

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1023.01 Jason Gelender x4330

HOUSE BILL 22-1382

HOUSE SPONSORSHIP

McCluskie,

SENATE SPONSORSHIP

Donovan,

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

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

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.