

**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. 22-0913.01 Megan Waples x4348

SENATE BILL 22-168

SENATE SPONSORSHIP

Donovan and Rankin,

HOUSE SPONSORSHIP

McCluskie and Will,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPORT FOR BACKCOUNTRY SEARCH AND RESCUE**
102 **SERVICES IN COLORADO, AND, IN CONNECTION THEREWITH,**
103 **MAKING AND REDUCING AN 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 transfers the duties, powers, and functions of the department of local affairs (DOLA) related to backcountry search and rescue, the backcountry search and rescue card (card) and the backcountry search and rescue fund (fund) to the division of parks and wildlife (division), effective January 1, 2023. On and after January 1, 2023:

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.

- All positions of employment and appropriations for personal services in DOLA related to backcountry search and rescue and the administration of the card and fund are transferred to the division;
- The division is required to administer the card program and to process requests for reimbursement for search and rescue efforts from the fund and assumes all rights and obligations previously vested in DOLA;
- The parks and wildlife commission is required to promulgate rules establishing the price and vendor fee for the card, and the amount of the surcharges imposed on certain hunting and fishing licenses and on boats, snowmobile, and off-highway vehicle registrations that are credited to the fund; and
- The fund is continuously appropriated to the division to reimburse local governments for backcountry search and rescue efforts and to support search and rescue efforts throughout the state.

The bill amends current laws providing immunity from civil liability in certain circumstances to volunteer firefighters and incident management teams responding to emergencies and to volunteers providing services to nonprofit organizations to include individuals engaged in backcountry search and rescue efforts.

The bill makes a dependent of a person who died or was permanently disabled while engaged in backcountry search and rescue efforts eligible for educational benefits that are currently extended to the dependents of individuals who die or are permanently disabled while on active duty as a Colorado National Guardsman or while working as a police officer, sheriff, or other law enforcement officer or firefighter.

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

2 **SECTION 1. In Colorado Revised Statutes, 33-1-112, add (1.7)**

3 **as follows:**

4 **33-1-112. Funds - cost accounting - definition - repeal.**

5 **(1.7) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS**

6 **SUBSECTION (1.7), THE STATE TREASURER SHALL TRANSFER ONE MILLION**

7 **DOLLARS FROM THE GENERAL FUND TO THE WILDLIFE CASH FUND.**

8 **NOTWITHSTANDING SECTION 33-1-112.5 (4), THE DIVISION MAY USE THE**

1 MONEY TO:

2 (I) SUPPORT THE GOALS STATED IN SECTION 33-12-108

3 (2)(a)(IV)(C);

4 (II) SUPPORT THE NEEDS OF BACKCOUNTRY SEARCH AND RESCUE
5 ACTIVITIES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE STUDY
6 COMPLETED PURSUANT TO SECTION 33-10-116; AND

7 (III) COVER RESPONSE COSTS, EQUIPMENT, AND OTHER RELATED
8 EXPENSES FOR BACKCOUNTRY SEARCH AND RESCUE ACTIVITIES.

9 (b) THIS SUBSECTION (1.7) IS REPEALED, EFFECTIVE JULY 1, 2025.

10 **SECTION 2.** In Colorado Revised Statutes, 33-1-112.5, **amend**
11 (1), (2), (3), (4), (6), (9)(a), and (9)(b); **repeal** (5); and **add** (10) as
12 follows:

13 **33-1-112.5. Backcountry search and rescue fund - repeal.**

14 (1) (a) There is ~~hereby~~ created in the state treasury a backcountry search
15 and rescue fund, ~~Such fund is established~~ REFERRED TO IN THIS SECTION
16 AS THE "FUND". THE FUND CONSISTS OF MONEY CREDITED TO THE FUND
17 PURSUANT TO THIS SECTION AND SECTION 33-12-108 (4)(e)(I)(B), AND
18 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
19 TRANSFER TO THE FUND.

20 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
21 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
22 FUND TO THE FUND.

