

**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.**

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:

- All positions of employment and appropriations for

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.

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, 33-1-112.5, **amend**
3 (1), (2), (3), (4), (6), (9)(a), and (9)(b); **repeal** (5); and **add** (10) as
4 follows:

5 **33-1-112.5. Backcountry search and rescue fund - repeal.**

6 (1) (a) There is hereby created in the state treasury a backcountry search
7 and rescue fund, ~~Such fund is established~~ REFERRED TO IN THIS SECTION
8 AS THE "FUND". THE FUND CONSISTS OF MONEY CREDITED TO THE FUND
9 PURSUANT TO THIS SECTION AND SECTION 33-12-108 (4)(e)(I)(B), AND

1 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
2 TRANSFER TO THE FUND.

3 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 FUND TO THE FUND.

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

8 (I) THE DIVISION MAY USE MONEY CREDITED TO THE FUND
9 PURSUANT TO SUBSECTION (9) OF THIS SECTION AND SECTION 33-12-108
10 (4)(e)(I)(B), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
11 APPROPRIATE OR TRANSFER TO THE FUND TO:

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

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

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

19 (II) THE DIVISION MAY USE MONEY CREDITED TO THE FUND
20 PURSUANT TO SUBSECTION (2) OF THIS SECTION to assist any agency or
21 political subdivision of the state of Colorado for costs incurred in
22 backcountry search and rescue activities involving persons holding
23 hunting or fishing licenses; vessel, snowmobile, or off-highway vehicle
24 registrations; or a Colorado outdoor recreation backcountry search and
25 rescue card PURSUANT TO SUBSECTION (3) OF THIS SECTION. Reimbursable
26 costs are limited to actual operational expenses. Reimbursable costs shall
27 DO not include salaries paid to persons permanently employed by the

1 agency or political subdivision.

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

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

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

18 (b) (I) UNTIL THE COMMISSION ESTABLISHES A NEW AMOUNT IN
19 RULES PROMULGATED PURSUANT TO SUBSECTION (2)(b)(II) OF THIS
20 SECTION, a surcharge of twenty-five cents shall be assessed on each
21 vessel, each snowmobile, and each off-highway vehicle registration that
22 is sold by the division or one of its agents pursuant to section 33-13-103,
23 33-14-102, or 33-14.5-102. Receipts and interest from the surcharge shall
24 be deposited in the backcountry search and rescue fund created in
25 subsection (1) of this section. ~~To coincide with annual registration~~
26 ~~renewal schedules, the surcharge shall be assessed on an annual basis~~
27 ~~beginning on October 1, 1992, for snowmobile registrations, January 1,~~

1 ~~1993, for vessel registrations, and April 1, 1993, for off-highway vehicle~~
2 ~~registrations.~~

3 (II) ON OR AFTER JANUARY 1, 2023, THE COMMISSION SHALL
4 PROMULGATE RULES ESTABLISHING THE AMOUNT OF THE SURCHARGE
5 THAT SHALL BE ASSESSED ON EACH VESSEL, EACH SNOWMOBILE, AND
6 EACH OFF-HIGHWAY VEHICLE REGISTRATION THAT IS SOLD BY THE
7 DIVISION OR ONE OF ITS AGENTS PURSUANT TO SECTION 33-13-103,
8 33-14-102, OR 33-14.5-102. RECEIPTS AND INTEREST FROM THE
9 SURCHARGE SHALL BE DEPOSITED IN THE BACKCOUNTRY SEARCH AND
10 RESCUE FUND CREATED IN SUBSECTION (1) OF THIS SECTION.

11 (c) (I) The general assembly hereby creates the Colorado outdoor
12 recreation backcountry search and rescue card program. The ~~department~~
13 ~~of local affairs~~ DIVISION shall make a Colorado outdoor recreation
14 backcountry search and rescue card available to the public in accordance
15 with this subsection (2)(c) to backpackers, hikers, mountain and trail
16 bikers, cross country skiers, and other persons who use the Colorado
17 backcountry for recreation. The ~~department of local affairs~~ DIVISION shall
18 establish procedures for the licensing of vendors who sell the outdoor
19 recreation backcountry search and rescue card, the printing of such cards,
20 and the distribution of such cards to vendors for sale to the public.

