

AUAB

Aviation Users Advisory Board

Christopher F. Nevins
Chairman

[Airlines]

July 27, 2018 – April 23, 2022

VACANT

Vice Chairman

[Aviation Association of New
Hampshire]

Lorri E. Badolato

Secretary

[Corporate Aviation]

August 2, 2017- July 25, 2020

Garrett Miller

[General Aviation]

July 27, 2018 - April 23, 2022

Thomas J. Malafronte

[Airport Management]

November 22, 2017- July 25, 2021

William J. Moran Jr.

[Airport Authority]

November 22, 2017 – July 25, 2021

Victoria F. Sheehan

[Commissioner, NHDOT
Ex officio]



RSA 21-L:8

Aviation Users Advisory Board (AUAB) was established in 1986. Members to the AUAB are appointed by the Governor as an advisory board to the director of aeronautics, rail and transit.

January 10, 2020

To: Aviation Users Advisory Board

The next meeting of the Aviation Users Advisory Board is scheduled for **Friday, January 10, 2020 at NHDOT, at 10:00 AM, John O Morton Building, Commissioner's Conference Room**

Approval of Minutes

- Chairman's Comments
- Public Comment

2020 Election of Officers

New Business

2020 Aviation Legislation

HB-1222 Adding a UAS Member to the AUAB

HB-1580-FN Regulating the use of drones

HB-605-FN Relative to violations involving an unmanned aircraft vehicle (UAV)

SB-615 Relative to small unmanned aircraft

HB-1517 Relative to roadable aircraft

SB-446 Relative to airport fees for Transportation Network Companies (TNC)

HB-1417 Expands the prohibition against collecting biometric data to private entities and individuals

Alton Bay Ice Runway Status

**Notice of Proposed Rule Making (NPRM) –
Remote ID of UAS- Will Stanfield**

Aeronautics Staff Changes

Old Business

Airport Update- Handout

Executive Session – if necessary.

AUAB Meeting on November 1, 2019

10:08 Meeting called to order by the Chairman Nevins

In attendance from the Board: Chris Nevins, Lorri Badolato, Garrett Miller, Bill Moran, Tom Malafronte, Gale Furey .

In attendance from the Bureau of Aeronautics: Patrick Herlihy, Tricia Lambert, Will Stanfield, Kathy Schmitt, and Danielle Plant

Members of the public were in attendance: Rita Hunt and Andrew Pomeroy.

Reviewed the minutes. No questions were raised by the Board Members. Motion to accept the Minutes was made by Lorri Badolato, seconded by Garrett Miller.

New Business

Report to Governor's office, House Ways & Means and Senate Ways & Means re: Registration RSA 422:31-a: because of the difference between the calendar year and the fiscal year as it relates to the switch over from the old registration fee regime to the new one, the report is mix of 6 mos. of old and 6 mos. of new fees, so the total incoming fees are inflated (\$935,681.98). Estimated registration fees for the first calendar year is around \$400k, which is what is expected for next year.

Moultonboro Airport will come off the list of public airports, because it is now strictly private; The Nov. 8 New York Sectional will show it as private – permission only landings.

The registrations may not be fully reported at some airports - efforts to update are ongoing.

Numbers are nuanced but trends are positive among all classes. The largest increase is in the Antique, Experimental or Glider category (in significant part on account of the DOT's efforts to find aircraft).

The registrations rolls don't include those NH aircraft owners issued waivers – such as those NH resident owners who register their aircraft in another jurisdiction with similar fees/registration.

Airports should be doing inspections as well. If an aircraft is reported but not on the registration rolls, DOT follows up with the owner, and reports that info to the airport.

Airway toll grants: info in packet; NH-AIM Program

31 project requests for the program have been submitted - 4 non-NPIAS airports applied, 8 NPIAS airports applied; a total of \$1.4 mil in project value for all. There is \$225k available in state share (plus \$5-\$10k carryover funds if approved) from 2019 to 2020. The DOT will plan and program for \$225k. Franconia will get their project full funded, and Jaffrey will get the remainder of the funds to start pavement projects. If money wasn't fully used by the airport, then that money would recycle back to the program – the DOT tries to work with the airport to ensure project feasibility and possible time extensions for completion. There are procedures in place to address late or not executed projects.

Aeronautical Fund Trust Program

Disposition of funds – funds to be included in the AIM Program process state share. The trust is a state fund so it cannot be used for airport share of the cost of a project, only for the state share of the project.

