

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 11-2019**

**EXECUTIVE ORDER CREATING THE
MONTANA UNMANNED AERIAL SYSTEMS COUNCIL**

WHEREAS, Unmanned Aerial Systems (UAS) are currently owned and used by the Department of Environmental Quality (DEQ), Department of Natural Resources and Conservation (DNRC), Department of Fish, Wildlife and Parks (FWP), Montana Department of Transportation (MDT), Department of Livestock (DOL), Montana State University (MSU), and the University of Montana (UM);

WHEREAS, usage of UAS systems benefits many areas, including but not limited to, accident investigation, wildfire control, wildlife observation, site monitoring, bridge inspections, landslide monitoring, environmental documentation, measuring large stockpile volumes, and other natural resource management and anthropogenic coordination;

WHEREAS, the usage of UAS systems as opposed to manned alternatives where State agencies require detailed aerial imagery creates opportunities to significantly reduce costs to the taxpayer and safety risks to state employees;

WHEREAS, additional state agencies plan to implement UAS usage into future operations, and agencies currently using UAS plan to increase usage in the future;

WHEREAS, state agencies currently using UAS are all in compliance with Federal Regulations regarding operator qualifications and UAS usage restrictions;

WHEREAS, interagency coordination of UAS procurement, registration, operator qualification, reporting, or other regulations, is necessary to ensure consistency, prevent duplication of agency efforts, and implement effective UAS management;

WHEREAS, the appropriate collection and dissemination of state UAS data is beneficial to legislators, agencies, Montana citizens, and other interested parties;

WHEREAS, a central resource for state UAS procurement, usage, and regulation would promote fiscal responsibility and operational effectiveness;

WHEREAS, centralized leadership and guidance would improve the safety, efficiency, and fiscal discipline of UAS use by county and local governments.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, by virtue of the authority vested in me by the Constitution and laws of the State of Montana, Title 2, Chapter 15, MCA, and other applicable statutes, do hereby create the Unmanned Aerial Systems Council (Council) and order as follows:

PURPOSE

The Council shall provide recommendations and strategies for the State of Montana to determine the best way to centralize oversight and control of UAS; create a central resource for UAS regulations, requirements, and best practices; implement procurement processes for UAS that include a cost-benefit analysis; ensure appropriate dissemination of UAS information between agencies, local governments, and the public; create statewide policy for UAS use that best reduces taxpayer cost, state employee safety concerns, and protects the privacy of Montana citizens; and formalize the process of ensuring UAS compliance with federal regulations.

DUTIES

Section 1: By January 1, 2020, the Council shall issue recommendations for a statewide procurement process for UAS, to be used by any state agency when considering the purchase of UAS equipment, software, training, or other UAS related procurements. The process should include:

1. Required and recommended areas of evaluation to be considered by agencies during a mandatory cost/benefit analysis to be conducted prior to the purchase of any UAS equipment, software, training, or other UAS related procurements in excess of \$1,000.00.
2. Recording, reporting, and disclosure requirements of any agency's cost/benefit analysis related to the purchase of UAS equipment, software, training, or other UAS related procurements.

Section 2: By August 1, 2020, the Council shall issue the Montana Unmanned Aerial Systems Plan (Plan). The plan shall incorporate data and input from every agency currently possessing and/or using UAS, as well as those agencies the Council identifies who have an interest in or are likely to use and/or possess UAS in the future. The Plan shall include recommendations in the following areas:

1. How to best establish centralized oversight and control of state agency UAS. Oversight considerations shall include but are not limited to:
 - a. Ensuring all state agency UAS use is in compliance with Federal Regulations.
 - b. Creating a centralized record of all state owned UAS equipment and software, its location, and the controlling agency.
 - c. Determining appropriate applicable training/certification standards for UAS operators.
 - d. Determining appropriate reporting procedures for UAS procurement, training, use, transfer, and disposal.
 - e. Developing processes and/or systems for inter-agency communication and coordination concerning UAS procurement, training, use, transfer, and disposal.

- f. Evaluating best practices used by other federal, state, and local governments and other agencies or organizations for opportunities to integrate into the Plan.
2. How state use of UAS will interact with Montana citizens. Considerations shall include but are not limited to:
 - a. UAS use over private property by state agencies.
 - b. Montana citizens' right to privacy in regard to intentional or unintentional collection and/or dissemination of personal information by state use of UAS.
 - c. Developing processes and/or systems for requests for UAS collected data from individuals, agencies, or organizations.
 - d. Developing processes and/or systems for Montana citizens to register complaints, comments, and/or concerns about UAS use.

Section 3: The Council will consult with the Montana University System (MUS) to coordinate and integrate processes and systems in the Plan. The Council's coordination with MUS will focus on issues including but not limited to:

1. Establishing possible avenues for MUS integration into the central oversight and control systems and processes outlined within the Plan.
2. Coordinating for possible UAS training resources within the MUS that can be utilized by other state agencies.
3. Evaluating procurement systems and processes used by the MUS regarding UAS equipment, software, training, and other UAS related purchases.

COMPOSITION AND ORGANIZATION

1. The Council members shall be appointed by and serve at the pleasure of the Governor.
2. The Council shall be comprised of members representing state government, expert organizations, and stakeholders.
3. The Council shall include Ex-Officio members to support and inform the work of the Council, including the directors or their designees from the following state agencies:
 - a. Department of Environmental Quality
 - b. Department of Natural Resources and Conservation
 - c. Department of Fish, Wildlife and Parks
 - d. Montana Department of Transportation
 - e. Department of Livestock
 - f. Department of Justice
 - g. Montana University System
 - h. Three stakeholders from other state, county, or local governments, and/or private industry.
4. The Governor will designate one council member as chairperson.
5. The Council may establish sub-committees to assist in the execution of its duties. The subcommittees shall be given specific deliverables within definite timetables.
6. The Council is administratively attached to the Montana Department of Transportation.

DELIVERABLES

The Council shall provide the following documents according to the following schedule:

- 1. Draft Procurement Procedures for UAS equipment, software, training, and/or other UAS related procurements.
Due: November 15, 2019
- 2. Final Procurement Procedures for UAS equipment, software, training, and/or other UAS related procurements.
Due: January 1, 2020
- 3. Draft Montana Unmanned Aerial Systems Solutions Plan
Due: April 1, 2020
- 4. Final Montana Unmanned Aerial Systems Solutions Plan
Due: August 1, 2020

DURATION

The Council shall complete its work and cease to exist by September 1, 2020, unless rescinded or renewed by subsequent executive order.


COMPENSATION

The Council members will be eligible for reasonable travel reimbursement per § 2-15-122, MCA.

This Order is effective immediately.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 29 day of July 2019.



STEVE BULLOCK, Governor

ATTEST:


COREY STAPLETON, Secretary of State