21 (II) (A) UNTIL THE COMMISSION ESTABLISHES A NEW AMOUNT IN
22 RULES PROMULGATED PURSUANT TO SUBSECTION (2)(c)(II)(B) OF THIS
23 SECTION, the Colorado outdoor recreation backcountry search and rescue
24 card ~~shall cost~~ COSTS three dollars and ~~shall be~~ IS valid for one year from
25 the date of purchase. The ~~department~~ DIVISION shall charge vendors two
26 dollars for each Colorado outdoor recreation backcountry search and
27 rescue card, which shall be transmitted to the state treasurer, who shall

1 credit the amount to the backcountry search and rescue fund created in
2 subsection (1) of this section. The remaining one dollar shall be retained
3 by the vendor as the vendor's fee.

4 (B) ON OR AFTER JANUARY 1, 2023, THE COMMISSION SHALL
5 PROMULGATE RULES ESTABLISHING THE PRICE AND VENDOR FEE FOR THE
6 COLORADO OUTDOOR RECREATION BACKCOUNTRY SEARCH AND RESCUE
7 CARD. MONEY FROM THE SALE OF THE CARDS SHALL BE TRANSMITTED TO
8 THE STATE TREASURER, WHO SHALL CREDIT THE AMOUNT TO THE
9 BACKCOUNTRY SEARCH AND RESCUE FUND CREATED IN SUBSECTION (1) OF
10 THIS SECTION.

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

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

1 THIS SUBSECTION (2)(c).

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

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

23 (5) The money in the backcountry search and rescue fund created
24 in subsection (1) of this section shall be subject to annual appropriation
25 by the general assembly for the direct and indirect costs of the
26 administration of this section.

27 (6) At the close of any fiscal year, all of the money remaining in

1 the backcountry search and rescue fund ~~and appropriated for backcountry~~
2 ~~search and rescue expenses~~ THAT WAS CREDITED TO THE FUND PURSUANT
3 TO SUBSECTION (2) OF THIS SECTION, after all approved ~~claims~~ REQUESTS
4 FOR REIMBURSEMENT and administrative costs have been paid, shall be
5 USED FIRST TO PAY FOR UNREIMBURSED BACKCOUNTRY SEARCH AND
6 RESCUE INCIDENTS AND THEN SHALL BE divided among ~~those~~ counties that
7 have applied to the ~~department of local affairs~~ DIVISION for year-end
8 grants ~~or reimbursements~~ from the backcountry search and rescue fund.
9 ~~The department of local affairs shall divide such money among the~~
10 ~~counties, first making payment for uncompensated backcountry searches~~
11 ~~and rescues of parents, siblings, spouses, children, or grandchildren of~~
12 ~~persons holding hunting or fishing licenses, vessel, snowmobile, or~~
13 ~~off-highway vehicle registrations, or the owner of a Colorado outdoor~~
14 ~~recreation backcountry search and rescue card and second making~~
15 ~~payment for backcountry search and rescue-related training and~~
16 ~~equipment, and for any other uncompensated backcountry search and~~
17 ~~rescue incidents.~~ The department of local affairs DIVISION shall establish
18 operating procedures for applying for year-end grants ~~or reimbursements~~
19 ~~from the money remaining in the backcountry search and rescue fund~~ IN
20 ACCORDANCE WITH THIS SUBSECTION (6).

21 (9) (a) Within three days after June 21, 2021, the state treasurer
22 shall transfer two million two hundred fifty thousand dollars from the
23 general fund to the backcountry search and rescue fund for use by the
24 department of local affairs in consultation with the division to support
25 backcountry search and rescue efforts, including to cover response costs,
26 equipment, and other related expenses. ON AND AFTER JANUARY 1, 2023,
27 ANY UNSPENT MONEY FROM THE TRANSFER MADE PURSUANT TO THIS

1 SUBSECTION (9)(a) IS FOR USE BY THE DIVISION PURSUANT TO SUBSECTION
2 (1)(c)(I) OF THIS SECTION.

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

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

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

24 (c) ALL RULES AND POLICIES OF THE DEPARTMENT OF LOCAL
25 AFFAIRS ADOPTED PURSUANT TO THIS SECTION AND IN EFFECT AS OF
26 JANUARY 1, 2023, CONTINUE TO BE EFFECTIVE AND SHALL BE ENFORCED
27 BY THE DIVISION UNTIL SUPERSEDED, REVISED, AMENDED, REPEALED, OR

1 NULLIFIED PURSUANT TO LAW. THE DIVISION SHALL ADOPT ANY RULES OR
2 POLICIES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION AND AS
3 OTHERWISE AUTHORIZED BY LAW. BEFORE INITIATING ITS FIRST
4 RULE-MAKING OR ADOPTING INITIAL POLICIES PURSUANT TO THIS
5 SUBSECTION (10)(c), THE DIVISION SHALL CONSULT WITH THE COUNTY
6 SHERIFFS AND THE COLORADO SEARCH AND RESCUE ASSOCIATION FOR
7 INPUT ON CHANGES THAT ARE NECESSARY TO ADMINISTER THIS SECTION.

