

SECOND REGULAR SESSION

HOUSE BILL NO. 1884

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

4164H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to wind energy conversion systems, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be known as section 393.2600, to read as follows:

393.2600. 1. As used in this section, the following terms mean:

(1) "Light-mitigating technology system", aircraft detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a wind energy conversion system;

(2) "Power offtake agreement", a long-term contract that provides for:

(a) The whole or any part of the available capacity or the sale or other disposal of the whole or any part of the output of a wind energy conversion system; or

(b) A contract for differences or financial hedge ties to the output from the wind energy conversion system;

(3) "Wind energy conversion system", an electric generation facility consisting of five or more wind turbines that are fifty feet tall or taller in height and any accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures.

2. After August 28, 2026, no new wind energy conversion system shall begin commercial operations in this state unless the developer, owner, or operator of the wind energy conversion system applies to the Federal Aviation Administration for installation

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 of a light-mitigating technology system that complies with 14 CFR 1.1, et seq. If the
19 installation is approved by the Federal Aviation Administration, the developer, owner,
20 or operator of such wind energy conversion system shall install the light-mitigating
21 technology system on approved turbines within twenty-four months of receipt of
22 approval.

23 3. Prior to August 28, 2034, any developer, owner, or operator of a wind energy
24 conversion system that has commenced commercial operations in the state without a
25 light-mitigating technology system shall apply to the Federal Aviation Administration
26 for installation and operation of a light-mitigating technology system that complies with
27 14 CFR 1.1, et seq. If the installation is approved by the Federal Aviation
28 Administration, the developer, owner, or operator of such wind energy conversion
29 system shall install the light-mitigating technology system on approved turbines within
30 twenty-four months of receipt of approval.

31 4. Any vendor that is selected for installation of a light-mitigating technology
32 system on a wind energy conversion system under the provisions of this section and is
33 approved by the Federal Aviation Administration for such installation shall provide to
34 the Missouri department of natural resources, in the form and manner prescribed by
35 the department, notice of the progress of the installation of such light-mitigating
36 technology system.

37 5. If the installation of the light-mitigating technology system is delayed beyond
38 the twenty-four-month installation requirement established under this section, the
39 vendor shall provide notice to the Missouri department of natural resources no less than
40 once every three months with an update on the reasons for the delay and the current
41 status of installation. The department shall establish policies and procedures to
42 establish a uniform schedule for submitting notice as required under this subsection.

43 6. Any costs associated with the installation, implementation, operation, and
44 maintenance of a light-mitigating technology system shall be the responsibility of the
45 developer, owner, or operator of the wind energy conversion system.

46 7. Any developer, owner, or operator of a wind energy conversion system who is
47 approved to install light-mitigating technology but does not install such approved light-
48 mitigating technology in the time frames established in subsections 3 and 5 of this
49 section shall be liable for a fine of five thousand dollars per day per wind turbine until
50 the developer, owner, or operator installs the light-mitigating technology as approved.

51 8. The director may promulgate all necessary rules and regulations for the
52 administration of this section. Any rule or portion of a rule, as that term is defined in
53 section 536.010, that is created under the authority delegated in this section shall
54 become effective only if it complies with and is subject to all of the provisions of chapter

55 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
56 and if any of the powers vested with the general assembly pursuant to chapter 536 to
57 review, to delay the effective date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
59 adopted after August 28, 2026, shall be invalid and void.

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