

SENATE BILL No. 46

By Committee on Utilities

1-18

1 AN ACT concerning wind energy conversion systems; relating to aviation
2 obstruction lighting; requiring existing wind energy conversion systems
3 to install light-mitigating technology systems subject to the approval of
4 the federal aviation administration.
5

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

7 Section 1. (a) (1) On and after January 1, 2024, any developer, owner
8 or operator of a wind energy conversion system that has commenced
9 commercial operations in the state without a light-mitigating technology
10 system shall apply to the federal aviation administration for installation
11 and operation of a light-mitigating technology system that complies with
12 federal aviation administration regulations 14 C.F.R. § 1.1 et seq. within
13 six months after the execution of a new power offtake agreement related to
14 such wind energy conversion system. If approved by the federal aviation
15 administration, the developer, owner or operator of such wind energy
16 conversion system shall install the light-mitigating technology system on
17 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.

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) "Power offtake agreement" means a contract that provides for:

3 (A) The provision of the whole or any part of the available capacity
4 or the sale or other disposal of the whole or any part of the output of a
5 wind energy conversion system; or

6 (B) differences or financial hedge tied to the output from the wind
7 energy conversion system.

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

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