

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1023.01 Jason Gelender x4330

**HOUSE BILL 22-1382**

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**HOUSE SPONSORSHIP**

**McCluskie,**

**SENATE SPONSORSHIP**

**Donovan,**

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**House Committees**  
Agriculture, Livestock, & Water

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE DESIGNATION AND PROMOTION OF DARK SKY**  
102     **LOCATIONS IN COLORADO.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The International Dark-Sky Association (IDA) encourages communities, parks, and protected areas to preserve and protect dark skies by various means, including an international dark sky places program that offers designations for 5 types of dark sky places. The bill requires the Colorado tourism office (office) to establish the Colorado designated dark sky designation technical assistance grant program (program) to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- Provide technical assistance grants to applicants seeking direct support from the IDA for activities related to international dark sky designation; and
- Provide general education and outreach about dark skies and specifically promote responsible and sustainable tourism opportunities in designated dark sky places in the state.

The office may contract with the Colorado chapter of the IDA to help the office develop its program policies, evaluate grant applications, and make recommendations to the office regarding which applicants should receive grant awards and what the amount of each award should be. The office may also contract with the Colorado chapter of the IDA to provide general education and outreach and to promote tourism. To fund the program, the bill requires \$50,000 to be transferred from the general fund to the Colorado travel and tourism additional source fund, which current law continuously appropriates to the office.

On or before November 1, 2023, the office is required to submit a report detailing the expenditure of the money dedicated to the program to the house of representatives business affairs and labor committee and the senate business, labor, and technology committee, or their successor committees. The report must specify the grant-supported actions taken in furtherance of designating new dark sky places and indicate how many program grant recipients have had a community or other place designated as a designated dark sky place.

1       *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add 24-49.7-110** as  
3 follows:

4           **24-49.7-110. Colorado dark sky designation technical  
5 assistance grant program - funding - report - legislative declaration  
6 - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES  
7 THAT:

8           (a) THE AESTHETIC BEAUTY AND WONDER OF NATURAL DARK  
9 SKIES AT NIGHT ARE INHERENT TO THE CHARACTER AND ALLURE OF THE  
10 STATE;

11           (b) THE GROWING PROBLEM OF LIGHT POLLUTION, INCLUDING SKY

1 GLOW, GLARE, AND LIGHT TRESPASS, WHICH IS ALSO KNOWN AS SPILL  
2 LIGHT, IS ATTRIBUTED TO THE USE OF ARTIFICIAL LIGHT AT NIGHT AND HAS  
3 BEEN SCIENTIFICALLY LINKED TO NEGATIVE EFFECTS ON THE HEALTH AND  
4 WELL-BEING OF PEOPLE, PLANTS, AND ANIMALS, WHILE NATURAL DARK  
5 SKIES AT NIGHT HAVE BEEN SCIENTIFICALLY LINKED TO POSITIVE HEALTH  
6 EFFECTS;

7 (c) THE NIGHTTIME ENVIRONMENT IS BOTH A NATURAL AND  
8 CULTURAL RESOURCE;

9 (d) DARK SKY TOURISM COMBINES ELEMENTS OF ASTROTOURISM,  
10 CULTURAL HERITAGE TOURISM, NATURE AND WILDLIFE TOURISM, AND  
11 HEALTH AND WELLNESS TOURISM AND EMPHASIZES STEWARDSHIP OF THE  
12 NIGHTTIME ENVIRONMENT;

13 (e) THE INTERNATIONAL DARK-SKY ASSOCIATION, REFERRED TO  
14 IN THIS SECTION AS THE "IDA", ENDEAVORS TO PRESERVE DARK SKIES AT  
15 NIGHT AND TO INCREASE THE NUMBER OF PLACES THAT HAVE DARK SKIES  
16 AT NIGHT BY REDUCING ARTIFICIAL LIGHT POLLUTION THROUGH A VARIETY  
17 OF MEANS, INCLUDING AN INTERNATIONAL DARK SKY PLACES PROGRAM,  
18 HEREINAFTER REFERRED TO AS THE "IDSP PROGRAM". UNDER THE IDSP  
19 PROGRAM, A COMMUNITY OR OTHER PLACE THAT SATISFIES SPECIFIED  
20 CRITERIA CAN BECOME ONE OF THE FOLLOWING TYPES OF DESIGNATED  
21 DARK SKY PLACES:

22 (I) AN INTERNATIONAL DARK SKY COMMUNITY;  
23 (II) AN INTERNATIONAL DARK SKY PARK;  
24 (III) AN INTERNATIONAL DARK SKY RESERVE;  
25 (IV) AN INTERNATIONAL DARK SKY SANCTUARY; OR  
26 (V) AN URBAN NIGHT SKY PLACE;