Current State Legislative Matters

SB 218, to amend RSA 422:3 to include definition of “small unmanned aircraft,” “Small unmanned aircraft system” and “unmanned aircraft” as an aircraft, and all federal regulations apply (just like manned aircraft). Registration not addressed.

Although the CTA wanted it tabled, the Bill passed, however the Governor vetoed. DOT has reached out to CTA for input, and the DOT plans to do education with the Committees. DOT is trying to make sure that State/Municipalities understand that they CANNOT legislate use (airspace, etc.) as FAA has preemptive jurisdiction.

2020 Aviation LSRs – legislation proposed

Bill to add UAS position for AUAB, was sponsored by Ken Wyler

Various bills related to flying cars, drones

MHT wants to charge Uber/Lift/Transportation Network Companies (not regulated transportation) like they do cabs – cannot do so under current law; inability to charge (issue is equal treatment of vendors) potentially puts MHT in violation of grants assurances (equal treatment); may get broader brush from other transportation modes

Economic Impact Study – Tom asked if there were any plans to do another economic impact study of airports - the last was done in 2015. There is none planned, primarily because there is no state funding for it, and the FAA doesn't fund anymore

Aviation Association of NH AUAB Representative, Gale Furey, is leaving the board due to a change in her work at the Veterans Administration hospital. We need to provide 6 recommendations for a replacement to the Governor. Also, Gale was the replace Vice Chair, so we will need to elect her replacement.

Old Business

Aeronautics Budget update: DOT has a budget, and it received what was requested, including a new position: UAS program. The job title and description is presently being developed; the position requires pilot license and 107 certification.

AIP – projects are submitted to FAA. Projects around the state are finishing up.

First NHAIM project finishing.

Concord looking to update the terminal building; a study is being undertaken.

FAA will provide supplemental funding at Claremont (apron work) & Portsmouth (terminal building)

Other

Laconia/Guilford – interest in adding firefighting equipment to airport area

Can't be on FAA obligated land for non-aeronautical use

Any location off airport?

Airport/aircraft use study

RNAV approach not available for night, forces tailwind approach for ILS landing – FAA

Whitefield – 2000 AGL pattern altitude; in practice 1000 AGL is being flown

CAP running exercise – aerial photography project Saturday and Sunday (11/2 – 11/3)

\$1.3 mil in funding to CAP for Cadet Program “Cadet Flight Plan”

Instructor pilot does private pilot training to Cadets for no pay

Museum – MST: RV12 airplane project has started

Rita – Aviation Day 4000+ attendees

Aviation Art contest – deadline is in January; 9 winners

Haverhill, Keene and Lebanon – still looking for airport managers

Gale Furey given certificate of appreciation from AUAB recognizing her contribution, and Aviation Poster signed by the members.

The meeting is adjourned at 11:35 upon a motion by Tom, Second by Bill.

HB 1222 - AS INTRODUCED

2020 SESSION

20-2402
11/04

HOUSE BILL **1222**

AN ACT adding a member to the aviation users advisory board.

SPONSORS: Rep. Weyler, Rock. 13; Rep. L. Ober, Hills. 37; Rep. R. Ober, Hills. 37; Rep. Torosian, Rock. 14; Rep. Jack, Hills. 36

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill adds a representative of the unmanned aircraft systems industry to the aviation users advisory board.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

20-2402
11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT adding a member to the aviation users advisory board.

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

1 Aviation Users Advisory Board; Membership. Amend RSA 21-L:8, I(f) and (g) to read as follows:

(f) One member representing general aviation.

(g) ***One member representing the unmanned aircraft systems industry, who shall be certified as a remote pilot pursuant to 14 C.F.R. section 107.53 et seq. at the time of appointment.***

(h) The commissioner, or designee, who shall serve as an ex officio voting member of the board.

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

HB 1580-FN - AS INTRODUCED

2020 SESSION

20-2228
04/05

HOUSE BILL ***1580-FN***

AN ACT regulating the use of drones.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Schamberg, Merr. 4; Rep. Steven Smith, Sull. 11; Sen. Reagan, Dist 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill regulates the use of drones by government agencies and individuals. This bill establishes criminal penalties and civil remedies for violations of the law.

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.
20-2228
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT regulating the use of drones.

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 422-C the following new chapter:

CHAPTER 422-D

DRONES

422-D:1 Definitions. In this chapter:

- I. "Airspace" means the space above the ground in New Hampshire.
- II. "Drone" means a powered, aerial vehicle, that:
 - (a) Does not carry a human operator;
 - (b) Uses aerodynamic forces to provide vehicle lift;
 - (c) Can fly autonomously or be piloted remotely; and
 - (d) May be expendable or recoverable.
- III. "Government" means the federal government, the state government and any political subdivisions thereof, and state and municipal agencies and departments, including employees and agents.

