

2020 South Dakota Legislature

Senate Bill 165**AMENDMENT 165A FOR THE INTRODUCED BILL**

1 **An Act to require all wind energy facilities to include an aircraft detection lighting**
2 **system or lighting mitigation system and to provide a penalty therefor.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 49-41B-25.2 be AMENDED:

5 **49-41B-25.2. Wind energy facility to include aircraft detection lighting**
6 **system--Effective date postponed for certain wind energy facilities.**

7 ~~For any~~ Any wind energy facility ~~that receives~~ for which a permit was granted under
8 this chapter ~~after July 1, 2019,~~ the facility shall must be equipped with an aircraft detection
9 lighting system or lighting mitigation system that meets the requirements set forth by the
10 Federal Aviation Administration for obstruction marking and lighting in Chapter 14 of FAA
11 Advisory Circular (AC) 70/7460-1L, "Obstruction Marking and Lighting," dated December
12 4, 2015. Any cost associated with the installation, operation, or maintenance of a system
13 under this section is solely the responsibility of any owner of the wind energy facility.

14 The commission may impose a civil penalty against the owner of a wind energy
15 facility for violation of this section unless the violation was attributable to circumstances
16 beyond the owner's reasonable control. The amount of the civil penalty may not exceed
17 fifteen thousand dollars per month of violation. Any civil penalty collected pursuant to this
18 section shall be deposited into the state general fund.

19 The provisions of this section do not become effective until January 1, 2024, for a
20 wind energy facility for which a permit was granted under this chapter before July 2, 2019.