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MEMORANDUM

To: Senate Committee on Utilities
From: Office of Revisor of Statutes
Date: March 9, 2022
Subject: Senate Bill 478 – Bill Brief

Senate Bill 478 would establish state requirements for the obstruction lighting systems that are installed on wind turbines.

Subsection (a) of SB 478 would require each newly proposed wind energy conversion system that has not yet been constructed or commenced operations prior to July 1, 2022, to be equipped with a light-mitigating technology system that complies with Federal Aviation Administration rules and regulations. Each developer would be required to submit an application to the board of county commissioners proposing the type of light-mitigating technology system that the developer will install and maintain on the wind energy conversion system. Under SB 478, the board of county commissioners would be given authority to determine the type of light-mitigating technology system that a developer must use.

Subsection (b) of SB 478, would require each wind energy conversion system that is currently operating in the state as of July 1, 2022, to install a light-mitigating technology system that complies with FAA rules and regulations. Such lighting system would be required to be installed on each such wind energy conversion system or before July 1, 2025. If such a light-mitigating technology system is not installed by July 1, 2025, the owner or operator would be required to discontinue operations of the wind energy conversion system until such light-mitigating technology system is installed and operational. Prior to installing such light-mitigating technology system, the owner or operator would be required to submit an application to the board of county commissioners with the type of light-mitigating technology system that such owner or operator proposes to install. Under SB 478, the board of county commissioners would be given authority to determine the type of light-mitigating technology system that must be installed.

SB 478 would provide that the costs of the installation of the light-mitigating technology system must be borne by the developer, owner, or operator of the wind energy conversion facility.

The following terms are defined in the bill:

- "Light-mitigating technology system" means aircraft detection lighting, light intensity dimming solution technology or any 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.
- "Wind energy conversion system" means an electric generation facility consisting of one or more wind turbines and any accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structure