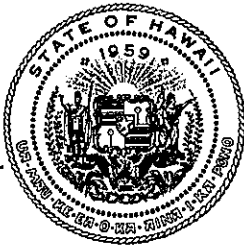


# **SB 579**

## **RELATING TO UNMANNED AIRCRAFTS**

Prohibits the use of unmanned aircrafts, except by law enforcement agencies, to conduct surveillance and establishes certain conditions for law enforcement agencies to use an unmanned aircraft to obtain information. Exempts the use of model aircrafts for commercial, hobby, or recreational purposes. Requires all law enforcement agencies using unmanned aircrafts and the courts to report on their activities relating to unmanned aircrafts.

PSM/TRA, JDL



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE  
GOVERNOR

LUIS P. SALAVERIA  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
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Telephone: (808) 586-2355  
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Statement of  
**LUIS P. SALAVERIA**  
Director

Department of Business, Economic Development & Tourism

before the

**SENATE COMMITTEES ON  
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS  
AND TRANSPORTATION**

Thursday, February 12, 2015

2:30 p.m.

State Capitol, Conference Room 229

in consideration of

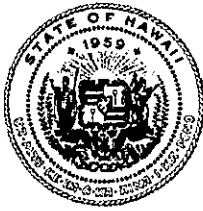
**SB 579  
RELATING TO UNMANNED AIRCRAFTS.**

Chairs Espero and Nishihara, Vice Chairs Baker and Harimoto, and Members of the Committees. Although the Department of Business, Economic Development and Tourism appreciates the general intent of this bill to help address privacy issues associated with the use of unmanned aircraft, it is concerned that: (1) there already is an existing body of federal, state and local laws relating to privacy that would apply to the operation of unmanned aerial systems (UAS) by government, commercial, and private operators; and (2) that any new legislation intended to address privacy concerns regarding UAS avoids establishing regulations that would prohibit the numerous applications of this technology that can provide a wide range of economic, environmental, safety, and security benefits to the general public.

To better address this complex issue, the Aerospace States Association, in collaboration with the Council of State Governments and the National Conference of State Legislatures, have developed a list of considerations for states to evaluate in developing UAS legislation, and we would recommend your reviewing these factors before enacting State legislation that would impact UAS applications in Hawaii (these considerations may be accessed online at <http://aerostates.org/events/uas-state-privacy-considerations> ).

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the Senate Committees on  
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS  
and  
TRANSPORTATION**

**Thursday, February 12, 2015  
2:30 PM  
State Capitol, Conference Room 229**

**In Consideration of  
SENATE BILL 579  
RELATING TO UNMANNED AIRCRAFTS**

Senate Bill 579 proposes to prohibit the use of unmanned aircrafts and provides certain exceptions for use by law enforcement to conduct surveillance and establishes certain conditions for law enforcement agencies to use an unmanned aircraft to obtain information. Senate Bill 579 requires all law enforcement agencies using unmanned aircrafts and the courts to report on their activities relating to unmanned aircrafts. **The Department of Land and Natural Resources (Department) offers the following comments regarding this measure.**

The Department's Division of Conservation and Resources Enforcement (DOCARE) is charged with enforcing the State's natural resources laws and regulations. Much of the state lands patrolled by DOCARE are undeveloped and geographically remote making access to these areas difficult and often dangerous.

Senate Bill 579 proposes to provide certain exceptions for the use of unmanned aircrafts for surveillance. However, the measure does not currently include an exception allowing for the use of unmanned aircraft for routine patrol in remote and inaccessible geographic locations. The Department respectfully requests language be inserted in the bill that would allow for the Department to use unmanned aircraft to patrol these remote areas of state land. For that matter, the Department asks the Committees' consideration to include resource management as an acceptable use for unmanned aircrafts to assist the Department in protecting and managing Hawaii's unique and limited natural, cultural, and historic resources.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Monday, February 09, 2015 2:06 PM  
**To:** PSMTestimony  
**Cc:** amara@mindspring.com  
**Subject:** Submitted testimony for SB579 on Feb 12, 2015 14:30PM

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Amara Karuna	Laakea community LLC	Support	No

Comments: Please support this measure. Amara Karuna

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Saturday, February 07, 2015 9:07 AM  
**To:** PSMTestimony  
**Cc:** djp@kona.net  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/7/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Phillips	Individual	Support	No

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Saturday, February 07, 2015 10:10 AM  
**To:** PSMTestimony  
**Cc:** hourandahalf@icloud.com  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/7/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemarie Patronette	Individual	Support	No

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Friday, February 06, 2015 8:13 PM  
**To:** PSMTestimony  
**Cc:** 333cory@gmail.com  
**Subject:** Submitted testimony for SB579 on Feb 12, 2015 14:30PM

**SB579**

Submitted on: 2/6/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Cory	Individual	Support	No

Comments: Aloha legislators, Let's be sure protections for privacy and citizens' rights stay ahead of new technology. Mahalo!

