

SENATE BILL No. 478

By Committee on Utilities

Proposed Amendments to
Senate Bill No. 478
Proposed Amendment 2
Senate Committee on Utilities
Prepared by: Nick Myers
Office of Revisor of Statutes

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.~~

5
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.

2026

notice was filed and application was made to the federal
aviation administration that included a request to install a
comprehensive

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.~~

If the request is approved by the federal aviation administration,
such light mitigating technology system shall be installed.

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.~~

Strike all in lines 1-13

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.~~

(b)

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.

20

that are more than 200 feet in height above ground level

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