

SENATE BILL No. 49

By Committee on Utilities

1-18

1 AN ACT concerning wind energy conversion systems; relating to aviation
2 obstruction lighting; requiring new wind energy conversion systems to
3 be constructed with light-mitigating technology systems prior to the
4 commencement of operations subject to the approval of the federal
5 aviation administration.
6

; requiring existing wind energy conversion systems to install light-mitigating technology systems upon execution of a long-term power offtake agreement; making such installations

7 *Be it enacted by the Legislature of the State of Kansas:*

July

8 Section 1. (a) ~~(1)~~ On and after ~~January~~ 1, 2023, no new wind energy
9 conversion system shall commence commercial operations in this state
10 unless the developer, owner or operator of the wind energy conversion
11 system applies to the federal aviation administration for installation of a
12 light-mitigating technology system that complies with federal aviation
13 administration regulations 14 C.F.R. § 1.1 et seq. If approved by the
14 federal aviation administration, the developer, owner or operator of such
15 wind energy conversion system shall install the light-mitigating
16 technology system on approved turbines within 24 months after receipt of
17 such approval.

(b) On and after _____, 202_ any developer, owner or operator of a wind energy conversion system that has commenced commercial operations in the state without a light-mitigating technology system shall apply to the federal aviation administration for installation and operation of a light-mitigating technology system that complies with federal aviation administration regulations 14 C.F.R. § 1.1 et seq. within six months after the execution of a new power offtake agreement related to such wind energy conversion system. If approved by the federal aviation administration, the developer, owner or operator of such wind energy conversion system shall install the light-mitigating technology system on approved turbines within 24 months following such approval.

18 ~~(2) The developer, owner or operator of the wind energy conversion~~
19 ~~system may request a waiver or an extension of time to the 24-month~~
20 ~~period by submitting a request to the Kansas department of transportation~~
21 ~~aviation division in the form and manner prescribed by the division. The~~
22 ~~Kansas department of transportation aviation division shall review each~~
23 ~~request submitted pursuant to this section. If the developer, owner or~~
24 ~~operator shows that supply chain or market constraints will delay the~~
25 ~~installation of the light-mitigating technology system, the Kansas~~
26 ~~department of transportation aviation division shall grant a waiver or an~~
27 ~~extension of time to the 24-month period.~~

(c) Any vendor that is selected for installation of a light-mitigating technology system on a wind energy conversion system pursuant to the requirements of this section and is approved by the federal aviation administration for such installation shall provide to the Kansas department of transportation aviation division, in the form and manner prescribed by the division, notice of the progress of the installation of such light mitigating technology system. If the installation of the light mitigating technology system is delayed beyond the 24-month installation requirement established pursuant to this section, such vendor shall provide notice to the Kansas department of transportation aviation division not less than once every three months to provide an update on the reasons for the delay and the current status of the installation. The division may establish policies and procedures to establish a uniform schedule for submitting notice pursuant to this subsection.

(d)

28 (b) Any costs associated with the installation, implementation,
29 operation and maintenance of a light-mitigating technology system shall
30 be the responsibility of the developer, owner or operator of the wind
31 energy conversion system.

(e)

32 (c) As used in this section:
33 (1) "Light-mitigating technology system" means aircraft detection
34 lighting, ~~light intensity dimming solution technology~~ or any other
35 comparable system capable of reducing the impact of facility obstruction
36 lighting while maintaining conspicuity sufficient to assist aircraft in

1 identifying and avoiding collision with a wind energy conversion system.

2 (2) ~~"/~~"Wind energy conversion system" means an electric generation
3 facility consisting of five or more wind turbines that are 50 feet or taller in
4 height and any accessory structures and buildings, including substations,
5 meteorological towers, electrical infrastructure, transmission lines and
6 other appurtenant structures.

7 Sec. 2. This act shall take effect and be in force from and after its
8 publication in the ~~statute book~~.

"Power offtake agreement" means a long-term contract that provides for:
(A) The provision of the whole or any part of the available capacity or the sale or
other disposal of the whole or any part of the output of a wind energy conversion
system; or
(B) a contract for differences or financial hedge tied to the output from the wind
energy conversion system.
(3)

Kansas register