IV. "Image" means a record, including a photograph, of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

V. "Imaging device" means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

VI. "Individual" means a living human being.

VII. "Information" means any evidence, images, sounds, or data gathered by a drone.

VIII. "Law enforcement agency" means a lawfully established state, county, or municipal agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of the criminal laws.

IX. "Law enforcement officer" means a duly sworn employee of a law enforcement agency who is invested with the power of arrest or the detection of crime.

X. "Person" means individuals, partnerships, limited liability companies, corporations, and any other organizations, including for-profit and not-for-profit entities, but excluding government.

XI. "Surveillance" means the willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of: (a) a recognizable individual or a group of individuals, including their movements, activities, or communications, or (b) motor vehicles identifiable by their license plates. The term does not include such activities by a person on real estate in which such person has a legal interest.

422-D:2 Government Use of Drones Limited; Exceptions.

I. Except as provided in paragraph II or III:

(a) No government shall use a drone, or obtain, receive, use, or retain information acquired by or through a drone, to engage in surveillance, to acquire evidence, or to enforce laws; and

(b) No government shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

II.(a) Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use or retain information acquired by or through a drone, for law enforcement purposes under the following conditions only:

(1) If surveillance is undertaken, with the prior consent of the person who is the subject of surveillance and the owner or lessee of the property which is the subject of the surveillance.

(2) If a government first obtains a search warrant signed by a judge and based on probable cause or the use of a drone is pursuant to a legally-recognized exception to the warrant requirement. A search warrant authorizing the use of a drone shall specify the period for which operation of the drone is authorized, which period shall not exceed 10 days unless subsequently renewed by a judge.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence, or to assist in locating missing, abducted, or lost individuals or hunters or hikers, or to rescue persons in natural disasters, injured persons, or persons in need of medical assistance.

(4) To counter a high risk of a terrorist attack or incident by a specific individual or organization which the United States Department of Homeland Security determines that credible intelligence indicates that there is such a risk.

(5) To increase situational awareness in understanding the nature, scale, and scope of an incident which has occurred and for planning and coordinating an effective and legal response, provided the incident is limited geographically and in time.

(6) To support the tactical deployment of law enforcement personnel and equipment in emergency situations.

(7) To document a specific crime scene, traffic crash scene, or other major incident scene, such as a disaster caused by natural or human activity, provided such documentation is conducted in a geographically confined and time-limited manner.

(8) For purposes of training law enforcement officers or others in the proper, safe, and legal use of drones.

(b) A government which uses a drone, or obtains, receives, uses or retains information acquired by or through a drone, pursuant to paragraph II may do so only if (1) specifically authorized by the chief law enforcement officer of a law enforcement agency, or a supervisor designated by the chief law enforcement officer, (2) the drone is not operated in an unsafe manner, and (3) the drone is not operated in violation of United States Federal Aviation Administration regulations.

(c) The use of a drone by a government under subparagraph II(a)(4) shall be limited to a period of 48 hours of its initial use after which a search warrant or other court order signed by a judge shall be required. The use of a drone by a government under subparagraphs II(a)(5)-(8) shall be limited to a period of 48 hours of its initial use after which reauthorization shall be required.

(d) Within 5 business days of the initiation of the use of a drone under subparagraph II(a), the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

III. Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use, or retain information acquired by or through a drone for non-law enforcement purposes if, in an emergency, a government determines that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to assist in locating missing, abducted, or lost individuals or hunters or hikers, or to rescue persons in natural disasters, injured persons, or persons in need of medical assistance.

IV. Unless the fact of a violation is being disputed, information obtained by a government in violation of paragraphs I and II shall, within 12 hours after the discovery of the violation, be permanently and irretrievably destroyed, shall not be transferred to another government or person, shall not be admissible in any judicial or administrative proceeding, and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

V. Images of identifiable individuals obtained by a government pursuant to paragraphs I or II shall be blurred, deleted or otherwise de-identified as soon as practicable but in any case within 30 days after being obtained unless such images may be evidence in a criminal investigation.

VI. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or nonlethal weapon.

VII. A government that owns, uses, or exercises control over a drone that causes injury to a person or a person's property shall be liable for such injury.

422-D:3 Nongovernment Use of Drones Limited; Exceptions.

I. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or nonlethal weapon. This prohibition shall not apply to a person who is a federal government military

contractor using or exercising control over a drone which is equipped with a nonlethal weapon and which is flying over real property in which the person has a legal interest.