23 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
24 DEPARTMENT FOR USE BY THE DIVISION AS FOLLOWS:

25 (I) THE DIVISION MAY USE MONEY CREDITED TO THE FUND
26 PURSUANT TO SUBSECTION (9) OF THIS SECTION AND SECTION 33-12-108
27 (4)(e)(I)(B), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY

1 APPROPRIATE OR TRANSFER TO THE FUND TO:

2 (A) SUPPORT THE GOALS STATED IN SECTION 33-12-108
3 (2)(a)(IV)(C);

4 (B) SUPPORT THE NEEDS OF BACKCOUNTRY SEARCH AND RESCUE
5 ACTIVITIES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE STUDY
6 COMPLETED PURSUANT TO SECTION 33-10-116; AND

7 (C) COVER RESPONSE COSTS, EQUIPMENT, AND OTHER RELATED
8 EXPENSES FOR BACKCOUNTRY SEARCH AND RESCUE ACTIVITIES.

9 (II) THE DIVISION MAY USE MONEY CREDITED TO THE FUND
10 PURSUANT TO SUBSECTION (2) OF THIS SECTION to assist any agency or
11 political subdivision of the state of Colorado for costs incurred in
12 backcountry search and rescue activities involving persons holding
13 hunting or fishing licenses; vessel, snowmobile, or off-highway vehicle
14 registrations; or a Colorado outdoor recreation backcountry search and
15 rescue card PURSUANT TO SUBSECTION (3) OF THIS SECTION. Reimbursable
16 costs are limited to actual operational expenses. Reimbursable costs shall
17 DO not include salaries paid to persons permanently employed by the
18 agency or political subdivision.

19 (d) THE DIVISION MAY USE A PORTION OF THE MONEY IN THE FUND
20 FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS SECTION.

21 (2) (a) (I) UNTIL THE COMMISSION ESTABLISHES A NEW AMOUNT
22 IN RULES PROMULGATED PURSUANT TO SUBSECTION (2)(a)(II) OF THIS
23 SECTION, a surcharge of twenty-five cents shall be assessed on each
24 license listed in section 33-4-102 (1) and (1.4) that is sold by the division
25 or one of its license agents pursuant to section 33-4-101. Receipts and
26 interest from the surcharge shall be deposited in the backcountry search
27 and rescue fund created in subsection (1) of this section.

1 (II) ON OR AFTER JANUARY 1, 2023, THE COMMISSION SHALL
2 PROMULGATE RULES ESTABLISHING THE AMOUNT OF THE SURCHARGE
3 THAT SHALL BE ASSESSED ON EACH LICENSE LISTED IN SECTION 33-4-102
4 (1) AND (1.4) THAT IS SOLD BY THE DIVISION OR ONE OF ITS LICENSE
5 AGENTS PURSUANT TO SECTION 33-4-101. RECEIPTS AND INTEREST FROM
6 THE SURCHARGE SHALL BE DEPOSITED IN THE BACKCOUNTRY SEARCH AND
7 RESCUE FUND CREATED IN SUBSECTION (1) OF THIS SECTION.

8 (b) (I) UNTIL THE COMMISSION ESTABLISHES A NEW AMOUNT IN
9 RULES PROMULGATED PURSUANT TO SUBSECTION (2)(b)(II) OF THIS
10 SECTION, a surcharge of twenty-five cents shall be assessed on each
11 vessel, each snowmobile, and each off-highway vehicle registration that
12 is sold by the division or one of its agents pursuant to section 33-13-103,
13 33-14-102, or 33-14.5-102. Receipts and interest from the surcharge shall
14 be deposited in the backcountry search and rescue fund created in
15 subsection (1) of this section. ~~To coincide with annual registration~~
16 ~~renewal schedules, the surcharge shall be assessed on an annual basis~~
17 ~~beginning on October 1, 1992, for snowmobile registrations, January 1,~~
18 ~~1993, for vessel registrations, and April 1, 1993, for off-highway vehicle~~
19 ~~registrations.~~

20 (II) ON OR AFTER JANUARY 1, 2023, THE COMMISSION SHALL
21 PROMULGATE RULES ESTABLISHING THE AMOUNT OF THE SURCHARGE
22 THAT SHALL BE ASSESSED ON EACH VESSEL, EACH SNOWMOBILE, AND
23 EACH OFF-HIGHWAY VEHICLE REGISTRATION THAT IS SOLD BY THE
24 DIVISION OR ONE OF ITS AGENTS PURSUANT TO SECTION 33-13-103,
25 33-14-102, OR 33-14.5-102. RECEIPTS AND INTEREST FROM THE
26 SURCHARGE SHALL BE DEPOSITED IN THE BACKCOUNTRY SEARCH AND
27 RESCUE FUND CREATED IN SUBSECTION (1) OF THIS SECTION.

