

CHAPTER 358

NATURAL RESOURCES

SENATE BILL 21-245

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also REPRESENTATIVE(S) McCluskie and Will, Catlin, Esgar, McLachlan, Roberts, Amabile, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, Lynch, McCormick, McKean, Michaelson Jenet, Mullaica, Ortiz, Ricks, Sandridge, Sirota, Snyder, Soper, Titone, Valdez A., Valdez D., Williams.

AN ACT

CONCERNING BACKCOUNTRY SEARCH AND RESCUE SERVICES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

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

(d) While limited state funding is currently generated from hunters, anglers,

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motorized boaters, off-highway vehicle users, and snowmobilers to reimburse political subdivisions and volunteer teams for the costs incurred in conducting backcountry search and rescue operations, local governments and volunteer teams, especially those in rural areas, are experiencing more rescues and rising costs because of increasing backcountry use; and

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

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

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

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

- (a) LOCATING LOST OR INJURED INDIVIDUALS IN REMOTE AREAS;
- (b) ACCESSING INDIVIDUALS WHO ARE INJURED, STUCK, STRANDED, OR ENTRAPPED;
- (c) RECOVERING THE BODIES OF DECEASED INDIVIDUALS AT THE DIRECTION OF A CORONER;
- (d) ASSESSING AND MITIGATING HAZARDOUS TERRAIN OR CONDITIONS;
- (e) PROVIDING EMERGENCY ON-SCENE MEDICAL AND PSYCHOLOGICAL CARE;
- (f) EVACUATING OR TRANSPORTING INJURED, STUCK, STRANDED, OR ENTRAPPED INDIVIDUALS TO A ROADWAY OR AIR AMBULANCE;
- (g) PROVIDING PUBLIC OUTDOOR SAFETY EDUCATION;
- (h) PROVIDING FOR THE PHYSICAL AND PSYCHOLOGICAL WELL-BEING OF FIRST RESPONDERS INVOLVED IN BACKCOUNTRY SEARCH AND RESCUE;
- (i) TRAINING INDIVIDUALS AND TEAMS TO PROVIDE BACKCOUNTRY SEARCH AND RESCUE SERVICES; AND
- (j) OTHER RELATED SERVICES PERFORMED AT THE WILL OF A SHERIFF.

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

33-10-116. Backcountry search and rescue - study - training and physical and psychological support pilot program. (1) (a) THE DIVISION SHALL CONDUCT A STUDY AND DEVELOP RECOMMENDATIONS ON HOW TO ADDRESS THE CHALLENGES ASSOCIATED WITH BACKCOUNTRY SEARCH AND RESCUE IN THE STATE. AT A MINIMUM, THE STUDY MUST ADDRESS:

(I) HOW TO IMPROVE AND DEVELOP A SUSTAINABLE STRUCTURE FOR COORDINATION AMONG THE STATE OF COLORADO, COUNTY SHERIFFS AND LOCAL LAW ENFORCEMENT AGENCIES, PUBLIC OR NONPROFIT ORGANIZATIONS THAT PROVIDE BACKCOUNTRY SEARCH AND RESCUE SERVICES, AND FEDERAL AGENCIES;

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

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

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

(V) THE AVAILABILITY OF NECESSARY EQUIPMENT AND THE NEED FOR FUNDING TO OBTAIN, MAINTAIN, AND REPLACE EQUIPMENT AND OPERATE BACKCOUNTRY SEARCH AND RESCUE TEAMS;

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

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

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

(IX) THE NEED FOR PUBLIC OUTDOOR SAFETY EDUCATION.

(b) IN CONDUCTING THE STUDY REQUIRED BY THIS SUBSECTION (1), THE DIVISION SHALL CONSULT WITH AFFECTED STAKEHOLDERS, INCLUDING COUNTY SHERIFFS, PUBLIC AND NONPROFIT BACKCOUNTRY SEARCH AND RESCUE ORGANIZATIONS, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF LOCAL AFFAIRS, THE COLORADO AVALANCHE INFORMATION CENTER, LOCAL GOVERNMENTS, AND OTHER ENTITIES AFFECTED BY OR INVOLVED WITH BACKCOUNTRY SEARCH AND RESCUE.

(c) THE DEPARTMENT SHALL REPORT ON THE DIVISION'S FINDINGS AS PART OF THE DEPARTMENT'S "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION

2-7-203 IN JANUARY 2022 TO THE RURAL AFFAIRS AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

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

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

33-1-112.5. Backcountry search and rescue fund. (1) There is hereby created in the state treasury a BACKCOUNTRY search and rescue fund. Such fund is established to assist any agency or political subdivision of the state of Colorado for costs incurred in BACKCOUNTRY search and rescue activities involving persons holding hunting or fishing licenses; vessel, snowmobile, or off-highway vehicle registrations; or a Colorado outdoor recreation BACKCOUNTRY search and rescue card. Reimbursable costs are limited to actual operational expenses. Reimbursable costs shall not include salaries paid to persons permanently employed by the agency or political subdivision.

