

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 956

Introduced by Bostar, 29; Brewer, 43.

Read first time January 04, 2024

Committee:

- 1 A BILL FOR AN ACT relating to wind energy; to define terms; and to
- 2 provide for installation and operation of light-mitigating
- 3 technology systems on certain wind turbines as prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) FAA approval means approval by the Federal Aviation
3 Administration that meets the requirements set forth in Chapter 10 of the
4 Federal Aviation Administration's 2020 Advisory Circular AC 70/7460-1M,
5 Obstruction Marking and Lighting;

6 (b) Light-mitigating technology system means aircraft detection
7 lighting or any other comparable system capable of reducing the impact of
8 facility obstruction lighting while maintaining conspicuity sufficient to
9 assist aircraft in identifying and avoiding collision with a wind energy
10 conversion system;

11 (c) Repower means a substantial physical modification of at least
12 seventy-five percent of the wind turbines in a wind energy conversion
13 system that results in an increase of ten percent or more in nameplate
14 capacity; and

15 (d) Wind energy conversion system means an electric generation
16 facility consisting of ten or more wind turbines that are two hundred
17 fifty feet or more in height and any accessory or appurtenant structures
18 and buildings including substations, meteorological towers, electrical
19 infrastructure, and transmission lines.

20 (2) Beginning July 1, 2025:

21 (a) Before any new wind energy conversion system commences
22 commercial operation in this state, or within thirty days after any wind
23 energy conversion system existing prior to July 1, 2025, commences a
24 repower, the developer, owner, or operator of any such wind energy
25 conversion system shall make application to the Federal Aviation
26 Administration for FAA approval to install and operate a light-mitigating
27 technology system on such wind energy conversion system. Within twenty-
28 four months after receiving FAA approval, the developer, owner, or
29 operator of the wind energy conversion system shall install a light-
30 mitigating technology system on wind turbines covered under such FAA
31 approval; and

1 (b) Any developer, owner, or operator of a wind energy conversion
2 system existing prior to July 1, 2025, that does not commence a repower
3 shall on or before July 1, 2035, install a light-mitigating technology
4 system on the wind turbines in such wind energy conversion system that
5 meets Federal Aviation Administration requirements.

6 (3) Any application made pursuant to subsection (2) of this section
7 shall be submitted in good faith and reasonably intended to obtain FAA
8 approval. If FAA approval is not granted after application is made
9 pursuant to such subsection, the wind energy conversion system may
10 commence or continue, as applicable, commercial operation without a
11 light-mitigating technology system.

12 (4) Any costs associated with the installation, implementation,
13 operation, and maintenance of a light-mitigating technology system shall
14 be the responsibility of the developer, owner, or operator of the wind
15 energy conversion system.

16 (5) Nothing in this section shall be construed to require mitigation
17 of light pollution to be carried out in a manner that conflicts with
18 federal law or requirements, including requirements of the Federal
19 Aviation Administration or the United States Department of Defense.

20 (6) Nothing in this section shall be construed to require any new or
21 separate approval from any state or local governmental agency.