

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

INTRODUCED

LLS NO. 21-0959.01 Megan Waples x4348

SENATE BILL 21-245

SENATE SPONSORSHIP

Donovan and Rankin, Hisey

HOUSE SPONSORSHIP

McCluskie and Will, Catlin, Esgar, McLachlan, Roberts

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING BACKCOUNTRY SEARCH AND RESCUE SERVICES IN**
102 **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 bill defines "backcountry search and rescue" as the utilization, training, and support of responders, with their specialized equipment, to locate, provide assistance to, and remove to safety individuals who are lost, injured, stranded, or entrapped, generally in remote areas of the state. The division of parks and wildlife (division) within the department of natural resources must conduct a study and develop recommendations on

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.

the issues related to backcountry search and rescue, including coordination among the local, state, and nonprofit organizations involved in backcountry search and rescue, the adequacy of resources and benefits available to volunteers who provide backcountry search and rescue services, the funding needs for equipment and reimbursement, and the needs for volunteer training and public education. The division must also conduct outreach and training related to the physical and psychological support needs of backcountry search and rescue volunteers, which may include working with consultants, providing programs, or creating a grant program for local governments or nonprofit organizations providing backcountry search and rescue. The bill makes conforming amendments related to the definition of "backcountry search and rescue".

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Backcountry search and rescue in Colorado originated in the
5 1940s and has a strong heritage, saving the lives of thousands of
6 Coloradans and visitors who engage in outdoor recreation in the state;

7 (b) Volunteer first responders, who are members of nonprofit
8 backcountry search and rescue teams, risk their physical and
9 psychological health when utilizing their specialized skills and local
10 knowledge of Colorado's unique, diverse, and sometimes dangerous
11 backcountry areas to render aid to anyone in need;

12 (c) Backcountry search and rescue is a vital service ensuring the
13 safety of Colorado residents and visitors and is best accomplished with
14 the cooperation and coordination of local backcountry search and rescue
15 teams, county sheriffs, the Colorado National Guard, other local partners,
16 and state, local, and federal government agencies;

17 (d) While limited state funding is currently generated from
18 hunters, anglers, motorized boaters, off-highway vehicle users, and
19 snowmobilers to reimburse political subdivisions and volunteer teams for

1 the costs incurred in conducting backcountry search and rescue
2 operations, local governments and volunteer teams, especially those in
3 rural areas, are experiencing more rescues and rising costs because of
4 increasing backcountry use; and

5 (e) Maintaining strong backcountry search and rescue capabilities
6 across the state is vital to the outdoor recreation industry, which is a
7 major economic driver for the state and local economies.

8 **SECTION 2.** In Colorado Revised Statutes, 33-1-102, **add** (1.3)
9 as follows:

10 **33-1-102. Definitions.** As used in this title 33, unless the context
11 otherwise requires:

12 (1.3) "BACKCOUNTRY SEARCH AND RESCUE" MEANS THE
13 UTILIZATION, TRAINING, AND SUPPORT OF RESPONDERS, WITH THEIR
14 SPECIALIZED EQUIPMENT, COORDINATED BY A SHERIFF TO PROVIDE THE
15 SERVICES DESCRIBED IN THIS SUBSECTION (1.3) DURING EMERGENCIES OR
16 DISASTERS IN FORESTS, DESERTS, MOUNTAINS, CANYONS, CAVES, WATERS,
17 PARKS, PLAINS, AND, AT TIMES, IN MORE POPULATED AREAS. RESPONDERS
18 INCLUDE MEMBERS OF VOLUNTEER TEAMS THAT WORK ALONGSIDE FIRE,
19 LAW ENFORCEMENT, EMERGENCY MEDICAL PERSONNEL, THE COLORADO
20 NATIONAL GUARD, AND OTHER GOVERNMENT EMPLOYEES IN DISASTERS
21 OR EMERGENCIES. "BACKCOUNTRY SEARCH AND RESCUE" IS A SUBSET OF
22 SEARCH AND RESCUE AS DEFINED IN SECTION 24-33.5-703 (8) AND
23 INCLUDES:

24 (a) LOCATING LOST OR INJURED INDIVIDUALS IN REMOTE AREAS;

25 (b) ACCESSING INDIVIDUALS WHO ARE INJURED, STUCK,
26 STRANDED, OR ENTRAPPED;