1 (c) (I) The general assembly hereby creates the Colorado outdoor
2 recreation backcountry search and rescue card program. The ~~department~~
3 ~~of local affairs~~ DIVISION shall make a Colorado outdoor recreation
4 backcountry search and rescue card available to the public in accordance
5 with this subsection (2)(c) to backpackers, hikers, mountain and trail
6 bikers, cross country skiers, and other persons who use the Colorado
7 backcountry for recreation. The ~~department of local affairs~~ DIVISION shall
8 establish procedures for the licensing of vendors who sell the outdoor
9 recreation backcountry search and rescue card, the printing of such cards,
10 and the distribution of such cards to vendors for sale to the public.

11 (II) (A) UNTIL THE COMMISSION ESTABLISHES A NEW AMOUNT IN
12 RULES PROMULGATED PURSUANT TO SUBSECTION (2)(c)(II)(B) OF THIS
13 SECTION, the Colorado outdoor recreation backcountry search and rescue
14 card ~~shall cost~~ COSTS three dollars and ~~shall be~~ IS valid for one year from
15 the date of purchase. The ~~department~~ DIVISION shall charge vendors two
16 dollars for each Colorado outdoor recreation backcountry search and
17 rescue card, which shall be transmitted to the state treasurer, who shall
18 credit the amount to the backcountry search and rescue fund created in
19 subsection (1) of this section. The remaining one dollar shall be retained
20 by the vendor as the vendor's fee.

21 (B) ON OR AFTER JANUARY 1, 2023, THE COMMISSION SHALL
22 PROMULGATE RULES ESTABLISHING THE PRICE AND VENDOR FEE FOR THE
23 COLORADO OUTDOOR RECREATION BACKCOUNTRY SEARCH AND RESCUE
24 CARD. MONEY FROM THE SALE OF THE CARDS SHALL BE TRANSMITTED TO
25 THE STATE TREASURER, WHO SHALL CREDIT THE AMOUNT TO THE
26 BACKCOUNTRY SEARCH AND RESCUE FUND CREATED IN SUBSECTION (1) OF
27 THIS SECTION.

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

6 (IV) The general assembly finds and declares that the Colorado
7 outdoor recreation backcountry search and rescue card program is a new
8 program. PRIOR TO JANUARY 1, 2023, the department of local affairs is
9 ~~therefore~~ authorized to contract, pursuant to section 24-50-504 (2)(b),
10 with a person, corporation, or entity for any elements of the
11 administration of the program created by this subsection (2)(c). ON AND
12 AFTER JANUARY 1, 2023, THE DIVISION ASSUMES THE RIGHTS,
13 RESPONSIBILITIES, AND OBLIGATIONS OF THE DEPARTMENT OF LOCAL
14 AFFAIRS UNDER ANY CONTRACT ENTERED INTO PURSUANT TO THIS
15 SUBSECTION (2)(c)(IV) AND IS AUTHORIZED TO CONTRACT, PURSUANT TO
16 SECTION 24-50-504 (2)(b), WITH A PERSON, CORPORATION, OR ENTITY FOR
17 ANY ELEMENTS OF THE ADMINISTRATION OF THE PROGRAM CREATED BY
18 THIS SUBSECTION (2)(c).

