sheets

Senate Transportation Committee
EXECUTIVE SESSION RECORD
2019-2020 Session

Bill # **SB218**

Hearing date: 3-5-19

Executive Session date: _____

Motion of: OTP Vote: 50

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 50

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Watters

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 6, 2019

THE COMMITTEE ON Transportation

to which was referred **SB 218**

AN ACT

relative to duties of the commissioner of
transportation regarding air navigation facilities.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator David Watters
For the Committee

This bill was requested by the Department of Transportation. It inserts definitions of small unmanned aircraft and small unmanned aircraft system into the New Hampshire Aeronautics Act. These definitions are consistent with the Federal Aviation Administration's definitions and will cover the majority of drones being used in the state. The bill also authorizes the Commissioner of the Department of Transportation to regulate small unmanned aircraft systems.

Sonja Caldwell 271-2117

FOR THE CONSENT CALENDAR

TRANSPORTATION

SB 218, relative to duties of the commissioner of transportation regarding air navigation facilities.

Ought to Pass, Vote 5-0.

Senator David Watters for the committee.

This bill was requested by the Department of Transportation. It inserts definitions of small unmanned aircraft and small unmanned aircraft system into the New Hampshire Aeronautics Act. These definitions are consistent with the Federal Aviation Administration's definitions and will cover the majority of drones being used in the state. The bill also authorizes the Commissioner of the Department of Transportation to regulate small unmanned aircraft systems.

Docket of SB218

Bill Title: relative to duties of the commissioner of transportation regarding air navigation facilities.

Official Docket of SB218.:

Date	Body	Description
1/22/2019	S	Introduced 01/03/2019 and Referred to Transportation; SJ 4
2/11/2019	S	==TIME CHANGE== Hearing: 03/05/2019, Room 103, LOB, 01:15 pm; SC 12
3/6/2019	S	Committee Report: Ought to Pass, 03/14/2019; Vote 5-0; CC SC 13
3/14/2019	S	Ought to Pass: MA, VV; OT3rdg; 03/14/2019; SJ 8
3/21/2019	H	Introduced 03/20/2019 and referred to Transportation HJ 11 P. 70
4/11/2019	H	Public Hearing: 04/16/2019 01:00 pm LOB 203
5/1/2019	H	==RECESSED== Executive Session: 05/14/2019 10:00 am LOB 203
5/15/2019	H	==CONTINUED== Executive Session: 05/28/2019 11:01 am LOB 203
5/29/2019	H	Committee Report: Without Recommendation for 06/05/2019 (Vote Tie; RC) HC 27 P. 21
6/6/2019	H	Lay on Table (Rep. McGuire): MF DV 154-196 06/06/2019 HJ 18 P. 11
6/6/2019	H	Ought to Pass: MA RC 206-148 06/06/2019 HJ 18 P. 11
6/18/2019	H	Enrolled 06/13/2019 HJ 19 P. 18
6/18/2019	S	Enrolled (In recess 06/13/2019); SJ 21
7/15/2019	S	Vetoed by Governor 07/10/2019
9/19/2019	S	Notwithstanding the Governor's Veto, Shall SB 218 Become Law: RC 14Y-10N, Veto Sustained, lacking the necessary two-thirds vote; 09/19/2019; SJ 22

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 218

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office *M*

July 10, 2019

Governor's Veto Message Regarding Senate Bill 218

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 10th, 2019, I have vetoed Senate Bill 218, relative to duties of the commissioner of transportation regarding air navigation facilities.

This bill is a well-intentioned attempt to establish NH Department of Transportation's regulatory authority over small drones. Unfortunately, we have heard technical concerns related to discrepancies between state and federal law. If we are making noncompliance with federal regulations a violation of state law, we should be certain that all technical issues are worked out. We should take more time to improve this bill and come back to it next year.

For the reasons stated above, I have vetoed Senate Bill 218.

Respectfully submitted,

Christopher T. Sununu
Governor