27 (c) RECOVERING THE BODIES OF DECEASED INDIVIDUALS AND

- 1 TRANSFERRING THEM INTO A CORONER'S CUSTODY;
- 2 (d) ASSESSING AND MITIGATING HAZARDOUS TERRAIN OR
- 3 CONDITIONS;
- 4 (e) PROVIDING EMERGENCY ON-SCENE MEDICAL AND
- 5 PSYCHOLOGICAL CARE;
- 6 (f) EVACUATING OR TRANSPORTING INJURED, STUCK, STRANDED,
- 7 OR ENTRAPPED INDIVIDUALS TO A ROADWAY OR AIR AMBULANCE;
- 8 (g) PROVIDING PUBLIC OUTDOOR SAFETY EDUCATION;
- 9 (h) PROVIDING FOR THE PHYSICAL AND PSYCHOLOGICAL
- 10 WELL-BEING OF FIRST RESPONDERS INVOLVED IN BACKCOUNTRY SEARCH
- 11 AND RESCUE;
- 12 (i) TRAINING INDIVIDUALS AND TEAMS TO PROVIDE BACKCOUNTRY
- 13 SEARCH AND RESCUE SERVICES; AND
- 14 (j) OTHER RELATED SERVICES PERFORMED AT THE WILL OF A
- 15 SHERIFF.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 33-10-116 as

17 follows:

18 **33-10-116. Backcountry search and rescue - study - training**

19 **and physical and psychological support pilot program.** (1) (a) THE

20 DIVISION SHALL CONDUCT A STUDY AND DEVELOP RECOMMENDATIONS ON

21 HOW TO ADDRESS THE CHALLENGES ASSOCIATED WITH BACKCOUNTRY

22 SEARCH AND RESCUE IN THE STATE. AT A MINIMUM, THE STUDY MUST

23 ADDRESS:

- 24 (I) HOW TO IMPROVE COORDINATION AMONG COUNTY SHERIFFS
- 25 AND LOCAL LAW ENFORCEMENT AGENCIES, PUBLIC OR NONPROFIT
- 26 ORGANIZATIONS THAT PROVIDE BACKCOUNTRY SEARCH AND RESCUE
- 27 SERVICES, AND STATE AGENCIES;

1 (II) THE AVAILABILITY AND ADEQUACY OF WORKERS
2 COMPENSATION OR OTHER BENEFITS FOR INDIVIDUALS WHO ARE INJURED
3 IN THE COURSE OF PROVIDING BACKCOUNTRY SEARCH AND RESCUE
4 SERVICES, INCLUDING AS VOLUNTEERS;

5 (III) THE AVAILABILITY AND ADEQUACY OF RETIREMENT BENEFITS
6 FOR INDIVIDUALS WHO PROVIDE BACKCOUNTRY SEARCH AND RESCUE
7 SERVICES, INCLUDING AS VOLUNTEERS;

8 (IV) COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR
9 VOLUNTEERS WHO PROVIDE BACKCOUNTRY SEARCH AND RESCUE
10 SERVICES;

11 (V) THE AVAILABILITY OF NECESSARY EQUIPMENT AND THE NEED
12 FOR FUNDING TO OBTAIN, MAINTAIN, AND REPLACE EQUIPMENT;

13 (VI) THE PHYSICAL AND PSYCHOLOGICAL IMPACTS OF PROVIDING
14 BACKCOUNTRY SEARCH AND RESCUE AND THE AVAILABILITY AND
15 ADEQUACY OF PHYSICAL AND PSYCHOLOGICAL SUPPORT AND RESOURCES
16 FOR INDIVIDUALS WHO PROVIDE BACKCOUNTRY SEARCH AND RESCUE
17 SERVICES, INCLUDING AS VOLUNTEERS;

18 (VII) ISSUES RELATED TO GOVERNMENTAL IMMUNITY FOR
19 VOLUNTEERS WHO PROVIDE BACKCOUNTRY SEARCH AND RESCUE
20 SERVICES;

21 (VIII) TRAINING NEEDS FOR VOLUNTEERS INVOLVED IN
22 BACKCOUNTRY SEARCH AND RESCUE; AND

23 (IX) THE NEED FOR PUBLIC OUTDOOR SAFETY EDUCATION.

24 (b) IN CONDUCTING THE STUDY REQUIRED BY THIS SUBSECTION (1),
25 THE DIVISION SHALL CONSULT WITH AFFECTED STAKEHOLDERS, INCLUDING
26 COUNTY SHERIFFS, PUBLIC AND NONPROFIT BACKCOUNTRY SEARCH AND
27 RESCUE ORGANIZATIONS, THE DEPARTMENT OF PUBLIC SAFETY, THE

1 DEPARTMENT OF LOCAL AFFAIRS, THE COLORADO AVALANCHE
2 INFORMATION CENTER, LOCAL GOVERNMENTS, AND OTHER ENTITIES
3 AFFECTED BY OR INVOLVED WITH BACKCOUNTRY SEARCH AND RESCUE.

