

**SB 812 A STAFF MEASURE SUMMARY**

Carrier: Sen. Golden

**Senate Committee On Natural Resources****Action Date:** 03/20/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Girod, Golden, Prozanski, Smith DB, Taylor**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Laura Kentnesse, LPRO Analyst**Meeting Dates:** 2/22, 3/20**WHAT THE MEASURE DOES:**

Authorizes a local government to enact an ordinance or resolution prohibiting or regulating the takeoff and landing of unmanned aircraft systems (UAS) in parks owned by the local government. Requires that the ordinance: allow utility providers a reasonable ability to use UAS in parks to inspect utility lines; allow public bodies to use UAS in parks for emergency operations; and provide for an affirmative defense to a charge or claim of a violation when a person performs an emergency landing of a UAS in a park in the absence of an equally safe alternative.

**ISSUES DISCUSSED:**

- Examples of potential conflicts between UAS and other park uses
- Ordinance adoption is an open, public process
- Oregon Parks and Recreation Commission authority to manage UAS use in state parks
- "Choice of evils" defense to a criminal charge

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

Unmanned aircraft systems (UAS), commonly known as drones, are aircraft that can be controlled remotely by a pilot or preprogrammed to fly autonomously. In 2012, Congress tasked the Federal Aviation Administration (FAA) with regulating UAS and integrating them into the national airspace system. Over the last decade, the FAA has established numerous rules for commercial, government, and recreational users, including airspace restrictions near stadiums, sporting events, airports, emergency and rescue operations, national security sensitive facilities, and Washington, D.C.

In Oregon, the Legislative Assembly enacted its first UAS laws in 2013 through House Bill 2710, which established provisions related to the use of UAS by law enforcement agencies, educational institutions, and state and local government, and established other prohibitions and penalties. In addition, the legislature vested the authority to regulate ownership and operation of unmanned aircraft systems solely in the Legislative Assembly, preempting local governments from enacting similar laws.

In 2021, the Legislative Assembly enacted Senate Bill 109, which directed the Oregon Parks and Recreation Commission to manage UAS use in state parks to protect the sometimes conflicting values of natural, cultural, scenic, and recreational resources on park property or adjacent areas while providing for enjoyment of UAS recreational use.

Senate Bill 812 A would authorize a local government to prohibit or regulate the takeoff and landing of unmanned aircraft systems in parks owned by the local government, with certain exceptions.