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MEMORANDUM

To: Senate Committee on Utilities
From: Office of Revisor of Statutes
Date: January 25, 2023
Subject: Bill Brief – SB 46

Senate Bill 46 would require any wind energy conversion system that has commenced commercial operations in the state on or before January 1, 2024, to apply to the federal aviation administration for the installation of a light-mitigating technology system within six months following the execution of a new power offtake agreement for the wind system. A power offtake agreement is defined as a contract that provides for: (1) Any amount of the output or capacity of the wind system; or (2) the differences or financial hedge tied to the output from the system.

If the FAA approves the light-mitigating technology system, SB 46 would require the installation of such lighting system on approved turbines within 24 months after receipt of the FAA's approval.

SB 46 would authorize the Kansas department of transportation aviation division to grant a waiver or an extension of time to the mandatory 24-month installation requirement if a wind energy developer shows that supply chain or market constraints will delay the installation of the lighting system.

The provisions of SB 46 would apply to any wind energy conversion systems that have five or more wind turbines that are 50 feet or taller in height. A light mitigating technology system could include any aircraft detection lighting system or any other comparable system that is capable of reducing the impact of the lighting while maintaining sufficient conspicuity to alert aircraft.