

SENATE BILL No. 49

AN ACT concerning wind energy conversion systems; relating to aviation obstruction lighting; requiring new wind energy conversion systems to be constructed with light-mitigating technology systems prior to the commencement of operations; requiring existing wind energy conversion systems to install light-mitigating technology systems upon execution of a long-term power offtake agreement; authorizing any county to issue revenue bonds to finance some or all of the costs of the installation of a light-mitigating technology system; making all such installations subject to the approval of the federal aviation administration.

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

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

(b) (1) On and after January 1, 2026, any developer, owner or operator of a wind energy conversion system that has commenced commercial operations in the state without a light-mitigating technology system shall apply to the federal aviation administration for installation and operation of a light-mitigating technology system that complies with federal aviation administration regulations 14 C.F.R. § 1.1 et seq. within six months after the execution of a new power offtake agreement related to such wind energy conversion system. If approved by the federal aviation administration, the developer, owner or operator of such wind energy conversion system shall install the light-mitigating technology system on approved turbines within 24 months following such approval.

(2) Any county may issue revenue bonds pursuant to K.S.A. 12-1741b, and amendments thereto, for the purpose of paying all or part of the costs of the purchase, acquisition and equipping of a light-mitigating technology system, subject to the approval of the federal aviation administration, for a wind energy conversion system that has commenced commercial operations in the state without a light-mitigating technology system.

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

(d) 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 conversion system.

(e) As used in this section:

(1) "Light-mitigating technology system" means aircraft detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while maintaining conspicuity sufficient to

assist aircraft in identifying and avoiding collision with a wind energy conversion system.

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

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

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

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

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.