

Effective 7/1/2015

53-2a-1102 Search and Rescue Financial Assistance Program -- Uses -- Rulemaking -- Distribution.

- (1)
 - (a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.
 - (b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.
 - (c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.
 - (d) "Program" means the Search and Rescue Financial Assistance Program created within this section.
 - (e)
 - (i) "Reimbursable expenses," as used in this section, means those reasonable expenses incidental to search and rescue activities.
 - (ii) "Reimbursable expenses" include:
 - (A) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;
 - (B) replacement and upgrade of search and rescue equipment;
 - (C) training of search and rescue volunteers;
 - (D) costs of providing workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and
 - (E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.
 - (iii) "Reimbursable expenses" do not include any salary or overtime paid to any person on a regular or permanent payroll, including permanent part-time employees of any agency of the state.
 - (f) "Rescue" means search services, rescue services, or both search and rescue services.
- (2) There is created the Search and Rescue Financial Assistance Program within the division.
- (3)
 - (a) The program shall be funded from the following revenue sources:
 - (i) any voluntary contributions to the state received for search and rescue operations;
 - (ii) money received by the state under Subsection (11) and under Sections 23-19-42, 41-22-34, and 73-18-24; and
 - (iii) appropriations made to the program by the Legislature.
 - (b) All money received from the revenue sources in Subsections (3)(a)(i) and (ii) shall be deposited into the General Fund as a dedicated credit to be used solely for the purposes under this section.
 - (c) All funding for the program is nonlapsing.
- (4) The director shall use the money to reimburse counties for all or a portion of each county's reimbursable expenses for search and rescue operations, subject to:
 - (a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;
 - (b) money available in the program; and
 - (c) rules made under Subsection (7).
- (5) Program money may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.
- (6) The Legislature finds that these funds are for a general and statewide public purpose.

- (7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:
 - (a) specifying the costs that qualify as reimbursable expenses;
 - (b) defining the procedures of counties to submit expenses and be reimbursed;
 - (c) defining a participant in the assistance card program, including:
 - (i) individuals; and
 - (ii) families and organized groups who qualify as participants;
 - (d) defining the procedure for issuing a card to a participant;
 - (e) defining excluded expenses that may not be reimbursed under the program, including medical expenses;
 - (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card Program;
 - (g) establishing the frequency of review of the fee schedule;
 - (h) providing for the administration of the program; and
 - (i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
 - (i) the total qualifying expenses submitted;
 - (ii) the number of search and rescue incidents per county population;
 - (iii) the number of victims that reside outside the county; and
 - (iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.
- (8)
 - (a) The division shall, in consultation with the Outdoor Recreation Office, establish the fee schedule of the Search and Rescue Assistance Card under Subsection 63J-1-504(6).
 - (b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.
- (9)
 - (a) Counties may bill reimbursable expenses to an individual for costs incurred for the rescue of an individual, if the individual is not a participant in the Utah Search and Rescue Assistance Card Program.
 - (b) Counties may bill a participant for reimbursable expenses for costs incurred for the rescue of the participant if the participant is found by the rescuing county to have acted recklessly or to have intentionally created a situation resulting in the need for a county to provide rescue service for the participant.
- (10)
 - (a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.
 - (b) The program may not be utilized to cover any expenses, such as medically related expenses, that are not reimbursable expenses related to the rescue.
- (11)
 - (a) To participate in the program, a person shall purchase a Search and Rescue Assistance Card from the division by paying the fee as determined by the division in Subsection (8).
 - (b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

- (c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.
- (12) The division shall consult with the Outdoor Recreation Office regarding:
 - (a) administration of the assistance card program; and
 - (b) outreach and marketing strategies.
- (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered an insurance program under Subsection 31A-1-301(86).

Amended by Chapter 408, 2015 General Session