II. No person shall use a drone to view, photograph, or make a video or other recording of another person, under circumstances where such other person has a reasonable expectation of privacy, without the consent of such other person.

III. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be liable for the injury.

422-D:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

422-D:5 Applicability. The provisions of this chapter shall not apply to the New Hampshire national guard in the conduct of its official duties.

422-D:6 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state. Nothing in this chapter shall be construed to impose liability in connection with news gathering activity.

422-D:7 Penalties.

I. A government employee or agent who knowingly violates RSA 422-D:2, except for the reporting requirements in 422-D:2, II(d) and 422-D:2, VIII, shall be guilty of a misdemeanor. A government employee or agent who violates the reporting requirements in RSA 422-D:2, II(d) or 422-D:2, VIII shall be guilty of a violation for a first offense and a misdemeanor for any subsequent offense.

II. A government which violates RSA 422-D:2 may be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who suffers damages or injury caused by a government's use of a drone pursuant to this chapter may bring a civil action to recover actual damages which shall be limited to medical expenses, treatment, and rehabilitation, property damage, permanent physical impairment, court costs, and reasonable attorney's fees from the government. No claim for pain and suffering, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, or consortium, or other nonpecuniary losses shall be compensable under this chapter. This paragraph shall not be construed as a waiver of the sovereign immunity of the state.

IV. A person who violates RSA 422-D:3, I or II shall be guilty of a misdemeanor.

V. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 and an award of reasonable attorney's fees.

VI. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney's fees.

2 Effective Date. This act shall take effect January 1, 2021.

LBAO
20-2228
11/25/19

**HB 1580-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT regulating the use of drones.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill establishes the regulation of drones and creates multiple violation and misdemeanor level offenses. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Violation Level Offense	\$52	\$54
Class B Misdemeanor	\$54	\$56
Class A Misdemeanor	\$77	\$79
Simple Criminal Case	\$300	\$314
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Department of Transportation expects no incremental expenditures as a result of this bill.

AGENCIES CONTACTED:

Department of Safety, Department of Transportation, Judicial Branch, Department of Justice, Judicial Council, and New Hampshire Association of Counties

SB 605-FN - AS INTRODUCED

2020 SESSION

20-2746
04/03SENATE BILL **605-FN**

AN ACT relative to violations of privacy involving an unmanned aerial vehicle.

SPONSORS: Sen. Ward, Dist 8; Sen. Birdsell, Dist 19; Rep. Steven Smith, Sull. 11; Rep. Erf, Hills. 2

COMMITTEE: Judiciary

ANALYSIS

This bill includes unmanned aerial vehicle or "drone" in the meaning of "device" and restricts where a drone may fly outside of a private place.

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.
 20-2746
 04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to violations of privacy involving an unmanned aerial vehicle.

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

- 1 Violation of Privacy; Use of an Unmanned Aerial Vehicle. Amend RSA 644:9, I(c) to read as follows:
 (c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, observing, or in any way transmitting images, location, movement, or sounds originating in such place which would not ordinarily be audible, visible, or comprehensible outside such place; **or**
(d) Outside a private place, an unmanned aerial vehicle, otherwise known as a drone, flying at an altitude less than 400 feet above a private place or its curtilage at any time without the written permission of the resident or owner of the private place.
- 2 Violation of Privacy; Unmanned Aerial Vehicle Added. Amend RSA 644:9, II to read as follows:
 II. As used in this section^[s]:
(a) "Private place" means a place where one may reasonably expect to be safe from surveillance including public restrooms, locker rooms, the interior of one's dwelling place, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.
(b) "Device" shall include an unmanned aerial vehicle, otherwise known as a drone.
- 3 Effective Date. This act shall take effect 60 days after its passage.

LBAO
20-2746
11/12/19

**SB 605-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to violations of privacy involving an unmanned aerial vehicle.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill contains a penalty that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class A Misdemeanor	\$77	\$79
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).

Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

SB 615 - AS INTRODUCED

2020 SESSION

20-2997
11/04

SENATE BILL **615**

AN ACT relative to small unmanned aircraft.

SPONSORS: Sen. Watters, Dist 4; Sen. Gray, Dist 6; Sen. Birdsell, Dist 19; Rep. Weyler, Rock. 13

COMMITTEE: Transportation

ANALYSIS

This bill defines and regulates "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.
20-2997
11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to small unmanned aircraft.

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

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

XXVII-a. "Small unmanned aircraft" means an unmanned aircraft as defined 14 C.F.R. part 107.

