A BILL FOR AN ACT

CONCERNING THE DESIGNATION AND PROMOTION OF DARK SKY 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:
• 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.

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;

(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.