27 (f) INCREASING NUMBERS OF COLORADANS AND COLORADO

1       COMMUNITIES ARE RECOGNIZING THE ECONOMIC, ECOLOGICAL, CULTURAL,  
2       AND SOCIETAL BENEFITS OF PRESERVING AND EXPANDING DARK SKY  
3       PLACES BY IMPLEMENTING IDA-APPROVED LIGHTING INITIATIVES AND  
4       APPLYING FOR DESIGNATED DARK SKY PLACE STATUS UNDER THE IDSP  
5       PROGRAM, BUT MANY COLORADANS AND COLORADO COMMUNITIES  
6       EITHER DO NOT YET KNOW ABOUT THE BENEFITS OF PRESERVING AND  
7       EXPANDING DARK SKY PLACES OR ABOUT THE IDSP PROGRAM OR REQUIRE  
8       TECHNICAL ASSISTANCE TO TAKE THE STEPS NECESSARY TO ACHIEVE  
9       DESIGNATED DARK SKY PLACE STATUS FOR A COMMUNITY OR OTHER  
10      PLACE;

11                   (g) THROUGH DARK SKY EDUCATION, OUTREACH, PRACTICES, AND  
12        POLICIES, A CONNECTION TO THE NATURAL NIGHTTIME ENVIRONMENT CAN  
13        BE REESTABLISHED FOR PRESENT AND FUTURE GENERATIONS; AND

14                   (h) IT THEREFORE SERVES PRIMARILY A PUBLIC PURPOSE AND IS  
15        NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF ALL  
16        COLORADANS TO PROVIDE FUNDING TO THE OFFICE SO THAT THE OFFICE  
17        CAN:

18                   (I) PROVIDE TECHNICAL ASSISTANCE GRANTS TO APPLICANTS  
19        SEEKING SUPPORT FOR AN APPLICATION TO THE IDA FOR A COMMUNITY OR  
20        PLACE TO BE GRANTED DESIGNATED DARK SKY PLACE STATUS; AND

21                   (II) CONTRACT WITH THE COLORADO CHAPTER OF THE IDA TO  
22        HELP THE OFFICE ADMINISTER THE GRANT PROGRAM, PROMOTE THE  
23        PRESERVATION AND EXPANSION OF DESIGNATED DARK SKY PLACES IN THE  
24        STATE IN ACCORDANCE WITH BEST STEWARDSHIP PRACTICES, AND  
25        PROMOTE TOURISM OPPORTUNITIES IN DESIGNATED DARK SKY PLACES IN  
26        THE STATE.

27                   (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1       REQUIRES:

2           (a) "ADDITIONAL SOURCE FUND" MEANS THE COLORADO TRAVEL  
3       AND TOURISM ADDITIONAL SOURCE FUND CREATED IN SECTION  
4       24-49.7-106 (2).

5           (b) "APPLICANT" MEANS A COMMUNITY, INDIVIDUAL, GROUP OF  
6       INDIVIDUALS, OR ENTITY THAT HAS APPLIED TO THE IDA TO HAVE A  
7       COMMUNITY OR OTHER PLACE DESIGNATED AS A DESIGNATED DARK SKY  
8       PLACE AND THAT APPLIES FOR A GRANT.

9           (c) "DESIGNATED DARK SKY PLACE" MEANS A PLACE IN COLORADO  
10       THAT IS DESIGNATED BY THE IDA THROUGH THE IDSP PROGRAM AS AN  
11       INTERNATIONAL DARK SKY COMMUNITY, INTERNATIONAL DARK SKY PARK,  
12       INTERNATIONAL DARK SKY RESERVE, INTERNATIONAL DARK SKY  
13       SANCTUARY, OR URBAN NIGHT SKY PLACE.

14           (d) "IDA TECHNICAL ASSISTANCE" MEANS ASSISTANCE PROVIDED  
15       BY THE IDA TO AN APPLICANT FOR THE PURPOSE OF HELPING THE  
16       APPLICANT SATISFY THE REQUIREMENTS FOR THE DESIGNATION OF A  
17       COMMUNITY OR PLACE AS A DESIGNATED DARK SKY PLACE.

18           (e) "PROGRAM" MEANS THE COLORADO DARK SKY DESIGNATION  
19       TECHNICAL ASSISTANCE GRANT PROGRAM ESTABLISHED BY THE OFFICE AS  
20       REQUIRED BY SUBSECTION (3) OF THIS SECTION.

21           (f) "TECHNICAL ASSISTANCE GRANT" OR "GRANT" MEANS AN  
22       AWARD MADE BY THE OFFICE TO AN APPLICANT TO PAY FOR IDA  
23       TECHNICAL ASSISTANCE IN ACCORDANCE WITH THE REQUIREMENTS OF  
24       THIS SECTION AND THE POLICIES ESTABLISHED BY THE OFFICE PURSUANT  
25       TO SUBSECTION (3) OF THIS SECTION.

