

CHAPTER 272

GOVERNMENT - STATE

HOUSE BILL 22-1382

BY REPRESENTATIVE(S) McCluskie and Catlin, Bennett, Bird, Boesenecker, Caraveo, Carver, Cutter, Daugherty, Duran, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kennedy, Kipp, Larson, Lindsay, Lontine, Lynch, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Roberts, Soper, Titone, Valdez A., Valdez D., Weissman, Will, Woodrow; also SENATOR(S) Donovan, Bridges, Danielson, Ginal, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Priola, Rankin, Rodriguez, Story, Fenberg.

AN ACT

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

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

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

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

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

(b) **THE GROWING PROBLEM OF LIGHT POLLUTION, INCLUDING SKY GLOW, GLARE, AND LIGHT TRESPASS, WHICH IS ALSO KNOWN AS SPILL LIGHT, IS ATTRIBUTED TO THE USE OF ARTIFICIAL LIGHT AT NIGHT AND HAS BEEN SCIENTIFICALLY LINKED TO NEGATIVE EFFECTS ON THE HEALTH AND WELL-BEING OF PEOPLE, PLANTS, AND ANIMALS, WHILE NATURAL DARK SKIES AT NIGHT HAVE BEEN SCIENTIFICALLY LINKED TO POSITIVE HEALTH EFFECTS;**

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

- (I) AN INTERNATIONAL DARK SKY COMMUNITY;
- (II) AN INTERNATIONAL DARK SKY PARK;
- (III) AN INTERNATIONAL DARK SKY RESERVE;
- (IV) AN INTERNATIONAL DARK SKY SANCTUARY; OR
- (V) AN URBAN NIGHT SKY PLACE;

(f) INCREASING NUMBERS OF COLORADANS AND COLORADO COMMUNITIES ARE RECOGNIZING THE ECONOMIC, ECOLOGICAL, CULTURAL, AND SOCIETAL BENEFITS OF PRESERVING AND EXPANDING DARK SKY PLACES BY IMPLEMENTING IDA-APPROVED LIGHTING INITIATIVES AND APPLYING FOR DESIGNATED DARK SKY PLACE STATUS UNDER THE IDSP PROGRAM, BUT MANY COLORADANS AND COLORADO COMMUNITIES EITHER DO NOT YET KNOW ABOUT THE BENEFITS OF PRESERVING AND EXPANDING DARK SKY PLACES OR ABOUT THE IDSP PROGRAM OR REQUIRE TECHNICAL ASSISTANCE TO TAKE THE STEPS NECESSARY TO ACHIEVE DESIGNATED DARK SKY PLACE STATUS FOR A COMMUNITY OR OTHER PLACE;

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

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

(I) PROVIDE TECHNICAL ASSISTANCE GRANTS TO APPLICANTS SEEKING SUPPORT FOR AN APPLICATION TO THE IDA FOR A COMMUNITY OR PLACE TO BE CERTIFIED BY THE IDA AS A DESIGNATED DARK SKY PLACE; AND

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

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

(a) "ADDITIONAL SOURCE FUND" MEANS THE COLORADO TRAVEL AND TOURISM

ADDITIONAL SOURCE FUND CREATED IN SECTION 24-49.7-106 (2).

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

(c) "COLORADO CHAPTER OF THE IDA" MEANS A COLORADO SINGLE MEMBER LIMITED LIABILITY COMPANY THAT HAS THE IDA AS ITS SOLE MEMBER RELATIONSHIP.

(d) "DESIGNATED DARK SKY PLACE" MEANS A PLACE IN COLORADO THAT IS CERTIFIED BY THE IDA THROUGH THE IDSP PROGRAM AS AN INTERNATIONAL DARK SKY COMMUNITY, INTERNATIONAL DARK SKY PARK, INTERNATIONAL DARK SKY RESERVE, INTERNATIONAL DARK SKY SANCTUARY, OR URBAN NIGHT SKY PLACE.

(e) "IDA TECHNICAL ASSISTANCE" MEANS ASSISTANCE PROVIDED BY THE IDA TO AN APPLICANT FOR THE PURPOSE OF HELPING THE APPLICANT SATISFY THE REQUIREMENTS FOR THE CERTIFICATION BY THE IDA OF A COMMUNITY OR PLACE AS A DESIGNATED DARK SKY PLACE.

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

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

(3) (a) THE OFFICE SHALL ESTABLISH THE COLORADO DARK SKY DESIGNATION TECHNICAL ASSISTANCE GRANT PROGRAM IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND THE POLICIES THAT THE OFFICE ESTABLISHES PURSUANT TO THIS SUBSECTION (3). THE PROGRAM MAY PROVIDE TECHNICAL ASSISTANCE GRANTS FROM THE ADDITIONAL SOURCE FUND TO APPLICANTS. THE OFFICE SHALL ESTABLISH POLICIES FOR THE PROGRAM INCLUDING POLICIES THAT GOVERN THE GRANT APPLICATION PROCESS AND REQUIRE APPLICANTS TO DEMONSTRATE COMMUNITY AND STAKEHOLDER SUPPORT, AS DEFINED IN THE POLICIES, FOR THE DESIGNATED DARK SKY PLACE APPLICATION FOR THE COMMUNITY OR OTHER PLACE TO WHICH THE GRANT APPLICATION PERTAINS. THE OFFICE MAY CONTRACT WITH THE IDA AND 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.

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

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

(a) TO MAKE TECHNICAL ASSISTANCE GRANTS;

(b) IF THE OFFICE CONTRACTS WITH THE IDA AND THE COLORADO CHAPTER OF THE IDA AS AUTHORIZED BY SUBSECTION (3) OF THIS SECTION, TO PAY THE IDA AND THE COLORADO CHAPTER OF THE IDA IN ACCORDANCE WITH THE TERMS OF THE CONTRACT TO:

(I) ASSIST IN ADMINISTERING THE GRANT PROGRAM;

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

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

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

(5) ON OR BEFORE NOVEMBER 1, 2023, THE OFFICE SHALL SUBMIT A REPORT DETAILING THE EXPENDITURE OF THE MONEY TRANSFERRED TO THE ADDITIONAL SOURCE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT SHALL SPECIFY THE GRANT-SUPPORTED ACTIONS TAKEN IN FURTHERANCE OF DESIGNATING NEW DARK SKY PLACES AND INDICATE HOW MANY GRANT RECIPIENTS HAVE OPENED AND MAINTAINED AN ACTIVE CASE FILE WITH THE IDA OR HAVE HAD A COMMUNITY OR OTHER PLACE CERTIFIED BY THE IDA AS A DESIGNATED DARK SKY PLACE.

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

Approved: May 27, 2022