

**SENATE BILL No. 478**

By Committee on Utilities

2-9

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1 AN ACT concerning wind energy conversion systems; relating to  
2 obstruction lighting; requiring installation of light-mitigating  
3 technology systems; authorizing boards of county commissioners to  
4 determine the type of lighting system required.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) (1) On and after July 1, 2022, no wind energy  
8 conversion system shall be constructed or commence operations in this  
9 state unless such system is equipped with a light-mitigating technology  
10 system that complies with federal aviation administration regulations 14  
11 C.F.R. § 1.1 et seq. and is approved for operation by the federal aviation  
12 administration.

13 (2) Prior to construction or operation of any such wind energy  
14 conversion system, the board of county commissioners of any county in  
15 which construction is proposed may determine the type of light-mitigating  
16 technology system that shall be used on such wind energy conversion  
17 system. The developer shall submit an application to the board on a form  
18 and in the manner specified by the board proposing the light-mitigating  
19 technology system that such developer will install and maintain upon such  
20 wind energy conversion system. The board shall have the authority to  
21 approve the proposed light-mitigating technology system or to require the  
22 installation of another light-mitigating technology system to serve the  
23 public interest.

24 (b) (1) Each owner or operator of a wind energy conversion system  
25 that was constructed and commenced operations in this state prior to July  
26 1, 2022, shall install and maintain a light-mitigating technology system  
27 that is consistent with federal aviation administration regulations 14 C.F.R.  
28 § 1.1 et seq. and approved for operation by the federal aviation  
29 administration. Such light-mitigating technology system shall be installed  
30 on or before July 1, 2025. If any such owner or operator does not install  
31 such a light-mitigating technology system prior to such date, the owner or  
32 operator shall discontinue the operations of the wind energy conversion  
33 system until such light-mitigating technology system is installed and  
34 operational.

35 (2) The board of county commissioners of the county in which any  
36 such wind energy conversion system has been constructed and placed in

1 operation prior to July 1, 2022, may determine the type of light-mitigating  
2 technology system that shall be installed. Prior to installing such light-  
3 mitigating technology system, the owner or operator shall submit an  
4 application to the board of county commissioners on a form and in the  
5 manner specified by the board that proposes the light-mitigating  
6 technology system that the owner or operator proposes to install. The  
7 board shall approve the proposed light-mitigating technology system and  
8 may require the installation of another light-mitigating technology system  
9 to serve the public interest.

10 (c) Any costs associated with the installation, implementation,  
11 operation and maintenance of light-mitigating technology systems shall be  
12 the sole responsibility of the developer, owner or operator of the wind  
13 energy conversion system.

14 (d) As used in this section:

15 (1) "Light-mitigating technology system" means aircraft detection  
16 lighting, light intensity dimming solution technology or any comparable  
17 system capable of reducing the impact of facility obstruction lighting  
18 while maintaining conspicuity sufficient to assist aircraft in identifying and  
19 avoiding collision with a wind energy conversion system.

20 (2) "Wind energy conversion system" means an electric generation  
21 facility consisting of one or more wind turbines and any accessory  
22 structures and buildings, including substations, meteorological towers,  
23 electrical infrastructure, transmission lines and other appurtenant  
24 structures.

25 Sec. 2. This act shall take effect and be in force from and after its  
26 publication in the statute book.