

# DEPARTMENT OF LOCAL AFFAIRS

## SAR Advisory Board

### SEARCH AND RESCUE PROGRAM FUND

#### 8 CCR 1307-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### **Rules and Operating Procedures**

- ~~1. THE SEARCH AND RESCUE (SAR) FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF LOCAL AFFAIRS (DOLA) PURSUANT TO THE PROVISIONS OF SECTION 33-1-112.5, C.R.S., AND IN ACCORDANCE WITH THESE RULES AND FOLLOWING GUIDELINES RECOMMENDED BY THE SAR ADVISORY COUNCIL AND APPROVED BY THE EXECUTIVE DIRECTOR.~~
  
- ~~2. DEFINITIONS~~
  - ~~a. Actual Operational Expenses: Are those reasonable costs incidental to SAR activities including, but not necessarily limited to: fuel, operating costs, repair and rental, of motor vehicles, fixed-wing aircraft, helicopters, snowmobiles, boats, horses, generators and any other equipment necessary or appropriate for conducting SAR activities; reimbursement of mileage at the appropriate state rate; meals and room rental for personnel and any other similar expenses. Operational expenses do not include any salary, overtime or stipend paid to any person permanently employed by a SAR agency or political subdivision of the state. Operational expenses do not include indirect operating expenses, such as stand-by costs, of vehicles and equipment owned by a unit of local government.~~
  
  - ~~b. Eligible agency: Is a public or private entity or volunteer association providing specialized search and rescue services and resources authorized by a county sheriff or political subdivision.~~
  
  - ~~c. Eligible person: Is a person in possession of: a current and valid Colorado Division of Wildlife (CDOW) hunting or fishing license; a current and valid CDOW hiking certificate; a vessel, snowmobile or off-highway vehicle currently registered through the Division of Parks and Outdoor Recreation (DPOR) or a current and valid Colorado Outdoor Recreation Search and Rescue Card. As used herein, "hunting or fishing license" includes all those licenses listed in subsections 33-4-102(1) through 33-4-102(1.5), C.R.S. as may be amended. Vessel, snowmobile, and off-highway vehicle registrations include all those listed in Section 33-12-102(1.2)(e), (1.2)(h), (1.2)(i), (1.2)(l), (1.3)(a), (1.3)(d), and (1.3)(e) as may be amended.~~
  
  - ~~d. Eligible Search and Rescue Mission: Mobilization of persons or agencies with specialized search and rescue skills authorized by a County Sheriff's Office or statutorily designated search and rescue political subdivision of the State of Colorado for the purpose of locating or rescuing a person within the State of Colorado from an area beyond the boundaries of normally available emergency services.~~

- e. ~~Tier I Payment: Reimbursement for eligible, actual operational expenses of an eligible search and rescue mission for an eligible person as certified by the sheriff of the county in which the mission took place.~~

~~3. LIMITATION OF PAYMENT OF CLAIMS:~~

- a. ~~The Colorado Search and Rescue Fund will make no payment for SAR expenses already paid or reimbursed by another source such as victims, private insurance, or donations made for the purpose of paying for a specific search. Donations of a general nature, not covering expenses of a specific search, shall be excluded from this limitation. Should an authorized SAR agency receive payment from another source after having received payment from the Colorado Search and Rescue Fund for the same SAR mission, that agency shall reimburse the Colorado Search and Rescue Fund an amount equal to the amount of payment received from the other source.~~
- b. ~~No claims shall be paid for SAR activities for which a river outfitter is liable pursuant to the provisions of section 33-32-108(2), C.R.S., unless such liability has been lawfully discharged.~~
- c. ~~Searches for or recovery of property are not eligible missions.~~
- d. ~~Reimbursement for recovery of bodies is limited to one of the following circumstances:~~
  - i. ~~The recovery is incidental to missions begun in earnest to rescue live persons where recovery of such deceased person(s) is necessary and appropriate to avoid delays, higher costs, or additional exposure to persons involved in such recovery to increased risks to life and limb (e.g. deteriorating weather conditions) and which may be accomplished at "de minimus" additional cost.~~
  - ii. ~~The recovery is for the victim of an accident and the mission meets all other definitions of a mission as defined in section 2.f.~~
- e. ~~The Colorado Search and Rescue Fund shall not make payment when an insurance policy exists that will cover costs incurred.~~
- f. ~~The Colorado Search and Rescue Fund shall not make payment to victims, individuals, or eligible persons. Payments are solely made to reimburse SAR agencies or political subdivisions for costs incurred by those agencies or subdivisions in performing search and rescue missions.~~
  - i. ~~Costs may include those for contracted resources or expenses incurred and claimed by volunteers.~~
- g. ~~The Colorado Search and Rescue Fund is not an insurance fund for eligible persons. It does not pay victims. It does not cover medical expenses or medical transport fees.~~
  - i. ~~The use of an air ambulance as a search and rescue mission resource is not considered medical transport. All or portions of air ambulance bills considered elements of an "eligible search and rescue mission" as defined herein, are eligible for payment by the Colorado Search and Rescue Fund.~~
- h. ~~The Colorado Search and Rescue Fund will not make payment for the search, rescue, or recovery of persons engaged in illegal activities or persons eluding law enforcement authorities.~~

