

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0432.01 Megan Waples x4348

SENATE BILL 20-130

SENATE SPONSORSHIP

Donovan and Rankin, Coram, Fenberg, Scott

HOUSE SPONSORSHIP

McCluskie and Wilson, Roberts

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING BACKCOUNTRY SEARCH AND RESCUE SERVICES IN**
102 **COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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 department of natural resources (department) must conduct a study

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.

SENATE
Amended 2nd Reading
March 10, 2020

and develop recommendations on 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 department must also, subject to available appropriations, 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

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

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

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

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

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

25 (a) LOCATING LOST OR INJURED INDIVIDUALS IN REMOTE AREAS;
26 (b) ACCESSING INDIVIDUALS WHO ARE INJURED, STUCK,
27 STRANDED, OR ENTRAPPED;

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

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

19 **33-10-116. Backcountry search and rescue - study - training**
20 **and physical and psychological support pilot program.** (1) (a) THE
21 DEPARTMENT SHALL CONDUCT A STUDY AND DEVELOP
22 RECOMMENDATIONS ON HOW TO ADDRESS THE CHALLENGES ASSOCIATED
23 WITH BACKCOUNTRY SEARCH AND RESCUE IN THE STATE. AT A MINIMUM,
24 THE STUDY MUST ADDRESS:

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

1 SERVICES, AND STATE AGENCIES;

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

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

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

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

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

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

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

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

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

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

6 (c) THE DEPARTMENT SHALL REPORT ON ITS FINDINGS AS PART OF
7 ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
8 TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY
9 SECTION 2-7-203 IN JANUARY 2021 TO THE RURAL AFFAIRS AND
10 AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
11 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR
12 THEIR SUCCESSOR COMMITTEES.

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

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

27 **33-1-112.5. Backcountry search and rescue fund.** (1) There is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **33-4-117. Youth and young adult licenses - terminally ill**
20 **hunters - special restrictions and privileges - rules.** (1) A person under
21 eighteen years of age may obtain a youth small game hunting license,
22 issued pursuant to section 33-4-102 (1.4)(x), upon showing a hunter
23 education certificate as required by section 33-6-107 (8). The fee for the
24 license, as established in section 33-4-102 (1.4)(x), includes the
25 BACKCOUNTRY search and rescue fund surcharge imposed under section
26 33-1-112.5 (2)(a).

27 (4) Youth big game licenses, entitling the holder to hunt deer, elk,

1 or pronghorn, may be purchased by persons who are at least twelve years
2 of age but under eighteen years of age for the fees specified in section
3 33-4-102 (1.4)(w). Said fees include the BACKCOUNTRY search and rescue
4 fund surcharge imposed under section 33-1-112.5 (2)(a). Persons under
5 sixteen years of age hunting deer, elk, or pronghorn must be accompanied
6 by a person eighteen years of age or older as required by section 33-6-107
7 (4).

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

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

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

14 (2) As used in this section:

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

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

22 (I) A state park;

23 (II) A state recreation area; or

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

26 ~~(b)~~ (c) "Public or nonprofit BACKCOUNTRY search and rescue
27 organization" means a not-for-profit entity that performs BACKCOUNTRY

1 search and rescue, disaster relief, or national defense missions in
2 Colorado. The term includes, without limitation, the Colorado civil air
3 patrol, governmental search and rescue organizations, and the Colorado
4 search and rescue board ASSOCIATION.

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

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

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

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

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

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

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

26 **33-32-108. Enforcement.** (2) (a) Any actual expenses incurred
27 by a governmental entity for BACKCOUNTRY search and rescue efforts

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

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

10 **SECTION 9. Appropriation.** (1) For the 2020-21 state fiscal
11 year, \$208,190 is appropriated to the department of natural resources for
12 use by the executive director's office. This appropriation is from the
13 general fund. To implement this act, the department may use this
14 appropriation as follows:

15 (a) \$187,665 for personal services, which amount is based on an
16 assumption that the department will require an additional 1.5 FTE; and

17 (b) \$20,525 for operating expenses.

18 **SECTION 10. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.