

1 SEARCH AND RESCUE FINANCIAL ASSISTANCE

2 AMENDMENTS

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Sophia M. DiCaro

6 Senate Sponsor: David P. Hinkins

7  
8 LONG TITLE

9 General Description:

10 This bill creates within the Emergency Management Act the Utah Search and Rescue  
11 Assistance Card Program regarding reimbursement of rescue expenses.

12 Highlighted Provisions:

13 This bill:

14 ▶ establishes a voluntary Utah Search and Rescue Assistance Card Program with  
15 cards to be issued by the Division of Emergency Management for the purpose of  
16 providing an additional revenue source for the Search and Rescue Financial  
17 Assistance Program;

17a Ĥ→ ▶ requires the division to provide a discount of not less than 10 percent on the search  
17b and rescue card fee if the applicant has paid for a hunting or fishing license, an off-highway  
17c vehicle registration, or a motorboat or sailboat registration in the same year the person applies  
17d for the assistance card program; ←Ĥ and

18 ▶ allows counties the option to Ĥ→ [not] ←Ĥ bill individuals for the costs of their  
18a rescue if Ĥ→ [they  
19 were] the individual is not ←Ĥ registered as having a current Search and Rescue Assistance Card  
19a at the time  
20 of the rescue.

21 Money Appropriated in this Bill:

22 None

23 Other Special Clauses:

24 This bill provides a special effective date.

25 Utah Code Sections Affected:

26 AMENDS:

27 **53-2a-1102**, as renumbered and amended by Laws of Utah 2013, Chapter 295

H.B. 324



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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-2a-1102** is amended to read:

**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 ~~to~~ to the person ~~to~~ .

(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.

~~[(+)(a)]~~ (e) (i) "Reimbursable expenses," as used in this section, means those reasonable expenses incidental to search and rescue activities.

~~[(b)]~~ (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.

~~[(+)]~~ (f) "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 ~~[or political subdivision]~~ of the state.

(g) "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;

59 (ii) money received by the state under ~~[Section]~~ Subsection (11) and under Sections  
60 23-19-42, [Section] 41-22-34, and [Section] 73-18-24; and

61 (iii) appropriations made to the program by the Legislature.

62 (b) All money received from the revenue sources in Subsections (3)(a)(i) and (ii) shall  
63 be deposited into the General Fund as a dedicated credit to be used solely for the purposes  
64 under this section.

65 ~~[(b)]~~ (c) All funding for the program ~~[shall be]~~ is nonlapsing.

66 (4) The director shall use the money to reimburse counties for all or a portion of each  
67 county's reimbursable expenses for search and rescue operations, subject to:

68 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
69 53-2a-1104;

70 (b) money available in the program; and

71 (c) rules made under Subsection (7).

72 (5) Program money may not be used to reimburse for any paid personnel costs or paid  
73 man hours spent in emergency response and search and rescue related activities.

74 (6) The Legislature finds that these funds are for a general and statewide public  
75 purpose.

76 (7) The division, with the approval of the Search and Rescue Advisory Board, shall  
77 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
78 consistent with this ~~[act]~~ section:

79 (a) specifying the costs that qualify as reimbursable expenses;

80 (b) defining the procedures of ~~[agencies]~~ counties to submit expenses and be  
81 reimbursed; ~~[and]~~

82 (c) defining a participant in the assistance card program, including:

83 (i) individuals; and

84 (ii) families and organized groups who qualify as participants;

85 (d) defining the procedure for issuing a card to a participant;

86 (e) defining excluded expenses that may not be reimbursed under the program,  
87 including medical expenses;

88 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card  
89 Program;

90 (g) establishing the frequency of review of the fee schedule;

91 (h) providing for the administration of the program; and

92 [~~(e)~~] (i) providing a formula to govern the distribution of available money among the  
93 counties for uncompensated search and rescue expenses based on:

94 (i) the total qualifying expenses submitted;

95 (ii) the number of search and rescue incidents per county population;

96 (iii) the number of victims that reside outside the county; and

97 (iv) the number of volunteer hours spent in each county in emergency response and  
98 search and rescue related activities per county population.

99 (8) ~~H~~→ (a) ←~~H~~ The division shall, in consultation with the Outdoor Recreation Office,  
99a establish the

100 fee schedule of the Search and Rescue Assistance Card under Subsection [63J-1-504\(6\)](#).

100a ~~H~~→ (b) **The division shall provide a discount of not less than 10 percent of the card fee**  
100b **under Subsection(8)(a) to a person who has paid a fee under Sections 23-19-42, 41-22-34**  
100c **or 73-18-24 during the same calendar year in which the person applies to be a participant in**  
100d **the assistance card program.** ←~~H~~

101 (9) (a) Counties may bill reimbursable expenses to an individual for costs incurred for  
102 the rescue of an individual, if the individual is not a participant in the Utah Search and Rescue  
103 Assistance Card Program.

104 (b) Counties may bill a participant for reimbursable expenses for costs incurred for the  
105 rescue of the participant if the participant is found by the rescuing county to have acted  
106 recklessly or to have intentionally created a situation resulting in the need for a county to  
107 provide rescue service for the participant.

108 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The  
109 program is located within the division.

110 (b) The program may not be utilized to cover any expenses, such as medically related  
111 expenses, that are not reimbursable expenses related to the rescue.

112 (11) (a) To participate in the program, a person shall purchase a Search and Rescue  
113 Assistance Card from the division by paying the fee as determined by the division in  
114 Subsection (8).

115 (b) The money generated by the fees shall be deposited into the General Fund as a  
116 dedicated credit for the Search and Rescue Financial Assistance Program created in this  
117 section.

118 (c) Participation and payment of fees by a person under Sections [23-19-42](#), [41-22-34](#),  
119 and [73-18-24](#) do not constitute purchase of a card under this section.

120 (12) The division shall consult with the Outdoor Recreation Office regarding:

121 (a) administration of ~~the financial assistance program and~~ the  
121a assistance card program;  
122 and

123 (b) outreach and marketing strategies.

123a ~~the~~ **(13) Pursuant to Subsection 31A-1-103(7), the Search and Rescue Financial Assistance**  
123b **Card Program under this section is exempt from being considered an insurance program**  
123c **under Subsection 31A-1-301(86).**

124 Section 2. **Effective date.**

125 This bill takes effect on July 1, 2015.

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Legislative Review Note  
as of 2-11-15 4:03 PM

Office of Legislative Research and General Counsel