

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 146, As Amended in the Senate

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO AERONAUTICS; AMENDING CHAPTER 5, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-515B, IDAHO CODE, TO PROVIDE FOR LIGHT-MITIGATING TECHNOLOGY SYSTEMS TO BE INSTALLED ON WIND ENERGY CONVERSION SYSTEMS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 21-515B, Idaho Code, and to read as follows:

21-515B. WIND ENERGY CONVERSION SYSTEMS -- LIGHT-MITIGATING TECHNOLOGY SYSTEMS. (1) On and after July 1, 2025, 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 CFR 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 twenty-four (24) months after receipt of such approval.

(2) 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 CFR 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 sixty (60) months following such approval.

(3) Any developer, owner, or operator who is required to apply to install a light-mitigating technology system on a wind energy conversion system pursuant to the requirements of this section and who is approved by the federal aviation administration for such installation shall provide to the Idaho transportation department division of aeronautics, 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 a timeframe established pursuant to this section, the developer, owner, or operator shall provide notice to the Idaho transportation department division of aeronautics not less than once every three (3) months to provide an update on the reasons for the delay and the current status of the installation.

(4) Any costs associated with the installation, implementation, operation, and maintenance of a light-mitigating technology system shall be the

1 responsibility of the developer, owner, or operator of the wind energy con-  
2 version system.

3 (5) As used in this section:

4 (a) "Light-mitigating technology system" means aircraft detection  
5 lighting or any other comparable system capable of reducing the impact  
6 of facility obstruction lighting while maintaining conspicuity suffi-  
7 cient to assist aircraft in identifying and avoiding collision with a  
8 wind energy conversion system.

9 (b) "Wind energy conversion system" means an electricity genera-  
10 tion facility consisting of five (5) or more wind turbines that are  
11 fifty (50) feet or taller in height and any accessory structures and  
12 buildings, including substations, meteorological towers, electrical  
13 infrastructure, transmission lines, and other appurtenant structures.

14 SECTION 2. An emergency existing therefor, which emergency is hereby  
15 declared to exist, this act shall be in full force and effect on and after its  
16 passage and approval.