XXVII-b. "Small unmanned aircraft system" means a small unmanned aircraft and its associated elements as defined in 14 C.F.R. part 107.

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

XXX. "Unmanned aircraft" means an aircraft as defined in 14 C.F.R. part 107.

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

VI. Effecting uniformity in the regulations pertaining to the operation of aircraft by adopting uniform rules consistent with federal regulations and making noncompliance with federal regulations a violation of state law, thereby enabling the law enforcement agencies of the state to enforce the laws regulating the

operation of aircraft. For the purposes of this paragraph, aircraft shall include ultralight vehicles as defined in 14 C.F.R. part 103 *and small unmanned aircraft systems as defined in RSA 422:3, XXVII-b.*

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

HB 1517-FN - AS INTRODUCED

2020 SESSION

20-2437
11/10

HOUSE BILL ***1517-FN***

AN ACT relative to roadable aircraft.

SPONSORS: Rep. Steven Smith, Sull. 11; Rep. Costable, Rock. 3; Rep. J. Osborne, Rock. 4; Rep. Torosian, Rock. 14; Sen. Watters, Dist 4; Sen. Ward, Dist 8

COMMITTEE: Transportation

ANALYSIS

This bill defines and establishes inspection requirements for roadable aircraft.

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.
20-2437
11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to roadable aircraft.

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

1 New Section; Motor Vehicles; Definitions; Roadable Aircraft. Amend RSA 259 by inserting after section 91 the following new section:

259:91-a Roadable Aircraft. "Roadable aircraft" shall mean any aircraft capable of taking off and landing from a suitable airfield which is also designed to be driven on public roadways as a conveyance.

2 New Subparagraph; Certificates of Title; Exempted Vehicles. Amend RSA 261:3, I by inserting after subparagraph (k) the following new subparagraph:

(l) A roadable aircraft as defined in RSA 259:91-a.

3 New Section; Certificates of Title and Registration of Vehicles; Number Plates; Roadable Aircraft. Amend RSA 261 by inserting after section 89-d the following new section:

261:89-e Identification of Roadable Aircraft. Roadable aircraft as defined in RSA 259:91-a shall be identified using the federally issued tail number and shall not be required to display an additional license plate or decal.

4 Motor Vehicle Inspections; Roadable Aircraft. Amend RSA 266:1, I-II to read as follows:

I. The director may require the inspection of any vehicle, except an OHRV, snowmobile, moped, **roadable aircraft**, or any other vehicle exempted under this chapter, to determine whether it is fit to be driven. Such inspection shall be made at such times and in such manner as the director may specify, subject to the requirements set forth in this section.

II. Any vehicle registered under this title, except an OHRV, snowmobile, moped, **roadable aircraft**, or other exempt vehicle, shall be inspected once a year, during the month in which the birth date of the owner is observed, if the owner is a natural person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application. Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates. An inspection sticker shall not expire when a vehicle is transferred to a licensed dealer.

5 Motor Vehicle Inspections; Roadable Aircraft. Amend RSA 266:1, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, ~~and~~ mopeds, **roadable aircraft**, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, ~~and~~ mopeds, **and roadable aircraft**, the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 20 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate unless a valid inspection sticker issued by the dealer is in place, in which case the vehicle shall be inspected within 20 days or before the sticker expires, whichever occurs first. All other expired motor vehicle inspections shall be subject to the 10-day grace period in RSA 266:5.

6 Motor Vehicle Inspections; Roadable Aircraft. Amend RSA 266:1, X to read as follows:

X. The director may authorize properly qualified persons to inspect any motor vehicle, except an OHRV, snowmobile, moped, **roadable aircraft**, or any other vehicle exempted under this chapter, which has been involved in a fatal accident or an accident involving serious bodily injury as defined in RSA 625:11, VI, to determine whether the vehicle was in compliance with state inspection requirements.

7 New Paragraph; Aeronautics; Definitions; Roadable Aircraft. Amend RSA 422:3 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Roadable aircraft" means any aircraft capable of taking off and landing from a suitable airfield which is also designed to be driven on public roadways as a conveyance.

8 New Section; Aeronautics; Prohibitions and Penalties; Roadable Aircraft in Operation on Public Roadways. Amend RSA 422 by inserting after section 27 the following new section:

422:27-a Roadable Aircraft in Operation on Public Roadways.

I. All roadable aircraft shall be considered motor vehicles while in operation on the roadways of the state and shall comply with the provisions of RSA 265.