26           (3) (a) THE OFFICE SHALL ESTABLISH THE COLORADO DARK SKY  
27       DESIGNATION TECHNICAL ASSISTANCE GRANT PROGRAM IN ACCORDANCE

1       WITH THE REQUIREMENTS OF THIS SECTION AND THE POLICIES THAT THE  
2       OFFICE ESTABLISHES PURSUANT TO THIS SUBSECTION (3). THE PROGRAM  
3       MAY PROVIDE TECHNICAL ASSISTANCE GRANTS FROM THE ADDITIONAL  
4       SOURCE FUND TO APPLICANTS. THE OFFICE SHALL ESTABLISH POLICIES FOR  
5       THE PROGRAM INCLUDING POLICIES THAT GOVERN THE GRANT  
6       APPLICATION PROCESS AND REQUIRE APPLICANTS TO DEMONSTRATE  
7       COMMUNITY AND STAKEHOLDER SUPPORT, AS DEFINED IN THE POLICIES,  
8       FOR THE DESIGNATED DARK SKY PLACE APPLICATION FOR THE COMMUNITY  
9       OR OTHER PLACE TO WHICH THE GRANT APPLICATION PERTAINS. THE  
10      OFFICE MAY CONTRACT WITH THE IDA TO HELP THE OFFICE DEVELOP ITS  
11      PROGRAM POLICIES, EVALUATE GRANT APPLICATIONS, AND MAKE  
12      RECOMMENDATIONS TO THE OFFICE REGARDING WHICH APPLICANTS  
13      SHOULD RECEIVE GRANT AWARDS AND WHAT THE AMOUNT OF EACH  
14      AWARD SHOULD BE.

15                   (b) THE OFFICE, ON ITS OWN, IN CONSULTATION WITH THE IDA, OR  
16        BY CONTRACTING WITH THE IDA, SHALL PROVIDE GENERAL EDUCATION  
17        AND OUTREACH ABOUT DARK SKIES AND SPECIFICALLY PROMOTE  
18        RESPONSIBLE AND SUSTAINABLE TOURISM OPPORTUNITIES IN DESIGNATED  
19        DARK SKY PLACES IN THE STATE.

20                   (4) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER  
21        THIRTY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE  
22        ADDITIONAL SOURCE FUND. NOTWITHSTANDING SECTION 24-49.7-106  
23        (3)(b), THE OFFICE SHALL SPEND THIS MONEY, WHICH IS CONTINUOUSLY  
24        APPROPRIATED TO THE OFFICE, ONLY:

25                   (a) TO MAKE TECHNICAL ASSISTANCE GRANTS;  
26                   (b) IF THE OFFICE CONTRACTS WITH THE IDA AS AUTHORIZED BY  
27        SUBSECTION (3) OF THIS SECTION, TO PAY THE IDA IN ACCORDANCE WITH

1 THE TERMS OF THE CONTRACT TO:

2 (I) ASSIST IN ADMINISTERING THE GRANT PROGRAM;

3 (II) PROVIDE GENERAL EDUCATION ABOUT AND PROMOTE GENERAL  
4 AWARENESS OF THE BENEFITS OF PRESERVING AND EXPANDING DARK SKY  
5 PLACES AND THE IMPORTANCE OF USING BEST STEWARDSHIP PRACTICES  
6 WHEN MANAGING ACCESS TO DARK SKY PLACES; AND

7 (III) SPECIFICALLY PROMOTE RESPONSIBLE AND SUSTAINABLE  
8 TOURISM OPPORTUNITIES IN DESIGNATED DARK SKY PLACES IN THE STATE;  
9 AND

10 (c) TO COVER THE OFFICE'S DIRECT AND INDIRECT COSTS OF  
11 ADMINISTERING AND IMPLEMENTING THE PROGRAM.

12 (5) ON OR BEFORE NOVEMBER 1, 2023, THE OFFICE SHALL SUBMIT  
13 A REPORT DETAILING THE EXPENDITURE OF THE MONEY TRANSFERRED TO  
14 THE ADDITIONAL SOURCE FUND PURSUANT TO SUBSECTION (4) OF THIS  
15 SECTION TO THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND  
16 LABOR COMMITTEE AND THE SENATE BUSINESS, LABOR, AND TECHNOLOGY  
17 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT SHALL  
18 SPECIFY THE GRANT-SUPPORTED ACTIONS TAKEN IN FURTHERANCE OF  
19 DESIGNATING NEW DARK SKY PLACES AND INDICATE HOW MANY GRANT  
20 RECIPIENTS HAVE HAD A COMMUNITY OR OTHER PLACE DESIGNATED AS A  
21 DESIGNATED DARK SKY PLACE.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.