19 (3) All agencies and political subdivisions of the state ~~shall~~ have
20 the right to make a ~~claim on~~ REQUEST FOR REIMBURSEMENT FROM the
21 backcountry search and rescue fund for ~~reimbursement of~~ costs incurred
22 in the performance of backcountry search and rescue activities involving
23 those persons specified in subsection (1)(c)(II) of this section. Such
24 ~~claims~~ REQUESTS shall be submitted to the ~~department of local affairs~~
25 DIVISION for immediate consideration. Any reimbursement ~~claims~~
26 REQUESTS which have been certified by the sheriff of the county in which
27 the backcountry search and rescue activity occurred shall be eligible for

1 payment by the ~~department of local affairs~~ DIVISION. The ~~department of~~
2 ~~local affairs~~ DIVISION shall establish ~~rules for~~ the procedure through
3 which ~~claims shall~~ REQUESTS MUST be submitted and for payment of such
4 ~~claims~~ REQUESTS.

5 (4) The backcountry search and rescue fund created in subsection
6 (1) of this section shall be the sole source of funds for the reimbursement
7 of costs incurred under this section in backcountry search and rescue
8 activities involving those persons specified in subsection (1) of this
9 section. The wildlife cash fund established in section 33-1-112 and the
10 parks and outdoor recreation cash fund established in section 33-10-111
11 shall not be used for reimbursement of costs as provided in SUBSECTION
12 (1)(c)(II) OF this section.

13 (5) The money in the backcountry search and rescue fund created
14 in subsection (1) of this section shall be subject to annual appropriation
15 by the ~~general assembly for the direct and indirect costs of the~~
16 ~~administration of this section.~~

17 (6) At the close of any fiscal year, ~~all of the~~ money remaining in
18 the backcountry search and rescue fund ~~and appropriated for backcountry~~
19 ~~search and rescue expenses~~ THAT WAS CREDITED TO THE FUND PURSUANT
20 TO SUBSECTION (2) OF THIS SECTION, after all approved ~~claims~~ REQUESTS
21 FOR REIMBURSEMENT and administrative costs have been paid, shall be
22 USED FIRST TO PAY FOR UNREIMBURSED BACKCOUNTRY SEARCH AND
23 RESCUE INCIDENTS AND THEN SHALL BE divided among ~~those~~ counties that
24 have applied to the ~~department of local affairs~~ DIVISION for year-end
25 grants ~~or reimbursements~~ from the backcountry search and rescue fund.
26 The ~~department of local affairs~~ shall divide such money among the
27 counties, first making payment for uncompensated backcountry searches

1 ~~and rescues of parents, siblings, spouses, children, or grandchildren of~~
2 ~~persons holding hunting or fishing licenses, vessel, snowmobile, or~~
3 ~~off-highway vehicle registrations, or the owner of a Colorado outdoor~~
4 ~~recreation backcountry search and rescue card and second making~~
5 ~~payment for backcountry-search-and-rescue-related training and~~
6 ~~equipment, and for any other uncompensated backcountry search and~~
7 ~~rescue incidents. The department of local affairs DIVISION shall establish~~
8 ~~operating procedures for applying for year-end grants or reimbursements~~
9 ~~from the money remaining in the backcountry search and rescue fund IN~~
10 ~~ACCORDANCE WITH THIS SUBSECTION (6).~~

11 (9) (a) Within three days after June 21, 2021, the state treasurer
12 shall transfer two million two hundred fifty thousand dollars from the
13 general fund to the backcountry search and rescue fund for use by the
14 department of local affairs in consultation with the division to support
15 backcountry search and rescue efforts, including to cover response costs,
16 equipment, and other related expenses. ON AND AFTER JANUARY 1, 2023,
17 ANY UNSPENT MONEY FROM THE TRANSFER MADE PURSUANT TO THIS
18 SUBSECTION (9)(a) IS FOR USE BY THE DIVISION PURSUANT TO SUBSECTION
19 (1)(c)(I) OF THIS SECTION.

20 (b) The restrictions on use of money set forth in this section do not
21 apply to the department of local affairs' use, PRIOR TO JANUARY 1, 2023,
22 of the money transferred pursuant to subsection (9)(a) of this section. ON
23 AND AFTER JANUARY 1, 2023, THE DIVISION MAY USE THE MONEY
24 TRANSFERRED PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION IN
25 ACCORDANCE WITH SUBSECTION (1)(c)(I) OF THIS SECTION.