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 11, 2015 10:20 AM  
**To:** PSMTestimony  
**Cc:** hourandahalf@icloud.com  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/11/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemarie Patronette	Individual	Support	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 09, 2015 3:47 AM

**To:** PSMTestimony

**Cc:** shannonkona@gmail.com

**Subject:** Submitted testimony for SB579 on Feb 12, 2015 14:30PM

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Support

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Monday, February 09, 2015 4:41 AM  
**To:** PSMTestimony  
**Cc:** yorkcarlton@gmail.com  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Carlton York	Individual	Support	No

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2015 2:58 PM  
**To:** PSMTestimony  
**Cc:** sherricarden@ymail.com  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
sherri carden	Individual	Support	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2015 8:33 PM  
**To:** PSMTestimony  
**Cc:** junglejahnava@gmail.com  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
jahnava baldassarre	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2015 9:07 PM  
**To:** PSMTTestimony  
**Cc:** clivechi3@yahoo.com  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clive Cheetham	Koa'e Community Association	Support	No

Comments:

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Lawrence E. Osborn  
7868 Makaaoo Place  
Honolulu, Hawaii 95825

February 10, 2015

TESTIMONY OPPOSING SENATE BILL 579 - RELATING TO UNMANNED AIRCRAFT  
TECHNOLOGY

Dear Members of the 28<sup>th</sup> Hawaii State Legislature,

I am writing in opposition of this bill, the intent of which is to "...ensure that unmanned aircraft technology is used strictly to assist or benefit Hawaii residents and not used in a manner that will impede their right to privacy."

SB 579 restricts the use of unmanned aircraft for surveillance by law enforcement to only those "exceptions" that are defined in the bill. If there is anything we have learned about technology, it is that new uses are discovered every day. Traffic management, accident investigation, and crowd control come immediately to mind, but would be prohibited under its provisions.

First, a question. Would we apply these same rules to manned aircraft, such as our police helicopters and other manned aircraft operated by state government agencies?

A much better approach to protect individual rights to privacy would be to define what law enforcement (or any state government agency for that matter) cannot do.

I suggest we draw upon on material developed by the Association of Aerospace States, which can ensure our privacy while allowing state government agencies to leverage the technology to save money and better serve the public. Consider the following:

- Require a warrant for government surveillance of an individual or their property where the individual is specifically targeted for surveillance in advance without their permission. All other observation activities should not require a warrant, to the extent allowed under Supreme Court rulings.
- Prohibit the repurposing of data collected from Government use of UAS in warrantless observation unless a warrant allows the repurposing.
- Prohibit unmanned aircraft from tracking specific, identifiable individuals without their consent.
- Prohibit weapons carriage on unmanned systems.

It should also be understood, and perhaps emphasized in any legislation being considered, that existing laws regarding individual privacy, peeping toms, nuisances, trespassing, etc. apply to the operation of unmanned systems.

The reporting requirements levied in this bill are extremely cumbersome and expensive to comply with, and I look forward to hearing from our law enforcement officials about that.

As a Hawaii resident and member of the Hawaii Aerospace Advisory Committee I

Please do not hesitate to contact me directly if you have further questions about my testimony. I can be reached via email at [losborn@dreamhammer.com](mailto:losborn@dreamhammer.com) or by phone at (808) 554-4684.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2015 10:14 PM  
**To:** PSMTestimony  
**Cc:** aloha@gaiayoga.org  
**Subject:** \*Submitted testimony for SB579 on Feb 12, 2015 14:30PM\*

**SB579**

Submitted on: 2/9/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ano Hanamana	Individual	Support	No

**Comments:**

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**SB579**

Submitted on: 2/10/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
keri	Individual	Support	No

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 11, 2015 7:42 AM  
**To:** PSMTestimony  
**Cc:** ssday1@aol.com  
**Subject:** Submitted testimony for SB579 on Feb 12, 2015 14:30PM

**SB579**

Submitted on: 2/11/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Day	Individual	Comments Only	No

Comments: While I support SB 579 in principle, I urge the Legislature to follow/utilize California's State legislation, regarding "unmanned aircraft" (UAVs) - possibly avoiding reinventing the wheel. Cordially, Stephen Day.

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**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Saturday, February 07, 2015 7:14 AM  
**To:** PSMTestimony  
**Cc:** nredfeather@kohalacenter.org  
**Subject:** Submitted testimony for SB579 on Feb 12, 2015 14:30PM

**SB579**

Submitted on: 2/7/2015

Testimony for PSM/TRA on Feb 12, 2015 14:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Redfeather	Individual	Comments Only	No

Comments: Please consider the implications for this bill as the skies fill with drones, each with their own "mission." We don't need this. Let's reserve this technology for law enforcement authorities or research.