

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-1023.01 Jason Gelender x4330

HOUSE BILL 22-1382

HOUSE SPONSORSHIP

McCluskie,

SENATE SPONSORSHIP

Donovan,

House Committees

Agriculture, Livestock, & Water
Appropriations

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 BE CERTIFIED BY THE IDA AS ONE OF THE FOLLOWING TYPES
21 OF DESIGNATED 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 CERTIFIED BY THE IDA AS A DESIGNATED DARK SKY PLACE;
21 AND

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

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

3 (a) "ADDITIONAL SOURCE FUND" MEANS THE COLORADO TRAVEL
4 AND TOURISM ADDITIONAL SOURCE FUND CREATED IN SECTION
5 24-49.7-106 (2).

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

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

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

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

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

25 (g) "TECHNICAL ASSISTANCE GRANT" OR "GRANT" MEANS AN
26 AWARD MADE BY THE OFFICE TO AN APPLICANT TO PAY FOR IDA
27 TECHNICAL ASSISTANCE IN ACCORDANCE WITH THE REQUIREMENTS OF

1 THIS SECTION AND THE POLICIES ESTABLISHED BY THE OFFICE PURSUANT
2 TO SUBSECTION (3) OF THIS SECTION.

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

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

25 (4) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER
26 THIRTY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
27 ADDITIONAL SOURCE FUND. NOTWITHSTANDING SECTION 24-49.7-106

1 (3)(b), THE OFFICE SHALL SPEND THIS MONEY, WHICH IS CONTINUOUSLY
2 APPROPRIATED TO THE OFFICE, ONLY:

3 (a) TO MAKE TECHNICAL ASSISTANCE GRANTS;

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

8 (I) ASSIST IN ADMINISTERING THE GRANT PROGRAM;

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

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

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

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

1 **IDA** AS A DESIGNATED DARK SKY PLACE.

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