

2020 South Dakota Legislature

Senate Bill 165**AMENDMENT 165C 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--Civil penalty--Effective date postponed for certain wind energy**
7 **facilities.**

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

15 The commission may grant an owner of a wind energy facility a temporary waiver
16 from the requirements of this section if good cause is shown for a temporary delay in
17 compliance. In the absence of such a temporary waiver being granted, the commission
18 may impose a civil penalty against the owner of a wind energy facility for violation of this
19 section. The amount of the civil penalty may not exceed fifteen thousand dollars per month
20 of violation. Any civil penalty collected pursuant to this section shall be deposited into the
21 state general fund.

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