4 (c) THE DEPARTMENT SHALL REPORT ON THE DIVISION'S FINDINGS
5 AS PART OF THE DEPARTMENT'S "STATE MEASUREMENT FOR
6 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
7 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 IN JANUARY
8 2022 TO THE RURAL AFFAIRS AND AGRICULTURE COMMITTEE OF THE
9 HOUSE OF REPRESENTATIVES AND THE AGRICULTURE AND NATURAL
10 RESOURCES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR
11 COMMITTEES.

12 (2) THE DIVISION SHALL CONDUCT OUTREACH AND TRAINING
13 ACROSS THE STATE ON PHYSICAL AND PSYCHOLOGICAL STRESS INJURIES
14 AND IMPACTS FACED BY BACKCOUNTRY SEARCH AND RESCUE
15 VOLUNTEERS. THE OUTREACH AND TRAINING MAY INCLUDE WORKING
16 WITH A QUALIFIED CONSULTANT TO ASSESS THE PHYSICAL AND
17 PSYCHOLOGICAL NEEDS OF VOLUNTEERS AND PROVIDE TRAINING ON
18 RECOGNIZING AND ADDRESSING THOSE NEEDS, DEVELOPING A GRANT
19 PROGRAM FOR LOCAL GOVERNMENT AGENCIES OR BACKCOUNTRY SEARCH
20 AND RESCUE ORGANIZATIONS TO PROVIDE PHYSICAL AND PSYCHOLOGICAL
21 SUPPORT AND TRAINING TO VOLUNTEERS, OR DEVELOPING OTHER
22 OUTREACH, TRAINING, AND SERVICES FOR BACKCOUNTRY SEARCH AND
23 RESCUE VOLUNTEERS ACROSS THE STATE.

24 **SECTION 4.** In Colorado Revised Statutes, **amend 33-1-112.5**
25 as follows:

26 **33-1-112.5. Backcountry search and rescue fund.** (1) There is
27 hereby created in the state treasury a BACKCOUNTRY search and rescue

1 fund. Such fund is established to assist any agency or political subdivision
2 of the state of Colorado for costs incurred in BACKCOUNTRY search and
3 rescue activities involving persons holding hunting or fishing licenses;
4 vessel, snowmobile, or off-highway vehicle registrations; or a Colorado
5 outdoor recreation BACKCOUNTRY search and rescue card. Reimbursable
6 costs are limited to actual operational expenses. Reimbursable costs shall
7 not include salaries paid to persons permanently employed by the agency
8 or political subdivision.

9 (2) (a) A surcharge of twenty-five cents shall be assessed on each
10 license listed in section 33-4-102 (1) and (1.4) that is sold by the division
11 or one of its license agents pursuant to section 33-4-101. Receipts and
12 interest from the surcharge shall be deposited in the BACKCOUNTRY
13 search and rescue fund created in subsection (1) of this section.

14 (b) A surcharge of twenty-five cents shall be assessed on each
15 vessel, each snowmobile, and each off-highway vehicle registration that
16 is sold by the division or one of its agents pursuant to section 33-13-103,
17 33-14-102, or 33-14.5-102. Receipts and interest from the surcharge shall
18 be deposited in the BACKCOUNTRY search and rescue fund created in
19 subsection (1) of this section. To coincide with annual registration
20 renewal schedules, the surcharge shall be assessed on an annual basis
21 beginning on October 1, 1992, for snowmobile registrations, January 1,
22 1993, for vessel registrations, and April 1, 1993, for off-highway vehicle
23 registrations.

24 (c) (I) The general assembly hereby creates the Colorado outdoor
25 recreation BACKCOUNTRY search and rescue card program. The
26 department of local affairs shall make a Colorado outdoor recreation
27 BACKCOUNTRY search and rescue card available to the public in

1 accordance with this ~~paragraph (c)~~ SUBSECTION (2)(c) to backpackers,
2 hikers, mountain and trail bikers, cross country skiers, and other persons
3 who use the Colorado ~~back country~~ BACKCOUNTRY for recreation. The
4 department of local affairs shall establish procedures for the licensing of
5 vendors who sell the outdoor recreation BACKCOUNTRY search and rescue
6 card, the printing of such cards, and the distribution of such cards to
7 vendors for sale to the public.