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

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

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

25 **13-21-113.7. Immunity of volunteer firefighters, volunteers,**
26 **incident management teams, and their employers or organizations -**
27 **definitions - legislative declaration.** (1) A volunteer firefighter or

1 volunteer who, in good faith, takes part in firefighting efforts or provides
2 emergency care, rescue, assistance, or recovery services at the scene of an
3 emergency, any incident management team, and any person who, in good
4 faith, commands, directs, employs, sponsors, or represents any such
5 volunteer firefighter, volunteer, or incident management team shall not
6 be liable for civil damages as a result of an act or omission by such
7 volunteer firefighter, volunteer, incident management team, or other
8 person in connection with the emergency OR WITH ACTIVITIES DESCRIBED
9 IN SECTION 33-1-102 (1.3); except that this exemption shall not apply to
10 grossly negligent, willful, wanton, or reckless acts or omissions.

11 (2) As used in this section:

12 (c) "Incident management team" means an ad hoc or standing
13 team of trained personnel from different departments, organizations,
14 agencies, and jurisdictions, INCLUDING PERSONS ENGAGED IN
15 BACKCOUNTRY SEARCH AND RESCUE EFFORTS AS DEFINED IN SECTION
16 33-1-102 (1.3), activated to manage the logistical, fiscal, planning,
17 operational, safety, and community issues related to an emergency or
18 other incident.

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

22 **13-21-115.5. Volunteer service act - immunity - exception for**
23 **operation of motor vehicles - short title - legislative declaration -**
24 **definitions.** (3) As used in this section, unless the context otherwise
25 requires:

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

27 (R) A licensed dentist or dental hygienist governed by article 220

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

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

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

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

20 **SECTION 4.** In Colorado Revised Statutes, 23-3.3-205, **amend**
21 (1)(a); and **add** (3)(c) as follows:

22 **23-3.3-205. Dependents of deceased or permanently disabled**
23 **National Guardsman, law enforcement officer, or firefighter.**

24 (1) (a) Any dependent of a person who died or was permanently disabled
25 while on state active duty, federalized active duty, or authorized training
26 duty as a Colorado National Guardsman or any dependent of any person
27 who has been permanently disabled or killed while acting to preserve the

1 public peace, health, and safety in the capacity of police officer, sheriff,
2 or other law enforcement officer or firefighter OR ANY DEPENDENT OF A
3 PERSON, INCLUDING A VOLUNTEER, WHO DIED OR WAS PERMANENTLY
4 DISABLED WHILE ENGAGED IN BACKCOUNTRY SEARCH AND RESCUE
5 ACTIVITIES, AS DEFINED IN SECTION 33-1-102 (1.3), upon being accepted
6 for enrollment into any state institution, shall be permitted to pursue
7 studies leading toward his or her first bachelor's degree or certificate of
8 completion, free of tuition and free of room and board charges of the
9 institution, for so long as said dependent achieves and maintains a
10 cumulative grade point average of 2.5 or above based upon a 4.0 scale,
11 but said benefits shall not be extended beyond six years from the date of
12 enrollment. Such dependents pursuing studies at a nonpublic institution
13 of higher education within the state of Colorado shall be eligible for
14 assistance not to exceed the average cost of undergraduate instruction
15 calculated for a full-time equivalent student at a comparable state
16 institution for the previous year, and the average cost of room and board
17 calculated for a full-time equivalent student at all state institutions for the
18 previous year. Such dependents pursuing studies at an out-of-state
19 institution of higher education shall be eligible for assistance not to
20 exceed the average cost of undergraduate instruction calculated for a
21 full-time equivalent student at a comparable state institution for the
22 previous year. The commission shall provide tuition and, if appropriate,
23 room and board assistance to such qualified students from appropriated
24 student financial assistance funds.

25 (3) (c) AN INDIVIDUAL WHO HAS BEEN PERMANENTLY DISABLED
26 WHILE ENGAGED IN BACKCOUNTRY SEARCH AND RESCUE ACTIVITIES, AS
27 DEFINED IN SECTION 33-1-102 (1.3), IS PERMANENTLY DISABLED FOR THE

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

13 **SECTION 5. Effective date.** This act takes effect upon passage;
14 except that section 33-1-112.5 (1), (2), (3), (4), (5), and (6), Colorado
15 Revised Statutes, as amended in section 1 of this act, take effect January
16 1, 2023.

17 **SECTION 6. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.