

AMENDED IN SENATE JULY 14, 2015

SENATE BILL

No. 167

Introduced by Senator Gaines

(Principal coauthor: Assembly Member Gatto)

(Coauthors: Senators Berryhill and Fuller)

(Coauthors: Assembly Members Dahle, Beth Gaines, and Obernolte)

February 5, 2015

~~An act to amend Section 38564 of the Health and Safety Code, relating to greenhouse gas emissions. An act to add Section 4167 to the Public Resources Code, relating to forest fires, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 167, as amended, Gaines. ~~California Global Warming Solutions Act of 2006. Forest fires: interference: unmanned aircraft.~~

Existing law prohibits specified behavior at forest fire sites, including disobeying the lawful orders of a public officer or firefighter or interfering with the lawful efforts of a firefighter to extinguish the fire, and makes this proscribed activity a misdemeanor, punishable by imprisonment in a county jail for not more than 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would make it a misdemeanor to violate any of these provisions through the use or operation of an unmanned aircraft or unmanned aircraft system, punishable by a fine of not less than \$200 or not more than \$2,000, or to knowingly, intentionally, or recklessly violate any of these provisions through the use or operation of an unmanned aircraft or unmanned aircraft system, punishable by imprisonment in a county jail for not more than 6 months, or by a fine

of \$5,000, or by both that fine and imprisonment. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.~~

~~Existing law requires the state board to consult with other states, the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: ~~no~~^{yes}.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4167 is added to the Public Resources
- 2 Code, to read:
- 3 4167. (a) Except as provided in subdivision (b), a person who
- 4 violates this article through the use or operation of an unmanned
- 5 aircraft or unmanned aircraft system is guilty of a misdemeanor;
- 6 punishable by a fine of not less than two hundred dollars (\$200)
- 7 or not more than two thousand dollars (2,000).
- 8 (b) A person who knowingly, intentionally, or recklessly violates
- 9 this article through the use or operation of an unmanned aircraft
- 10 or unmanned aircraft system is guilty of a misdemeanor, punishable

1 *by imprisonment in a county jail for not more than six months, or*
2 *by a fine of five thousand dollars (\$5,000), or by both that fine*
3 *and imprisonment.*

4 *(c) For purposes of this section, “unmanned aircraft” means*
5 *an aircraft that is operated without the possibility of direct human*
6 *intervention from within or on the aircraft.*

7 *(d) For purposes of this section, “unmanned aircraft system”*
8 *means an unmanned aircraft and associated elements, including,*
9 *but not limited to, communication links and the components that*
10 *control the unmanned aircraft that are required for the pilot in*
11 *command to operate safely and efficiently in the national airspace*
12 *system.*

13 *SEC. 2. No reimbursement is required by this act pursuant to*
14 *Section 6 of Article XIII B of the California Constitution because*
15 *the only costs that may be incurred by a local agency or school*
16 *district will be incurred because this act creates a new crime or*
17 *infraction, eliminates a crime or infraction, or changes the penalty*
18 *for a crime or infraction, within the meaning of Section 17556 of*
19 *the Government Code, or changes the definition of a crime within*
20 *the meaning of Section 6 of Article XIII B of the California*
21 *Constitution.*

22 *SEC. 3. This act is an urgency statute necessary for the*
23 *immediate preservation of the public peace, health, or safety within*
24 *the meaning of Article IV of the Constitution and shall go into*
25 *immediate effect. The facts constituting the necessity are:*

26 *To address the interference of unmanned aircraft with efforts to*
27 *fight forest fires during the current fire season, it is necessary that*
28 *this act take effect immediately.*

29 ~~SECTION 1. Section 38564 of the Health and Safety Code is~~
30 ~~amended to read:~~

31 ~~38564. The state board shall consult with other states, the~~
32 ~~federal government, and other nations to identify the most effective~~
33 ~~strategies and methods to reduce greenhouse gases, manage~~
34 ~~greenhouse gas control programs, and facilitate the development~~
35 ~~of integrated and cost-effective regional, national, and international~~
36 ~~greenhouse gas reduction programs.~~