8 (II) The Colorado outdoor recreation BACKCOUNTRY search and
9 rescue card shall cost three dollars and shall be valid for one year from
10 the date of purchase. The department shall charge vendors two dollars for
11 each Colorado outdoor recreation BACKCOUNTRY search and rescue card,
12 which shall be transmitted to the state treasurer, who shall credit the
13 amount to the BACKCOUNTRY search and rescue fund created in
14 subsection (1) of this section. The remaining one dollar shall be retained
15 by the vendor as the vendor's fee.

16 (III) The department may issue a multi-year Colorado outdoor
17 recreation BACKCOUNTRY search and rescue card that shall be valid for a
18 period not to exceed five years. Such multi-year card may be offered at
19 a reduced rate to vendors with a reduced vendor fee to reflect
20 administrative cost savings and other considerations.

21 (IV) The general assembly finds and declares that the Colorado
22 outdoor recreation BACKCOUNTRY search and rescue card program is a
23 new program. The department of local affairs is therefore authorized to
24 contract, pursuant to section 24-50-504 (2)(b), ~~C.R.S.~~, with a person,
25 corporation, or entity for any elements of the administration of the
26 program created by this ~~paragraph (c)~~ SUBSECTION (2)(c).

27 (3) All agencies and political subdivisions of the state shall have

1 the right to make a claim on the BACKCOUNTRY search and rescue fund
2 for reimbursement of costs incurred in the performance of BACKCOUNTRY
3 search and rescue activities involving those persons specified in
4 subsection (1) of this section. Such claims shall be submitted to the
5 department of local affairs for immediate consideration. Any
6 reimbursement claims which have been certified by the sheriff of the
7 county in which the BACKCOUNTRY search and rescue activity occurred
8 shall be eligible for payment by the department of local affairs. The
9 department of local affairs shall establish rules for the procedure through
10 which claims shall be submitted and for payment of such claims.

11 (4) The BACKCOUNTRY search and rescue fund created in
12 subsection (1) of this section shall be the sole source of funds for the
13 reimbursement of costs incurred under this section in BACKCOUNTRY
14 search and rescue activities involving those persons specified in
15 subsection (1) of this section. The wildlife cash fund established in
16 section 33-1-112 and the parks and outdoor recreation cash fund
17 established in section 33-10-111 shall not be used for reimbursement of
18 costs as provided in this section.

19 (5) The ~~moneys~~ MONEY in the BACKCOUNTRY search and rescue
20 fund created in subsection (1) of this section shall be subject to annual
21 appropriation by the general assembly for the direct and indirect costs of
22 the administration of this section.

23 (6) At the close of any fiscal year, all of the ~~moneys~~ MONEY
24 remaining in the BACKCOUNTRY search and rescue fund and appropriated
25 for BACKCOUNTRY search and rescue expenses, after all approved claims
26 and administrative costs have been paid, shall be divided among those
27 counties that have applied to the department of local affairs for year-end

1 grants or reimbursements from the BACKCOUNTRY search and rescue
2 fund. The department of local affairs shall divide such ~~moneys~~ MONEY
3 among the counties, first making payment for uncompensated
4 BACKCOUNTRY searches and rescues of parents, siblings, spouses,
5 children, or grandchildren of persons holding hunting or fishing licenses,
6 vessel, snowmobile, or off-highway vehicle registrations, or the owner of
7 a Colorado outdoor recreation BACKCOUNTRY search and rescue card and
8 second making payment for BACKCOUNTRY search and rescue-related
9 training and equipment, and for any other uncompensated ~~searches~~
10 BACKCOUNTRY SEARCH AND RESCUE INCIDENTS. The department of local
11 affairs shall establish operating procedures for applying for year-end
12 grants or reimbursements from the ~~moneys~~ MONEY remaining in the
13 BACKCOUNTRY search and rescue fund.

14 ~~(7) and (8) (Deleted by amendment, L. 2001, p. 599, § 1, effective~~
15 ~~July 1, 2001.)~~

16 **SECTION 5.** In Colorado Revised Statutes, 33-4-117, **amend** (1)
17 and (4) as follows:

18 **33-4-117. Youth and young adult licenses - terminally ill**
19 **hunters - special restrictions and privileges - rules.** (1) A person under
20 eighteen years of age may obtain a youth small game hunting license,
21 issued pursuant to section 33-4-102 (1.4)(x), upon showing a hunter
22 education certificate as required by section 33-6-107 (8). The fee for the
23 license, as established in section 33-4-102 (1.4)(x), includes the
24 BACKCOUNTRY search and rescue fund surcharge imposed under section
25 33-1-112.5 (2)(a).

