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2001



SENATE BILL 01-057

BY SENATOR(S) Entz, Chlouber, Dyer (Durango), Fitz-Gerald, Gordon, Hernandez, Taylor, Teck, and Tupa;
also REPRESENTATIVE(S) Stengel, Coleman, Hoppe, Jameson, Larson, Plant, Rippey, and Weddig.

CONCERNING THE IMPOSITION OF SURCHARGES ON CERTAIN OUTDOOR RECREATION ACTIVITIES IN ORDER TO FUND RESCUE ACTIVITIES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 33-1-112.5 (1), (2) (a), (6), (7), and (8), Colorado Revised Statutes, are amended, and the said 33-1-112.5 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-1-112.5. Search and rescue fund - transfer of duties.

(1) There is hereby created in the state treasury a search and rescue fund. Such fund is established to assist any agency or political subdivision of the state of Colorado for costs incurred in search and rescue activities involving persons holding hunting or fishing licenses, vessel, snowmobile, or off-highway vehicle registrations, or a ~~hiking certificate issued pursuant to section 33-4-118~~ COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD. Reimbursable costs are limited to actual operational expenses. ~~Such~~

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

~~expenses shall include related training and equipment such as private and nonprivate helicopter service, but shall not include self-propelled motor vehicles which are designed primarily for travel on the public highways. 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 hunting and each fishing license listed in section 33-4-102 (1), (1.4), and (1.5) ~~which~~ THAT is sold by the division or one of its license agents pursuant to section 33-4-101. ~~and on each hiking certificate which is sold by the division pursuant to section 33-4-118(1).~~ Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section.

(c) (I) THE GENERAL ASSEMBLY HEREBY CREATES THE COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD PROGRAM. THE DEPARTMENT OF LOCAL AFFAIRS SHALL MAKE A COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THIS PARAGRAPH (c) TO BACKPACKERS, HIKERS, MOUNTAIN AND TRAIL BIKERS, CROSS COUNTRY SKIERS, AND OTHER PERSONS WHO USE THE COLORADO BACK COUNTRY FOR RECREATION. THE DEPARTMENT OF LOCAL AFFAIRS SHALL ESTABLISH PROCEDURES FOR THE LICENSING OF VENDORS WHO SELL THE OUTDOOR RECREATION 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 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 SEARCH AND RESCUE CARD, WHICH SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE AMOUNT TO THE 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 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 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).

(6) At the close of any fiscal year, all of the moneys remaining in the search and rescue fund and appropriated for search and rescue expenses, after all approved claims and administrative costs have been paid, shall be divided among those counties ~~which~~ THAT have applied to the department of local affairs for year-end grants OR REIMBURSEMENTS from the search and rescue fund. The department of local affairs shall divide such moneys among the counties, first making payment for uncompensated 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 a ~~hiking certificate issued pursuant to section 33-4-118~~; THE OWNER OF A COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD AND second making payment for search and rescue-related training and equipment, ~~which shall include private and nonprivate helicopter service, but not self-propelled motor vehicles which are designed primarily for travel on the public highways~~, and third making payment for ANY other uncompensated searches. The department of local affairs shall establish ~~rules~~ OPERATING PROCEDURES for applying for year-end grants OR REIMBURSEMENTS from the moneys remaining in the search and rescue fund.

~~(7) All rules and orders of the wildlife commission adopted before July 1, 1995, in connection with the powers, duties, and functions transferred to the department of local affairs pursuant to this section shall continue to be effective until revised, amended, repealed, or nullified pursuant to law and shall be enforced by the department of local affairs. On and after July 1, 1995, the department of local affairs shall adopt rules as required by this section. Until rules are so adopted:~~

~~(a) References to the division of wildlife or the wildlife commission in any existing rules and orders shall be deemed to apply to the department of local affairs; and~~

~~(b) The membership on the search and rescue advisory board shall remain unchanged; except that the director of the department of local affairs~~

shall appoint the following to the advisory board:

~~(I) A representative of the department of local affairs; and~~

~~(II) A representative of an organization that promotes the interests of backpackers, hikers, mountain bike riders, or cross-country skiers.~~

~~(8) On July 1, 1995, all items of property, including office furniture and fixtures, books, documents, and records of the division of wildlife and the wildlife commission relating to the duties and functions transferred to the department of local affairs pursuant to this section are transferred to and shall become the property of the department of local affairs.~~

SECTION 2. Repeal. 33-4-118, Colorado Revised Statutes, is repealed as follows:

33-4-118. Hiking certificates. ~~(1) The division shall make a hiking certificate available to backpackers, hikers, mountain and trail bikers, and cross country skiers, in accordance with the provisions of this section. Persons who engage in the stated activities are not required to purchase the certificate but may do so, at their option.~~

~~(2) The hiking certificate shall cost seventy-five cents plus the twenty-five-cent surcharge authorized in section 33-1-112.5, for a total cost of one dollar, and shall be valid for one year from the date of purchase. The division is also authorized to issue a multi-year hiking certificate which shall be valid for a period not to exceed five years. Such multi-year certificate may be offered at a reduced rate to reflect administrative cost savings. The amount the division collects from the sale of hiking certificates shall be transmitted to the state treasurer who shall credit such amount as follows:~~

~~(a) The twenty-five-cent surcharge on each certificate the division collects shall be credited to the search and rescue fund, created in section 33-1-112.5;~~

~~(b) An amount to be determined by the division shall be credited to the wildlife cash fund, created in section 33-1-112, to help defray the administrative costs associated with the establishment of the certificate process; and~~

~~(c) The balance shall be credited to the nongame and endangered wildlife cash fund, created in section 39-22-703, C.R.S., for the purposes specified in section 39-22-703 (2), C.R.S.~~

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the search and rescue fund created in section 33-1-112.5, Colorado Revised Statutes, not otherwise appropriated, to the department of local affairs, for the fiscal year beginning July 1, 2001, the sum of seventy-seven thousand six hundred forty-seven dollars (\$77,647) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect July 1, 2001.

SECTION 5. Safety clause. The general assembly hereby finds,

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

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO