

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Energy, Utilities and Telecommunications  
From: Office of Revisor of Statutes  
Date: March 16, 2023  
Subject: Bill Brief – SB 49 as amended by Senate Committee of the Whole

Commencing July 1, 2023, Senate Bill 49 would require a developer, owner or operator of a wind energy conversion system that has not commenced commercial operations to install a light-mitigating technology system subject to the approval of the federal aviation administration (FAA). If the FAA approves of use of the light-mitigating technology system, such lighting system would be required to be installed on all approved turbines within 24 months.

Commencing January 1, 2026, SB 49 would require a developer, owner or operator of a wind energy conversion system that has commenced commercial operations to apply to the FAA for the installation of a light mitigating technology system upon the execution of a new power offtake agreement for such wind energy system. A "power offtake agreement" is defined as a long-term contract that provides for the provision any part of the available capacity of the wind energy system, the sale or other disposal of the output of the wind energy system, or differences or financial hedge tied to the output of the wind energy system. If the FAA approves the use of the light-mitigating technology system, such system would be required to be installed on all approved turbines within 24 months.

SB 49 would authorize any county to issue revenue bonds for the purpose of paying all or part of the cost of the acquisition and installation of a light-mitigating technology system subject to the approval of the FAA.

If a light mitigating technology system is required, the vendor of the lighting system would be required to provide notice of the progress of the installation of such system to the Kansas Department of Transportation Aviation Division. If the installation is delayed beyond the

24-month period, the vendor must provide notice every three months to provide an update on the delay and the status of the installation.

SB 49 would provide that any costs associated with the installation, implementation, operation and maintenance of a light-mitigating technology system shall be the responsibility of the developer, owner or operator of the wind energy system.

SB 49 would apply to wind energy conversion systems that have five or more wind turbines that are 50 feet or taller. A light mitigating technology system could include any aircraft detection lighting system or any other comparable system that is capable of reducing the impact of the lighting while maintaining sufficient conspicuity to alert aircraft.