

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0179.01 Bob Lackner

HOUSE BILL 09-1071

HOUSE SPONSORSHIP

Gagliardi,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE MONEYS IN THE SEARCH AND RESCUE FUND, AND, IN**
102 **CONNECTION THEREWITH, INCREASING SURCHARGES ON**
103 **OUTDOOR RECREATION ACTIVITIES AND EXPANDING THE USE OF**
104 **MONEYS IN THE FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Expands the scope of the search and rescue fund to include search and rescue activities involving at-risk adults and at-risk juveniles.

Increases the surcharges for the search and rescue fund that are assessed on hunting and fishing licenses and on vessel, snowmobile, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

off-highway vehicle registrations sold by the division of wildlife.

Specifies that the department of local affairs (department) shall make Colorado outdoor recreation search and rescue cards available to equestrians and rock climbers.

Requires an agency or political subdivision of the state that receives grant moneys from the great outdoors Colorado trust fund to promote the purchase of Colorado outdoor recreation search and rescue cards by providing information on the program on web sites, trail head signs, and brochures on outdoor recreation.

Allows the chief of police of a municipality in which search and rescue activity occurs to certify claims to the department for reimbursement of costs of search and rescue activities. Allows municipalities to apply for and receive year-end grants from the search and rescue fund. Specifies that moneys in the search and rescue fund may be used to reimburse costs or provide grants for national, regional, or state certification programs.

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

2 **SECTION 1.** 33-1-112.5 (1), (2) (a), (2) (b), (2) (c) (I), (3), and
3 (6), Colorado Revised Statutes, are amended, and the said 33-1-112.5 (2)
4 (c) is further amended BY THE ADDITION OF A NEW
5 SUBPARAGRAPH, to read:

6 **33-1-112.5. Search and rescue fund - rules.** (1) There is hereby
7 created in the state treasury a search and rescue fund. Such fund is
8 established to assist any agency or political subdivision of the state of
9 Colorado for costs incurred in search and rescue activities involving
10 AT-RISK ADULTS AND AT-RISK JUVENILES, AS DEFINED IN SECTION
11 18-6.5-102 (1) AND (1.5), C.R.S., AND persons holding hunting or fishing
12 licenses, vessel, snowmobile, or off-highway vehicle registrations, or a
13 Colorado outdoor recreation search and rescue ~~card~~ CARDS.
14 Reimbursable costs are limited to actual operational expenses.
15 Reimbursable costs shall not include salaries paid to persons permanently
16 employed by the agency or political subdivision.

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

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

16 (c) (I) The general assembly hereby creates the Colorado outdoor
17 recreation search and rescue card program. The department of local
18 affairs shall make a Colorado outdoor recreation search and rescue card
19 available to the public in accordance with this paragraph (c) to
20 backpackers, hikers, mountain and trail bikers, cross country skiers,
21 EQUESTRIANS, ROCK CLIMBERS, and other persons who use the Colorado
22 back country for recreation. The department of local affairs shall
23 establish procedures for the licensing of vendors who sell the outdoor
24 recreation search and rescue card, the printing of such cards, and the
25 distribution of such cards to vendors for sale to the public.

26 (V) AN AGENCY OR POLITICAL SUBDIVISION OF THE STATE THAT
27 RECEIVES GRANT MONEYS FROM THE GREAT OUTDOORS COLORADO TRUST

1 FUND ESTABLISHED IN SECTION 2 OF ARTICLE XXVII OF THE STATE
2 CONSTITUTION SHALL, FOR A PERIOD OF NO LESS THAN ONE YEAR AFTER
3 THE RECEIPT OF GRANT MONEYS, PROMOTE THE PURCHASE OF COLORADO
4 OUTDOOR RECREATION SEARCH AND RESCUE CARDS BY PROVIDING
5 INFORMATION ON THE PROGRAM ON ALL WEB SITES, TRAIL HEAD SIGNS,
6 AND BROCHURES ON OUTDOOR RECREATION PUBLISHED OR MAINTAINED
7 BY THE AGENCY OR POLITICAL SUBDIVISION.

8 (3) All agencies and political subdivisions of the state shall have
9 the right to make a claim on the search and rescue fund for
10 reimbursement of costs incurred in the performance of search and rescue
11 activities involving those persons specified in subsection (1) of this
12 section. Such claims shall be submitted to the department of local affairs
13 for immediate consideration. Any reimbursement claims ~~which~~ THAT
14 have been certified by the sheriff of the county OR THE CHIEF OF POLICE
15 IN THE MUNICIPALITY in which the search and rescue activity occurred
16 shall be eligible for payment by the department of local affairs. The
17 department of local affairs shall establish rules for the procedure through
18 which claims shall be submitted and for payment of such claims.

19 (6) At the close of any fiscal year, all of the moneys remaining in
20 the search and rescue fund and appropriated for search and rescue
21 expenses, after all approved claims and administrative costs have been
22 paid, shall be divided among those counties AND MUNICIPALITIES that
23 have applied to the department of local affairs for year-end grants or
24 reimbursements from the search and rescue fund. The department of
25 local affairs shall divide such moneys among the counties AND
26 MUNICIPALITIES, first, BY making payment for uncompensated searches
27 and rescues of parents, siblings, spouses, children, or grandchildren of

1 persons holding hunting or fishing licenses, vessel, snowmobile, or
2 off-highway vehicle registrations, or the owner of a Colorado outdoor
3 recreation search and rescue card; ~~and~~ second BY making payment for
4 search and rescue-related training, NATIONAL, REGIONAL, OR STATE
5 CERTIFICATION PROGRAMS, and equipment FOR AN AGENCY OR
6 ORGANIZATION PROVIDING SEARCH AND RESCUE SERVICES; and THIRD BY
7 MAKING PAYMENT for any other uncompensated searches. The department
8 of local affairs shall establish operating procedures for applying for
9 year-end grants or reimbursements from the moneys remaining in the
10 search and rescue fund.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly that is
14 allowed for submitting a referendum petition pursuant to article V,
15 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
16 sine die is on May 6, 2009); except that, if a referendum petition is filed
17 against this act or an item, section, or part of this act within such period,
18 then the act, item, section, or part, if approved by the people, shall take
19 effect on the date of the official declaration of the vote thereon by
20 proclamation of the governor.