~~4. MISSION REIMBURSEMENT PROCEDURES:~~

~~a. General claim provisions:~~

- ~~i. All claims from eligible agencies and political subdivisions having incurred reimbursable costs in a search and rescue mission within the State of Colorado must be filed with the sheriff in the county where the search and rescue activities occurred.~~
- ~~ii. The sheriff shall be responsible for certifying and submitting the claim to the department on forms provided by the department and for the proper distribution of Colorado SAR Fund money to all agencies and political subdivisions entitled to reimbursement.~~
- ~~iii. All such claims must be certified and submitted to the department within 60 days of the completion of the search and rescue operation.~~
  - ~~1. The 60-day filing requirement may be waived for good cause shown. Failure to submit a certified claim within 60 days of the completion of the search and rescue operation (a) because of failure of the department personnel to supply claim forms in a timely manner, or (b) because of other reasons not due to the claimant's lack of diligence shall be considered "good cause."~~
  - ~~2. Claims received after May 31st of any year will be processed in the following fiscal year and are subject to the tier distribution and funding levels of that fiscal year.~~
  - ~~3. As soon as practical after submission, the department shall consider each claim. The department shall review each claim to determine if the actual operating costs claimed are reimbursable pursuant to statute and procedures. In no event shall any payment be made that is not authorized by statute.~~

~~b. Tier I Payment claim provisions:~~

- ~~i. Upon receipt of a Tier I search and rescue mission payment request, the department shall determine if all expenditures claimed are reimbursable. If the department determines all expenditures claimed are reimbursable, it shall submit a request to the DOLA Accounting Office for issuance of a state warrant for their payment.~~
- ~~ii. If the department determines all or part of a claim is not authorized under applicable law, it shall enter into discussions with the submitting sheriff to attempt to reach agreement on what portion, if any, of the claim is authorized. The department may request additional information from the submitting sheriff or any other person that may have relevant facts or legal authority. If agreement is reached, the department shall submit a request to the DOLA Accounting Office for issuance of a state warrant for their payment. If the department and the submitting sheriff do not reach agreement, the submitting sheriff may, within 60 days of original submission of the report, request in writing that the department submit the claim to the SAR Advisory Council for its review and recommendations.~~

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- iii. ~~Upon receipt of a claim submitted by the department, the SAR Advisory Council shall review the claim together with any written submittals from the department and sheriff. The council may request additional information from the department, the submitting sheriff, or any other person that may have relevant facts or legal authority.~~
  
  - iv. ~~The council shall submit its recommendations as to what portions of the claim are allowable, under applicable statutes and procedures, to the department. Upon receipt of the council's recommendations, the Executive Director shall make a final determination, taking into account the SAR Advisory Council's recommendations. If payment is approved by the Executive Director, the department shall submit a request to the DOLA Accounting Office for issuance of a state warrant for payment of the approved amount.~~

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**Editor's Notes**

**History**

~~Entire rule eff. 06/30/2016.~~