26 (c) ON JANUARY 2, 2023, IF THERE IS ANY UNOBLIGATED AND
27 UNEXPENDED MONEY FROM THE TRANSFER REQUIRED BY SECTION

1 33-1-112 (1.7)(a) IN THE WILDLIFE CASH FUND CREATED IN SECTION
2 33-1-112 (1), THE STATE TREASURER SHALL TRANSFER THE REMAINING
3 MONEY FROM THE WILDLIFE CASH FUND TO THE BACKCOUNTRY SEARCH
4 AND RESCUE FUND ON THAT DATE.

5 (10) (a) ON AND AFTER JANUARY 1, 2023, THE DIVISION SHALL
6 EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS,
7 DUTIES, FUNCTIONS, AND OBLIGATIONS PREVIOUSLY VESTED UNDER THIS
8 SECTION IN THE DEPARTMENT OF LOCAL AFFAIRS.

9 (b) EFFECTIVE ON JANUARY 1, 2023, ALL POSITIONS OF
10 EMPLOYMENT AND APPROPRIATIONS FOR PERSONAL SERVICES IN THE
11 DEPARTMENT OF LOCAL AFFAIRS RELATED TO PERFORMING THE POWERS,
12 DUTIES, AND FUNCTIONS TRANSFERRED TO THE DIVISION PURSUANT TO
13 THIS SUBSECTION (10) AND DETERMINED BY THE DIVISION TO BE
14 NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION ARE
15 TRANSFERRED TO THE DIVISION AND ARE EMPLOYMENT POSITIONS
16 THEREIN. ALL SUCH EMPLOYEES ARE EMPLOYEES OF THE DIVISION AND
17 RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO
18 RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR
19 SERVICES ARE DEEMED CONTINUOUS.

20 (c) ALL RULES AND POLICIES OF THE DEPARTMENT OF LOCAL
21 AFFAIRS ADOPTED PURSUANT TO THIS SECTION AND IN EFFECT AS OF
22 JANUARY 1, 2023, CONTINUE TO BE EFFECTIVE AND SHALL BE ENFORCED
23 BY THE DIVISION UNTIL SUPERSEDED, REVISED, AMENDED, REPEALED, OR
24 NULLIFIED PURSUANT TO LAW. THE DIVISION SHALL ADOPT ANY RULES OR
25 POLICIES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION AND AS
26 OTHERWISE AUTHORIZED BY LAW. BEFORE INITIATING ITS FIRST
27 RULE-MAKING OR ADOPTING INITIAL POLICIES PURSUANT TO THIS

1 SUBSECTION (10)(c), THE DIVISION SHALL CONSULT WITH THE COUNTY
2 SHERIFFS AND THE COLORADO SEARCH AND RESCUE ASSOCIATION FOR
3 INPUT ON CHANGES THAT ARE NECESSARY TO ADMINISTER THIS SECTION.

4 (d) ANY REQUESTS FOR REIMBURSEMENT SUBMITTED TO THE
5 DEPARTMENT OF LOCAL AFFAIRS PRIOR TO JANUARY 1, 2023, PURSUANT
6 TO SUBSECTION (3) OF THIS SECTION THAT HAVE NOT BEEN PROCESSED OR
7 PAID ON JANUARY 1, 2023, ARE TRANSFERRED TO THE DIVISION FOR
8 IMMEDIATE CONSIDERATION AND PAYMENT PURSUANT TO RULES ADOPTED
9 BY THE DEPARTMENT OF LOCAL AFFAIRS, UNTIL SUCH RULES ARE
10 SUPERSEDED, REVISED, REPEALED, OR AMENDED BY THE DIVISION.

11 (e) ANY SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR
12 ADMINISTRATIVE, RELATED TO THE ADMINISTRATION OF THIS SECTION AND
13 LAWFULLY COMMENCED, OR WHICH COULD HAVE BEEN COMMENCED, BY
14 OR AGAINST THE DEPARTMENT OF LOCAL AFFAIRS, OR ANY OFFICER
15 THEREOF IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE
16 DISCHARGE OF THE OFFICIAL'S DUTIES UNDER THIS SECTION, IS ABATED BY
17 REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS TO THE DIVISION
18 PURSUANT TO THIS SUBSECTION (10).