II. The operation of roadable aircraft shall be subject to restrictions placed upon the use of public roadways by rules adopted by the department of safety.

III. All roadable aircraft shall be required to take off and land from a suitable airstrip and shall be prohibited from taking off and landing from any public roadway, unless under conditions of an emergency.

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

LBAO
20-2437
11/4/19

**HB 1517-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to roadable aircraft.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2020 through 2023.

AGENCIES CONTACTED:

Departments of Transportation and Safety

SB 446 - AS INTRODUCED

2020 SESSION

20-3025
10/01

SENATE BILL **446**

AN ACT relative to airport fees for transportation network companies.

SPONSORS: Sen. Cavanaugh, Dist 16

COMMITTEE: Transportation

ANALYSIS

This bill allows an airport to charge a fee to transportation network companies which is not greater than motor carrier or taxicab charges.

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.

SB 446 - AS INTRODUCED

20-3025
10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to airport fees for transportation network companies.

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

- 1 1 Transportation Network Company; Airport Charges. Amend RSA 376-A:17 to read as follows:
2 376-A:17 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC
3 drivers are governed exclusively by this chapter and any rules by the department of safety consistent
4 with this chapter. No municipality or other local entity may impose a tax on, or require a license for,
5 a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to
6 providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry,
7 operational, or other requirements, ***except that an airport that is federally obligated may***
8 ***charge a TNC fee, as may be amended from time to time, which is not greater than a fee***
9 ***applied to a taxicab service.***
10 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1417 - AS INTRODUCED

2020 SESSION

20-2255
11/08HOUSE BILL **1417**

AN ACT prohibiting the use or collection of biometric data.

SPONSORS: Rep. Thompson, Ches. 14; Rep. Abramson, Rock. 20; Rep. Buchanan, Merr. 15; Rep. Schapiro, Ches. 16; Rep. Conley, Straf. 13; Rep. French, Graf. 14; Rep. Oxenham, Sull. 1

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill expands the prohibition against collecting biometric data to private entities and individuals.

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.

20-2255
11/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT prohibiting the use or collection of biometric data.

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

1 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend the introductory paragraph of RSA 359-N:2, I to read as follows:

I. No government agency, ***private entity, or individual*** shall:

2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA 359-N:2, I (b) to read as follows:

(b) Require an individual to disclose or provide biometric data as a condition of doing business with, engaging in any business activity or relationship with, or obtaining services from, that agency, ***private entity, or individual***.

3 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA 359-N:2, II to read as follows:

II. Any biometric data collected for an employee, vendor, or contractor identification or access card shall be destroyed when the individual terminates his or her relationship with the agency, ***private entity, or individual***. No biometric data collected under this section shall be subject to a subpoena.

4 Regulation of Biometric Information; Exemptions. Amend RSA 359-N:3 to read as follows:

359-N:3 Exemptions. The prohibition in RSA 359-N:2 shall not apply to **governmental** biometric data collection practices implemented pursuant **to federal law at ports of entry or pursuant** to statute or practice prior to the effective date of this section, provided that ~~the~~ government ~~agency~~ **agencies** shall not subsequently expand or modify the type of data collected or the purpose for which it is collected without legislative approval. Legislative approval shall not be required for an airport to expand or modify its biometric collection and use practices if identified in the airport's federally-mandated airport security program and approved by the U.S. Transportation Security Administration. Nothing in this chapter shall limit the collection of biometric evidence by law enforcement agencies at crime scenes or its examination and analysis by forensic laboratories. The admissibility at trials of biometric evidence and expert opinion based on such evidence shall be determined by the presiding judge within the parameters and limits specified in the rules of evidence.

5 Regulation of Biometric Information; Violation; Civil Action. Amend RSA 359-N:4 to read as follows:

359-N:4 Violation; Civil Action. Any individual aggrieved by a violation of this chapter, including the loss or misuse of biometric data lawfully collected under RSA 359-N:2 or 359-N:3, may bring a civil action against a government agency, **private entity, or other individual** under this section to obtain the following:

- I. An injunction of the agency, **entity, or individual** practice;
- II. Actual damages or \$2,500 for each violation, whichever is greater; and
- III. Reasonable attorney's fees and court costs.

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

New Hampshire Department of Transportation Aeronautics' Program Update

December 13, 2019 Quarterly Report
Concord, New Hampshire

FUNDING PROGRAMS

AIRPORT IMPROVEMENT PROGRAM FUNDING (AIP and ABGP)

FAA authorization runs out on Sep. 30, 2023. Public Law 116-6, Consolidated Appropriations Act of 2019, includes \$3.35B AIP funding plus \$500M in Supplemental Funding appropriations to eligible airports. The FY 2019 Supplemental Appropriations-funded projects were recently identified. Appropriations for FY 2020 have not been finalized yet.

