

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

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

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.

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.

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.

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.