19 **SECTION 3.** In Colorado Revised Statutes, 13-21-113.7, **amend**
20 **(1) and (2)(c)** as follows:

21 **13-21-113.7. Immunity of volunteer firefighters, volunteers,**
22 **incident management teams, and their employers or organizations -**
23 **definitions - legislative declaration.** (1) A volunteer firefighter or
24 volunteer who, in good faith, takes part in firefighting efforts or provides
25 emergency care, rescue, assistance, or recovery services at the scene of an
26 emergency, any incident management team, and any person who, in good
27 faith, commands, directs, employs, sponsors, or represents any such

1 volunteer firefighter, volunteer, or incident management team shall not
2 be liable for civil damages as a result of an act or omission by such
3 volunteer firefighter, volunteer, incident management team, or other
4 person in connection with the emergency OR WITH ACTIVITIES DESCRIBED
5 IN SECTION 33-1-102 (1.3); except that this exemption shall not apply to
6 grossly negligent, willful, wanton, or reckless acts or omissions.

7 (2) As used in this section:

8 (c) "Incident management team" means an ad hoc or standing
9 team of trained personnel from different departments, organizations,
10 agencies, and jurisdictions, INCLUDING PERSONS ENGAGED IN
11 BACKCOUNTRY SEARCH AND RESCUE EFFORTS AS DEFINED IN SECTION
12 33-1-102 (1.3), activated to manage the logistical, fiscal, planning,
13 operational, safety, and community issues related to an emergency or
14 other incident.

15 **SECTION 4.** In Colorado Revised Statutes, 13-21-115.5, **amend**
16 (3)(c)(II)(R) and (3)(c)(III); and **add** (3)(c)(II)(T) and (3)(c)(II)(U) as
17 follows:

18 **13-21-115.5. Volunteer service act - immunity - exception for**
19 **operation of motor vehicles - short title - legislative declaration -**
20 **definitions.** (3) As used in this section, unless the context otherwise
21 requires:

22 (c) (II) "Volunteer" includes:

23 (R) A licensed dentist or dental hygienist governed by article 220
24 of title 12 performing the practice of dentistry or dental hygiene, as
25 defined in section 12-220-104 and as described in section 12-220-305, as
26 a volunteer for a nonprofit organization, nonprofit corporation,
27 governmental entity, or hospital; or a dentist or dental hygienist who

1 holds a license in good standing from another state performing the
2 practice of dentistry or dental hygiene, as defined in section 12-220-104
3 and as described in section 12-220-305, as a volunteer for a nonprofit
4 organization, nonprofit corporation, governmental entity, or hospital
5 pursuant to section 12-220-302 (1)(j); and

6 (T) A VOLUNTEER MEMBER OF A RESCUE UNIT AS DEFINED IN
7 SECTION 25-3.5-103 (11); AND

8 (U) A PERSON ENGAGED IN BACKCOUNTRY SEARCH AND RESCUE
9 EFFORTS AS DEFINED IN SECTION 33-1-102 (1.3).

10 (III) The nonprofit organization, nonprofit corporation,
11 governmental entity, or hospital for which a volunteer performs shall
12 annually verify that the volunteer holds an unrestricted Colorado license,
13 registration, or certification to practice ~~his or her~~ THE VOLUNTEER'S
14 respective profession, IF A LICENSE, REGISTRATION, OR CERTIFICATION IS
15 REQUIRED FOR THE VOLUNTEER'S PROFESSION.

16 **SECTION 5.** In Colorado Revised Statutes, 23-3.3-205, **amend**
17 (1)(a); and **add** (3)(c) as follows:

18 **23-3.3-205. Dependents of deceased or permanently disabled**
19 **National Guardsman, law enforcement officer, or firefighter.**

20 (1) (a) Any dependent of a person who died or was permanently disabled
21 while on state active duty, federalized active duty, or authorized training
22 duty as a Colorado National Guardsman or any dependent of any person
23 who has been permanently disabled or killed while acting to preserve the
24 public peace, health, and safety in the capacity of police officer, sheriff,
25 or other law enforcement officer or firefighter OR ANY DEPENDENT OF A
26 PERSON, INCLUDING A VOLUNTEER, WHO DIED OR WAS PERMANENTLY
27 DISABLED WHILE ENGAGED IN BACKCOUNTRY SEARCH AND RESCUE