NEW HAMPSHIRE AIRPORT IMPROVEMENT AND MAINTENANCE PROGRAM (NH AIM Program)

The Bureau received nearly \$1.4M of project requests through pre-applications from NH's public-use airports were submitted through September 6, 2019. Approximately \$225K/year has been appropriated for this program as the NHDOT's 80% project share. In 2019, six projects are being funded. In 2020, two projects have been identified for funding. Eligible projects in the NH AIM Program could include obstruction removal, equipment purchases, runway maintenance, and planning studies as well as other possibilities.

AIRCRAFT OPERATING FEE (AOF) RETURNS

RSA 422:36II requires the state to return \$250,000 of the AOF to public-use airports for use at those airports for aeronautical purposes. Airport sponsors must report tail numbers of all their based aircraft to NHDOT/Bureau of Aeronautics on a quarterly basis to maximize these AOF Returns.

GRANTS TO AIRPORT SPONSORS

There continues to be no funding available in state FY 2020 for the 100% grants to airport sponsors program. Twenty-four airports qualified for this program when funding was available.

AIRPORT PROPERTY TAX REIMBURSEMENT PROGRAM

Property taxes paid on the public-use portion of privately owned, publicly used airports qualified for an exemption under RSA 72:38 (eight airports are eligible). This program historically covered less than 100% of the eligible costs but continues to be unfunded in SFY 2020.

PENDING NH LEGISLATION

There are no pending state legislation at this time.

SFY 2020-21 Capital and Operational Budgets

- NHDOT budget development (current)
- Governor budget review
- House of Representatives budget review
- Senate budget review
- Conference committee budget review
- Governor signature

REMINDERS

- Quarterly based aircraft lists are due to NHDOT by Jan. 31, 2020 to danielle.plant@dot.nh.gov.
- Single Audit Act reports due for Jul.-Jun. fiscal year airports no later than Mar. 31, 2020.
- www.SAM.gov registration reminder.
- Annual AIP reports (SF 425 and SF 270/271) due to FAA by Dec. 13, 2019.
- Annual reports for AIP non-construction projects (FAA Form 5100-140) due to FAA by Dec. 30, 2019.
- Quarterly report for AIP construction projects (FAA Form 5370-1) due to FAA by Jan. 31, 2020.

AVIATION NEWS

- Ralph Croswell is the new airport manager for 5B9 as of Dec. 2, 2019.
- Two NH public-use airports are completing selection for new airport managers: EEN and LEB.
- NHDOT/Bureau of Aeronautics will be offering 2020 Drone, Airspace, and Accidents (Oh My) Workshop late winter 2020.
- FAA's forms that expired 8-31-2019 may continue to be used until updated forms become available.

**Aeronautical Special Fund Current Balance =
\$6,968.36**

For more information:
603-271-2552 aeronautics@dot.nh.gov
<https://www.nh.gov/dot/org/aerorailtransit/aeronautics/index.htm>

Several of New Hampshire's public-use airports continue to make needed improvements with local funds only. No federal- or state-funded projects have been issued at this time for:

Alton Bay Seaplane Base
Colebrook Airport
Errol Airport
Gorham Airport
Newfound Valley Airport
Jaffrey Airport
Hawthorne-Feather Airport

Five of New Hampshire's public-use airports will be participating in the 2019 NH AIM Program for state grant funds:

- **Franconia Airport** – Airfield Turf Improvements & Obstruction Removal
- **Twin Mountain Airport** – Airfield Pavement Maintenance
- **Hampton Airfield** – Construct Paved Taxiways
- **Parlin Field** – Acquire SRE
- **Plymouth Municipal Airport** – Obstruction Removal

Portsmouth International Airport at Pease: The airport has begun the first phase of their runway rehabilitation project, however, the majority of the work will be carried out in 2020. Phased terminal building improvements are on-going.

Lebanon Municipal Airport: The airport has received FY 2019 grants to make improvements to their snow-removal equipment building and a study of their runway needs.

Dillant-Hopkins Airport: The airport's construction-only project for Runway 14-32's rehabilitation is nearing completion with only grant documentation efforts remaining. The airport as received a grant for the design of Taxiway A reconstruction and extension in FY 2019.

Laconia Municipal Airport: The airport recently held a final inspection of the construction phase of Taxiway E's improvements.

