

Light-mitigating Technology Systems on Wind Turbines; SB 49

SB 49 requires the installation of a light-mitigating technology system (lighting system) in new and existing wind energy conversion systems (wind turbines) upon approval from the Federal Aviation Administration (FAA). The bill establishes requirements for the vendors of lighting systems and authorizes any county to enter into certain agreements with a developer, owner, or operator (developer) of wind turbines.

The bill takes effect upon publication in the *Kansas Register*.

Lighting System Requirement for New Wind Turbines

The bill requires, on and after July 1, 2023, any developer of new wind turbines to apply to the FAA for the installation of a lighting system that complies with FAA regulations. If approved by the FAA, the developer will be required to install the lighting system on the approved wind turbines within 24 months after approval.

Lighting System Requirement for Existing Wind Turbines

The bill requires, on and after January 1, 2026, any developer of wind turbines that began commercial operations in Kansas without a lighting system to apply to the FAA for installation and operation of such system that complies with FAA regulations within six months after the execution of a new power offtake agreement related to the wind turbines.

The bill requires the developer of the wind turbines, if approved by the FAA, to install the lighting system on approved wind turbines within 24 months of the approval.

Requirements for Vendors of Lighting Systems

The bill requires any vendor selected for installation of a lighting system on wind turbines and approved by the FAA for installation to provide the Kansas Department of Transportation, Aviation Division, notice of the progress of the installation of the lighting system, in a form and manner prescribed by the Aviation Division.

If the installation of the lighting system is delayed beyond the 24-month installation requirement, the vendor will be required to provide notice and an update to the Aviation Division no less than once every three months on the reasons for the delay and the current status of the installation.

The bill authorizes the Aviation Division to establish policies and procedures to establish a uniform schedule for submitting notice.

Costs

The bill places the responsibility for any costs associated with the installation, implementation, operation, and maintenance of a lighting system on the developer of the wind turbine.

Authority for a County to Issue Revenue Bonds

The bill authorizes any county to issue revenue bonds, pursuant to law regarding issuance of revenue bonds by counties for the purpose of paying all or part of the costs of the purchase, acquisition, and equipping of a lighting system, subject to approval by the FAA, for wind turbines that have commenced commercial operations in the state without a lighting system.

Definitions

The bill defines the following terms:

- “Light-mitigating technology system” means aircraft detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a wind energy conversion system;
- “Power offtake agreement” means a long-term contract that provides for:
 - 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
 - A contract for differences or financial hedge tied to the output from the wind energy conversion system; and
- “Wind energy conversion system” means an electric generation facility consisting of 5 or more wind turbines that are 50 feet or taller in height and any accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures.