

## CHAPTER 131

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**NATURAL RESOURCES**


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**HOUSE BILL 95-1080**

BY REPRESENTATIVES Entz, Acquafresca, Agler, Armstrong, Chlouber, George, Knox, Reeser, Sullivant, and Taylor;  
also SENATORS Wattenberg, Alexander, Bishop, Dennis, Gallagher, and Norton.

**AN ACT**

**CONCERNING THE TRANSFER OF ADMINISTRATIVE FUNCTIONS FOR DISBURSEMENTS FROM THE  
SEARCH AND RESCUE FUND, AND MAKING APPROPRIATIONS THEREFOR.**

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

**SECTION 1.** 33-1-112.5 (3) and (6), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended, and the said 33-1-112.5 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**33-1-112.5. Search and rescue fund - transfer of duties.** (3) All agencies and political subdivisions of the state shall have the right to make a claim on the search and rescue fund for reimbursement of costs incurred in the performance of search and rescue activities involving those persons specified in subsection (1) of this section. Such claims shall be submitted to the ~~division of wildlife~~ DEPARTMENT OF LOCAL AFFAIRS for immediate consideration. Any reimbursement claims which have been certified by the sheriff of the county in which the search and rescue activity occurred shall be eligible for payment by the ~~division~~ DEPARTMENT OF LOCAL AFFAIRS. The ~~commission~~ DEPARTMENT OF LOCAL AFFAIRS shall establish rules and regulations for the procedure through which claims shall be submitted to the ~~division~~ and for payment of such claims.

(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 have applied to the ~~commission~~ DEPARTMENT OF LOCAL AFFAIRS for year-end grants from the search and rescue fund. The ~~division~~ 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

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

off-highway vehicle registrations, or a hiking certificate issued pursuant to section 33-4-118, 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 other uncompensated searches. The ~~commission~~ DEPARTMENT OF LOCAL AFFAIRS shall establish rules ~~and regulations~~ for applying for year-end grants 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. Appropriation.** (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1995, shall be adjusted as follows:

(a) (I) The appropriation to the department of local affairs for search and rescue is increased by four hundred thirty-three thousand eight hundred forty-six dollars (\$433,846), of which the total amount is from the search and rescue fund;

(II) The number of FTE for search and rescue in the department of local affairs is increased by 0.3 FTE.

(b) (I) The appropriation to the department of natural resources, division of wildlife, for search and rescue is decreased by four hundred thirty-three thousand eight hundred forty-six dollars (\$433,846), of which the total amount is from the search and rescue fund;

(II) The number of FTE for search and rescue in the department of natural resources, division of wildlife is decreased by 0.3 FTE.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1995, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for the provision of legal services to the department of local affairs for the purpose of this act. Such sum shall be from cash funds received from the search and rescue fund out of the appropriation made in subsection (1) of this section.

**SECTION 3. Effective date.** This act shall take effect July 1, 1995.

**SECTION 4. 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.

Approved: May 16, 1995