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

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

(c) (I) The general assembly hereby creates the Colorado outdoor recreation BACKCOUNTRY search and rescue card program. The department of local affairs shall make a Colorado outdoor recreation BACKCOUNTRY search and rescue card available to the public in accordance with this ~~paragraph (c)~~ SUBSECTION (2)(c) to backpackers, hikers, mountain and trail bikers, cross country skiers, and other persons who use the Colorado ~~back-country~~ BACKCOUNTRY for recreation. The department of local affairs shall establish procedures for the licensing of vendors who sell the outdoor recreation BACKCOUNTRY search and rescue card, the printing

of such cards, and the distribution of such cards to vendors for sale to the public.

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

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

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

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

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

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

(6) At the close of any fiscal year, all of the ~~moneys~~ MONEY remaining in the BACKCOUNTRY search and rescue fund and appropriated for BACKCOUNTRY search and rescue expenses, after all approved claims and administrative costs have been paid, shall be divided among those counties that have applied to the department of local affairs for year-end grants or reimbursements from the BACKCOUNTRY search and rescue fund. The department of local affairs shall divide such ~~moneys~~ MONEY among the counties, first making payment for uncompensated BACKCOUNTRY

searches and rescues of parents, siblings, spouses, children, or grandchildren of persons holding hunting or fishing licenses, vessel, snowmobile, or off-highway vehicle registrations, or the owner of a Colorado outdoor recreation BACKCOUNTRY search and rescue card and second making payment for BACKCOUNTRY search and rescue-related training and equipment, and for any other uncompensated ~~searches~~ BACKCOUNTRY SEARCH AND RESCUE INCIDENTS. The department of local affairs shall establish operating procedures for applying for year-end grants or reimbursements from the ~~moneys~~ MONEY remaining in the BACKCOUNTRY search and rescue fund.

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

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

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

(4) Youth big game licenses, entitling the holder to hunt deer, elk, or pronghorn, may be purchased by persons who are at least twelve years of age but under eighteen years of age for the fees specified in section 33-4-102 (1.4)(w). Said fees include the BACKCOUNTRY search and rescue fund surcharge imposed under section 33-1-112.5 (2)(a). Persons under sixteen years of age hunting deer, elk, or pronghorn must be accompanied by a person eighteen years of age or older as required by section 33-6-107 (4).

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

33-10-115. Use of parks and recreational areas by nonprofit backcountry search and rescue organizations - definitions - rules. (1) This section shall be known and may be cited as the "Colorado BACKCOUNTRY Search and Rescue State Parks Usage Act".

(2) As used in this section:

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

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

(I) A state park;

(II) A state recreation area; or

(III) A state-owned facility that is open to the public and related to or adjoining a state park or a state recreation area.

~~(b)~~ (c) "Public or nonprofit BACKCOUNTRY search and rescue organization" means a not-for-profit entity that performs BACKCOUNTRY search and rescue, disaster relief, or national defense missions in Colorado. The term includes, without limitation, the Colorado civil air patrol, governmental search and rescue organizations, and the Colorado search and rescue ~~board~~ ASSOCIATION.

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

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

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

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

33-12-106. Park entrance privileges - identified veterans - wounded warriors - backcountry search and rescue organizations conducting training activities - legislative declaration - rules. (3) Pursuant to section 33-10-115, a public or nonprofit BACKCOUNTRY search and rescue organization shall be allowed free entrance to any state park or recreation area on any day of the year such park or area is open, subject to availability.

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

33-32-108. Enforcement. (2) (a) Any actual expenses incurred by a governmental entity for BACKCOUNTRY search and rescue efforts stemming from any river running activity conducted for consideration by a river outfitter pursuant to ~~the provisions of this article~~ ARTICLE 32 shall be reimbursed by said river outfitter. Such expenses shall include but not be limited to hours worked, fuel, a reasonable fee for use of equipment, and equipment repair or replacement costs, if any.

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

SECTION 9. Appropriation. (1) For the 2021-22 state fiscal year, \$216,070 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$75,625 for state park operations, which amount is based on an assumption that the department will require an additional 0.5 FTE; and

(b) \$140,445 for wildlife operations, which amount is based on an assumption that the department will require an additional 1.0 FTE.

SECTION 10. 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: June 27, 2021