

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; **requiring existing wind energy**
5 **conversion systems to install light-mitigating technology systems**
6 **upon execution of a long-term power offtake agreement; authorizing**
7 **any board of county commissioners to issue revenue bonds to finance**
8 **some or all of the costs of the installation of a light-mitigating**
9 **technology system subject to an agreement with the owner or**
10 **operator of the wind energy conversion system; making all such**
11 **installations** subject to the approval of the federal aviation
12 administration.
13

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

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

25 (b) (1) **On and after January 1, 2026, any developer, owner or**
26 **operator of a wind energy conversion system that has commenced**
27 **commercial operations in the state without a light-mitigating technology**
28 **system shall apply to the federal aviation administration for installation**
29 **and operation of a light-mitigating technology system that complies with**
30 **federal aviation administration regulations 14 C.F.R. § 1.1 et seq. within**
31 **six months after the execution of a new power offtake agreement related**
32 **to such wind energy conversion system. If approved by the federal**
33 **aviation administration, the developer, owner or operator of such wind**
34 **energy conversion system shall install the light-mitigating technology**

1 *system on approved turbines within 24 months following such approval.*

2 (2) ~~The developer, owner or operator of the wind energy conversion~~
3 ~~system may request a waiver or an extension of time to the 24-month~~
4 ~~period by submitting a request to the Kansas department of transportation~~
5 ~~aviation division in the form and manner prescribed by the division. The~~
6 ~~Kansas department of transportation aviation division shall review each~~
7 ~~request submitted pursuant to this section. If the developer, owner or~~
8 ~~operator shows that supply chain or market constraints will delay the~~
9 ~~installation of the light-mitigating technology system, the Kansas~~
10 ~~department of transportation aviation division shall grant a waiver or an~~
11 ~~extension of time to the 24-month period~~~~*The board of county*~~
12 ~~*commissioners of any county may enter into an agreement with the*~~
13 ~~*developer, owner or operator of a wind energy conversion system for the*~~
14 ~~*purpose of financing some or all of the costs of the purchase and*~~
15 ~~*installation of a light-mitigating technology system subject to the*~~
16 ~~*approval of the federal aviation administration. The board of county*~~
17 ~~*commissioners of*~~~~*Any county may issue revenue bonds for such*~~
18 ~~*purpose. At or prior to the issuance of such revenue bonds, the board of*~~
19 ~~*county commissioners may pledge any revenues associated with the wind*~~
20 ~~*energy conversion system or any other revenues. Any costs associated*~~
21 ~~*with the ongoing operation and maintenance of a light-mitigating*~~
22 ~~*technology system financed in whole or in part by a county shall be the*~~
23 ~~*sole responsibility of the developer, owner or operator of the wind energy*~~
24 ~~*conversion system {pursuant to K.S.A. 12-1741b, and amendments*~~
25 ~~*thereto, for the purpose of paying all or part of the costs of the purchase,*~~
26 ~~*acquisition and equipping of a light-mitigating technology system,*~~
27 ~~*subject to the approval of the federal aviation administration, for a wind*~~
28 ~~*energy conversion system that has commenced commercial operations in*~~
29 ~~*the state without a light-mitigating technology system}.*~~

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

1 **subsection.**

2 ~~(b)~~(d) Any costs associated with the installation, implementation,
3 operation and maintenance of a light-mitigating technology system shall
4 be the responsibility of the developer, owner or operator of the wind
5 energy conversion system.

6 ~~(e)~~(e) As used in this section:

7 (1) "Light-mitigating technology system" means aircraft detection
8 lighting, ~~light intensity dimming solution technology~~ or any other
9 comparable system capable of reducing the impact of facility obstruction
10 lighting while maintaining conspicuity sufficient to assist aircraft in
11 identifying and avoiding collision with a wind energy conversion system.

12 (2) "**Power offtake agreement**" means a long-term contract that
13 provides for:

14 (A) **The provision of the whole or any part of the available capacity**
15 **or the sale or other disposal of the whole or any part of the output of a**
16 **wind energy conversion system; or**

17 (B) **a contract for differences or financial hedge tied to the output**
18 **from the wind energy conversion system.**

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

24 Sec. 2. This act shall take effect and be in force from and after its
25 publication in the ~~statute book~~ **Kansas register.**