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1        2. "Wind energy facility" means an electrical generation  
2 facility consisting of one or more wind turbines under common  
3 ownership or operating control, and includes substations,  
4 meteorological data towers, aboveground and underground electrical  
5 transmission lines, transformers, control systems, and other  
6 buildings or facilities used to support the operation of the  
7 facility, and whose primary purpose is to supply electricity to an  
8 off-site customer or customers. Wind energy facility shall not  
9 include a wind energy facility located entirely on property held in  
10 fee simple absolute estate by the owner of the wind energy facility;

11        3. "Repowering" means a rebuild or refurbishment of a majority  
12 of the wind energy facility due to the facility reaching the end of  
13 its useful life or useful reasonable economic life. The rebuild or  
14 refurbishment does not constitute repowering if it is part of  
15 routine major maintenance or the maintenance of or replacement of  
16 equipment that does not materially affect the expected physical or  
17 economical life of the facility; and

18        4. "Power offtake agreement" means a long-term contract that  
19 provides for the provision of the whole or any part of the available  
20 capacity or the sale or other disposal of the whole or any part of  
21 the output of a wind energy facility. Sales of capacity or energy  
22 into a capacity or power market do not constitute a power offtake  
23 agreement.

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1       B. On and after the effective date of this act, no new wind  
2 energy facility may commence operations in this state unless the  
3 developer, owner, or operator of the facility applies to the Federal  
4 Aviation Administration (FAA) for installation of a light-mitigating  
5 technology system that complies with FAA regulations provided in 14  
6 C.F.R., Section 1.1 et seq. If approved by the FAA, the developer,  
7 owner, or operator of such facility shall install the light-  
8 mitigating technology system on the facility within twenty-four (24)  
9 months after receipt of approval.

10       C. 1. Any developer, owner, or operator of a wind energy  
11 facility that commences commercial operations in this state on or  
12 before the effective date of this act without a light-mitigating  
13 technology system shall apply to the FAA for installation of the  
14 system in compliance with FAA regulation provided in 14 C.F.R.,  
15 Section 1.1 et seq. upon the occurrence of either:

- 16           a     a repowering of the wind energy facility, or
- 17           b     entrance into or renewal of a new power offtake
- 18                 agreement.

19       2. Upon approval of the application submitted to the FAA in  
20 compliance with paragraph 1 of this subsection, the developer,  
21 owner, or operator of such facility shall install the light-  
22 mitigating technology system on the facility within twenty-four (24)  
23 months after receipt of approval.

1 D. Any county may issue revenue bonds for the purpose of paying  
2 all or part of the costs of the purchase, acquisition, and equipping  
3 of a light-mitigating technology system, subject to the approval of  
4 the FAA, for a wind energy facility that has commenced operations  
5 prior to the effective date of this act without a light-mitigating  
6 technology system.

7 E. Any costs associated with the installation, implementation,  
8 operation, and maintenance of a light-mitigating technology system  
9 shall be the responsibility of the developer, owner, or operator of  
10 the wind energy facility. For public utilities subject to rate  
11 regulation by the Corporation Commission, costs incurred directly by  
12 the public utility in compliance with this act may seek recovery  
13 subject to review and order of the Corporation Commission;

14 F. Wind energy facilities shall maintain operations of  
15 installed light-mitigating technology systems in accordance with  
16 Corporation Commission rule.

17 G. The Corporation Commission shall have authority to enforce  
18 the provisions of this section and may promulgate rules to  
19 effectuate the provisions of this section.

20 SECTION 2. This act shall become effective November 1, 2024.

21  
22 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
23 dated 04/11/2024 - DO PASS, As Amended.  
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