26 (4) Youth big game licenses, entitling the holder to hunt deer, elk,
27 or pronghorn, may be purchased by persons who are at least twelve years

1 of age but under eighteen years of age for the fees specified in section
2 33-4-102 (1.4)(w). Said fees include the BACKCOUNTRY search and rescue
3 fund surcharge imposed under section 33-1-112.5 (2)(a). Persons under
4 sixteen years of age hunting deer, elk, or pronghorn must be accompanied
5 by a person eighteen years of age or older as required by section 33-6-107
6 (4).

7 **SECTION 6.** In Colorado Revised Statutes, **amend** 33-10-115 as
8 follows:

9 **33-10-115. Use of parks and recreational areas by nonprofit**
10 **backcountry search and rescue organizations - definitions - rules.**

11 (1) This section shall be known and may be cited as the "Colorado
12 BACKCOUNTRY Search and Rescue State Parks Usage Act".

13 (2) As used in this section:

14 (a) "BACKCOUNTRY SEARCH AND RESCUE ACTIVITIES" MEANS
15 OFFICIAL DRILLS, EXERCISES, LIVE INCIDENTS, OR OTHER SUCH ACTIVITIES
16 THAT PROVIDE INSTRUCTION TO BACKCOUNTRY SEARCH AND RESCUE
17 PERSONNEL, AND THAT ARE CONDUCTED AT ANY TIME OF THE DAY,
18 INCLUDING, WITHOUT LIMITATION, OVERNIGHT OR OVER SEVERAL DAYS
19 AND NIGHTS.

20 ~~(a)~~ (b) "Park, recreation area, or facility" means:

- 21 (I) A state park;
- 22 (II) A state recreation area; or
- 23 (III) A state-owned facility that is open to the public and related
24 to or adjoining a state park or a state recreation area.

25 ~~(b)~~ (c) "Public or nonprofit BACKCOUNTRY search and rescue
26 organization" means a not-for-profit entity that performs BACKCOUNTRY
27 search and rescue, disaster relief, or national defense missions in

1 Colorado. The term includes, without limitation, the Colorado civil air
2 patrol, governmental search and rescue organizations, and the Colorado
3 search and rescue ~~board~~ ASSOCIATION.

4 ~~(c) "Training activities" means official drills, exercises, live~~
5 ~~missions, or other such activities that provide instruction to search and~~
6 ~~rescue personnel, that are conducted at any time of the day, including,~~
7 ~~without limitation, overnight or over several days and nights.~~

8 (3) A public or nonprofit BACKCOUNTRY search and rescue
9 organization shall be exempt from all park fees when the organization is
10 using a park, recreation area, or facility to conduct ~~training~~
11 BACKCOUNTRY SEARCH AND RESCUE activities.

12 (4) The commission ~~shall~~ MAY promulgate rules as are reasonably
13 necessary to implement this section.

14 **SECTION 7.** In Colorado Revised Statutes, 33-12-106, **amend**
15 (3) as follows:

16 **33-12-106. Park entrance privileges - identified veterans -**
17 **wounded warriors - backcountry search and rescue organizations**
18 **conducting training activities - legislative declaration - rules.**

19 (3) Pursuant to section 33-10-115, a public or nonprofit BACKCOUNTRY
20 search and rescue organization shall be allowed free entrance to any state
21 park or recreation area on any day of the year such park or area is open,
22 subject to availability.

23 **SECTION 8.** In Colorado Revised Statutes, 33-32-108, **amend**
24 (2)(a) and (2)(b) introductory portion as follows:

25 **33-32-108. Enforcement.** (2) (a) Any actual expenses incurred
26 by a governmental entity for BACKCOUNTRY search and rescue efforts
27 stemming from any river running activity conducted for consideration by

1 a river outfitter pursuant to ~~the provisions of this article~~ ARTICLE 32 shall
2 be reimbursed by said river outfitter. Such expenses shall include but not
3 be limited to hours worked, fuel, a reasonable fee for use of equipment,
4 and equipment repair or replacement costs, if any.

5 (b) Pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION
6 (2)(a) OF THIS SECTION, any expenses incurred by governmental entities
7 stemming from BACKCOUNTRY search and rescue efforts that are
8 reimbursed by a river outfitter shall be distributed as follows:

9 **SECTION 9. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.