1 ACTIVITIES, AS DEFINED IN SECTION 33-1-102 (1.3), upon being accepted
2 for enrollment into any state institution, shall be permitted to pursue
3 studies leading toward his or her first bachelor's degree or certificate of
4 completion, free of tuition and free of room and board charges of the
5 institution, for so long as said dependent achieves and maintains a
6 cumulative grade point average of 2.5 or above based upon a 4.0 scale,
7 but said benefits shall not be extended beyond six years from the date of
8 enrollment. Such dependents pursuing studies at a nonpublic institution
9 of higher education within the state of Colorado shall be eligible for
10 assistance not to exceed the average cost of undergraduate instruction
11 calculated for a full-time equivalent student at a comparable state
12 institution for the previous year, and the average cost of room and board
13 calculated for a full-time equivalent student at all state institutions for the
14 previous year. Such dependents pursuing studies at an out-of-state
15 institution of higher education shall be eligible for assistance not to
16 exceed the average cost of undergraduate instruction calculated for a
17 full-time equivalent student at a comparable state institution for the
18 previous year. The commission shall provide tuition and, if appropriate,
19 room and board assistance to such qualified students from appropriated
20 student financial assistance funds.

21 (3) (c) AN INDIVIDUAL WHO HAS BEEN PERMANENTLY DISABLED
22 WHILE ENGAGED IN BACKCOUNTRY SEARCH AND RESCUE ACTIVITIES, AS
23 DEFINED IN SECTION 33-1-102 (1.3), IS PERMANENTLY DISABLED FOR THE
24 PURPOSE OF DETERMINING ELIGIBILITY OF DEPENDENTS TO QUALIFY FOR
25 EDUCATIONAL BENEFITS IF THE INDIVIDUAL IS, AS A RESULT OF THE
26 DISABILITY, UNABLE TO PERFORM IN THE POSITION TO WHICH THE
27 INDIVIDUAL WAS REGULARLY ASSIGNED AT THE TIME THE INDIVIDUAL

1 BECAME DISABLED, OR, IF THE INDIVIDUAL WAS ENGAGED IN
2 BACKCOUNTRY SEARCH AND RESCUE ACTIVITIES AS A VOLUNTEER, IS
3 UNABLE TO ENGAGE IN ANY SUBSTANTIAL FULL-TIME GAINFUL ACTIVITY
4 BY REASON OF MEDICALLY DETERMINABLE PHYSICAL OR MENTAL
5 IMPAIRMENT WHICH CAN BE EXPECTED TO RESULT IN DEATH OR WHICH HAS
6 LASTED FOR A CONTINUOUS PERIOD OF NOT LESS THAN TWELVE MONTHS
7 AND EXISTS AT THE TIME THE DEPENDENT SEEKS ENTRY INTO AN
8 INSTITUTION.

9 **SECTION 6. Appropriation - adjustments to 2022 long bill.**

10 (1) To implement this act, the cash funds appropriation from the
11 backcountry search and rescue fund created in section 33-1-112.5 (1),
12 C.R.S., made in the annual general appropriation act for the 2022-23 state
13 fiscal year to the department of local affairs for use by the division of
14 local government for the search and rescue program is decreased by
15 \$314,123.

16 (2) For the 2022-23 state fiscal year, \$1,000,000 is appropriated
17 to the department of natural resources for use by the division of parks and
18 wildlife. This appropriation is from the wildlife cash fund created in
19 section 33-1-112 (1)(a), C.R.S. To implement this act, the division may
20 use this appropriation for backcountry search and rescue activities
21 pursuant to section 33-1-112 (1.7), C.R.S.

22 **SECTION 7. Effective date.** This act takes effect upon passage;
23 except that section 33-1-112.5 (1), (2), (3), (4), (5), and (6), Colorado
24 Revised Statutes, as amended in section 1 of this act, take effect January
25 1, 2023.

26 **SECTION 8. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.