

## 2020 South Dakota Legislature

**Senate Bill 165****AMENDMENT 165B 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.**

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