

CHAPTER 289

NATURAL RESOURCES

HOUSE BILL 94-1188

BY REPRESENTATIVES Entz, Kerns, Knox, Acquafresca, Blue, Chlouber, DeGette, Eisenach, Linkhart, Pierson, Reeser, Rupert, Shoemaker, Taylor, and Wright;
also SENATORS Wattenberg, Bishop, L. Powers, and Weissmann.

AN ACT

CONCERNING MONEYS AVAILABLE TO UNITS OF GOVERNMENT FROM FEES COLLECTED BY THE DIVISION OF WILDLIFE, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 33-1-112.5 (1), (2) (a), (5), and (6), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

33-1-112.5. Search and rescue fund. (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, ~~or~~ vessel, snowmobile, or off-highway vehicle registrations, OR A HIKING CERTIFICATE ISSUED PURSUANT TO SECTION 33-4-118. Reimbursable costs are limited to actual operational expenses. ~~including~~ SUCH EXPENSES SHALL INCLUDE related training and equipment ~~other than~~ 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 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.

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

(5) The moneys in the search and rescue fund created in subsection (1) of this section shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration of this section. ~~Any balance in the search and rescue fund in excess of three hundred thousand dollars, which excess balance shall be calculated only after all approved claims and administrative costs have been paid, shall be transferred to the wildlife cash fund at the close of any fiscal year for the purpose of fisheries and wildlife enhancement activities.~~

(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 for year-end grants from the search and rescue fund. The division 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, ~~or vessel, snowmobile, or 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, ~~other than~~ 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 shall establish rules and regulations for applying for year-end grants from the moneys remaining in the search and rescue fund.

SECTION 2. Article 4 of title 33, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

33-4-118. Hiking permits. (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. 39-22-703 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-22-703. Contributions credited to nongame and endangered wildlife cash fund - appropriation. (1) The department of revenue shall determine annually the total amount designated pursuant to ~~section~~ SECTIONS 33-4-118 (2) (c), C.R.S., AND 39-22-702 and shall report such amount to the state treasurer who shall credit such amount to the nongame and endangered wildlife cash fund, which is hereby established in the state treasury. The controller, upon presentation of vouchers properly drawn and signed by the director of the division of wildlife or an authorized employee of the division of administration, shall issue warrants drawn on the appropriate fund. All moneys so deposited in the nongame and endangered wildlife cash fund shall remain in such fund to be used for the purposes set forth in subsection (2) of this section and shall not be deposited in or transferred to the general fund of the state of Colorado or any other fund.

SECTION 4. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of wildlife cash fund not otherwise appropriated, to the department of natural resources, for allocation to the division of wildlife, for the fiscal year beginning July 1, 1994, the sum of thirty-two thousand nine hundred fifty-six dollars (\$32,956), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the search and rescue fund not otherwise appropriated, to the department of natural resources, for allocation to the division of wildlife, for the fiscal year beginning July 1, 1994, the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Effective date. This act shall take effect January 1, 1995.

SECTION 6. 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 31, 1994