

SENATE COMMITTEE OF REFERENCE REPORT

March 15, 2022

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB22-110 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 2, strike lines 5 and 6 and substitute "**inclusion**  
2 **of light mitigating technology - requirement - enforcement -**  
3 **definitions.** (1) (a) SUBJECT TO SUBSECTION (1)(b) OF THIS SECTION, FOR  
4 ANY NEW".

5 Page 2, strike lines 9 through 11 and substitute "TO SECTION 29-20-108,  
6 AND FOR WHICH THE OWNER OR OPERATOR OF THE FACILITY BEGINS  
7 VERTICAL CONSTRUCTION OF THE FIRST WIND TURBINE INCLUDED WITHIN  
8 THE FACILITY ON OR AFTER APRIL 1, 2022, THE OWNER OR OPERATOR  
9 SHALL EQUIP THE FACILITY WITH LIGHT MITIGATING TECHNOLOGY."

10 Page 2, strike lines 13 through 18 and substitute "GENERATION FACILITY  
11 SUBJECT TO SUBSECTION (1)(a) OF THIS SECTION, WITHIN SIX MONTHS  
12 AFTER THE FACILITY RECEIVES A DETERMINATION OF NO HAZARD FROM  
13 THE FAA, SHALL:

14 (I) APPLY TO THE FAA, ANY OTHER APPLICABLE FEDERAL  
15 AGENCY, OR BOTH, FOR THE INSTALLATION OF APPROVED LIGHT  
16 MITIGATING TECHNOLOGY; AND

17 (II) WITHIN TWENTY-FOUR MONTHS AFTER RECEIVING APPROVAL  
18 FROM THE FAA IN ACCORDANCE WITH SUBSECTION (1)(b)(I) OF THIS  
19 SECTION, AND SUBJECT TO THE AVAILABILITY OF LIGHT MITIGATING  
20 TECHNOLOGY FROM THE MANUFACTURER OR SUPPLIER, INSTALL, TEST,  
21 AND COMMENCE OPERATION OF THE LIGHT MITIGATING TECHNOLOGY AT  
22 THE FACILITY."

23 Page 3, strike lines 3 through 5 and substitute "SUBSECTION (1) OF THIS  
24 SECTION FOR A PERIOD OF UP TO TWENTY-FOUR MONTHS. THE GOVERNING

1 BODY OF THE LOCAL GOVERNMENT SHALL GRANT THE REQUEST IF THE  
2 OWNER OR OPERATOR CAN DEMONSTRATE THAT, DESPITE THE OWNER'S OR  
3 OPERATOR'S EXERCISE OF COMMERCIALY REASONABLE EFFORTS, THE  
4 TIMING OF AVAILABILITY OF LIGHT MITIGATING TECHNOLOGY  
5 CONSTRAINED THE OWNER'S OR OPERATOR'S ABILITY TO COMPLY WITH  
6 SUBSECTION (1) OF THIS SECTION IN THE TIME FRAME AFFORDED. A BOARD  
7 SHALL NOT IMPOSE ANY PENALTIES AGAINST THE OWNER OR OPERATOR  
8 PURSUANT TO SUBSECTION (3) OF THIS SECTION DURING THE EXTENSION  
9 PERIOD GRANTED."

10 Page 3, strike lines 6 through 13 and substitute:

11 "(3) IF THE BOARD HAS EXERCISED ITS AUTHORITY TO ENACT AN"

12 Page 3, line 16, strike "HAS FAILED TO" and substitute "WAS REQUIRED TO,  
13 BUT FAILED TO,".

14 Page 3, strike lines 22 through 27 and substitute:

15 "(a) "APPROVAL FROM THE FAA" MEANS FAA APPROVAL TO  
16 EQUIP AND OPERATE LIGHT MITIGATING TECHNOLOGY FOR AT LEAST  
17 THIRTY PERCENT OF THE PROPOSED WIND TURBINES INCLUDED WITHIN A  
18 NEW WIND-POWERED ENERGY GENERATION FACILITY."

19 Page 4, after line 3 insert:

20 "(c) "FAA" MEANS THE FEDERAL AVIATION ADMINISTRATION IN  
21 THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

22 (d) "LIGHT MITIGATING TECHNOLOGY" MEANS A SENSOR-BASED  
23 SYSTEM THAT:

24 (I) IS DESIGNED TO DETECT APPROACHING AIRCRAFT;

25 (II) KEEPS THE LIGHTS OFF WHEN IT IS SAFE TO DO SO; AND

26 (III) THE FAA HAS APPROVED AS MEETING THE REQUIREMENTS  
27 SET FORTH IN CHAPTER 10 OF THE FAA'S 2020 ADVISORY CIRCULAR AC  
28 70/7460-1M, "OBSTRUCTION MARKING AND LIGHTING".

29 Reletter succeeding paragraphs accordingly.

30 Page 4, line 14, strike "**aircraft detection lighting systems**" and  
31 substitute "**light mitigating technology**".

32 Page 4, line 20, strike "HAS FAILED TO" and substitute "WAS REQUIRED TO,  
33 BUT FAILED TO,".

- 1 Page 1, strike lines 102 and 103 and substitute "**GENERATION FACILITY**
- 2 **BE EQUIPPED WITH LIGHT MITIGATING TECHNOLOGY.**".

**\*\* \*\* \*\* \*\* \*\***