Mt. Washington Regional Airport: The airport anticipates a grant for an obstruction lighting project in FY 2020.

Dean Memorial Airport: The airport recently scoped a project to look at the feasibility of acquire land to restore runway safety areas.

Skyhaven Airport: The airport has no planned projects in FY 2019.

Concord Municipal Airport: The airport has completed construction improvements to Taxiway A and plans to kick off a terminal area study shortly.

Nashua Airport: The airport anticipates a grant for design only of additional taxiway, taxiway rehabilitation in FY 2019.

Berlin Regional Airport: The airport expects to wrap up its runway pavement maintenance project later this fall.

Claremont Municipal Airport: The airport is waiting for G&C approval of a grant for a construct-only project to demolish the old existing hangar/terminal building and construct a small terminal building in its place along with required historic mitigation efforts. The airport is also waiting for G&C approval of a grant to prepare an airport master plan update.

Manchester-Boston Regional Airport: The airport has on-going projects that reconstruct a portion of several taxiways, remove obstructions, address geometric/hot spot issues, and purchase SRE.



Remote ID Notice of Proposed Rulemaking Summary

Producers of UAS

Producers of Standard Remote ID and Limited Remote ID UAS are required to submit a declaration of compliance showing compliance with design and production requirements of Remote ID.

- Amateur built UAS would not be required to comply with the design and production requirements. Amateur built UAS is a UAS where the producer fabricates and assembles more than 50% of the UAS.
- Producers of UAS built entirely from pre-fabricated parts are required to comply with design and production requirements and submit a declaration of compliance.

UAS Service Supplier (USS)

Remote ID data collection, data processing, and storage will be handled by 3rd party service suppliers. Each USS will be required to enter into a Memorandum of Agreement with the FAA and demonstrate their ability to maintain information securely. A USS will not be compensated by the FAA but instead are allowed to charge a service or subscription fee to its users.

Remote ID messages will be shared with the FAA upon request.

UAS Registration Changes

All UAS operating under FAR Part 107 and all recreational UAS weighing more than 0.55lb will be required to register individually and will receive a unique registration number.

Currently, recreational UAS operators receive 1 registration number which they can apply to multiple UAS.

Law Enforcement Access

The FAA envisions near real-time access to Remote ID message elements (with certain registration data, when necessary) for accredited and verified law enforcement and Federal security partners.

- Law Enforcement access may be provided through a website or phone/tablet application.
- Law Enforcement would use the data to help determine the location of a UAS operator or the operator's intentions.
- In cases of potential FAR violations, law enforcement would forward the operator's information to the FAA for appropriate action.

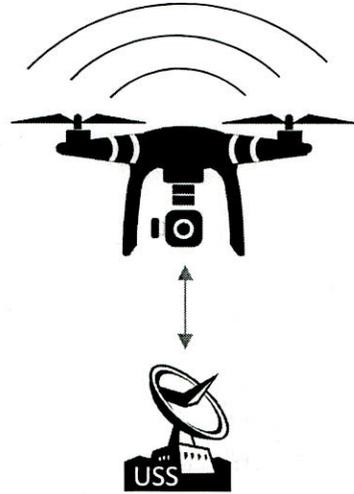
Remote ID Notice of Proposed Rulemaking Summary

Standard Remote ID UAS

UAS will transmit identification and location messages:

- Publicly broadcast directly from the UAS.
- To a USS via the internet (if available)

Message elements: Identity of the UAS (serial number or session ID), location and altitude of the UAS and control station, time stamp, and emergency status.

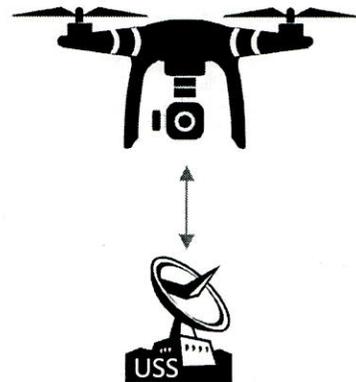


Limited Remote ID UAS

UAS must transmit identification and location messages to a UAS Service Supplier via the internet to a USS from takeoff to landing.

UAS must remain within 400ft of the control station.

Message elements: Identity of the UAS (serial number or session ID), location and altitude of the control station, time stamp, and emergency status.



UAS Without Remote ID

UAS is not capable of transmitting Remote ID messages to a USS.

UAS may only fly with the boundaries of an FAA-recognized identification area.

An FAA-recognized area is an area requested by a Community Based Organization and approved by the FAA for UAS activities without Remote ID.

