

Part 11

Search and Rescue Act

53-2a-1101 Title.

This part is known as the "Search and Rescue Act."

Enacted by Chapter 295, 2013 General Session

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

(1) As used in this section:

- (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 base expenses" means those reasonable expenses incidental to search and rescue activities.
 - (ii) "Reimbursable base expenses" include:
 - (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
 - (B) replacement and upgrade of search and rescue equipment;
 - (C) training of search and rescue volunteers;
 - (D) costs of providing life insurance and 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 base expenses" do not include any salary or overtime paid to an individual 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 financial program and the assistance card 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 23A-4-209, 41-22-34, and 73-18-24;
 - (iii) money deposited under Subsection 59-12-103(13);
 - (iv) contributions deposited in accordance with Section 41-1a-230.7; and
 - (v) appropriations made to the program by the Legislature.
 - (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.

- (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.
- (d) Funding for the program is nonlapsing.
- (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base 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) Money described in Subsection (3) 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 base 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 Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(7).
 - (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 23A-4-209, 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) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:
 - (a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or

- (b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.
- (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 used to cover any expenses, such as medically related expenses, that are not reimbursable base 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 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.
- (12) The division shall consult with the Division of Outdoor Recreation 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 insurance as that term is defined in Section 31A-1-301.

Amended by Chapter 34, 2023 General Session

Amended by Chapter 471, 2023 General Session

53-2a-1103 Search and Rescue Advisory Board -- Members -- Compensation.

- (1) There is created the Search and Rescue Advisory Board consisting of seven members appointed as follows:
 - (a) two representatives designated by the Utah Sheriff's Association, who are members of a voluntary search and rescue unit operating in the state, one of whom is from a county having a population of 75,000 or more; and one from a county having a population of less than 75,000;
 - (b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom shall be from a county having a population of 75,000 or more, and at least one of whom shall be from a county having a population of less than 75,000;
 - (c) one representative of the Division of Emergency Management designated by the director; and
 - (d) one private citizen appointed by the governor with the advice and consent of the Senate.
- (2)
 - (a) The term of each member of the board is four years.
 - (b) A member may be reappointed to successive terms.
 - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
 - (d) In order to stagger the terms of membership, the members appointed or reappointed to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two years, and all subsequent terms shall be four years.
- (3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 352, 2020 General Session

53-2a-1104 General duties of the Search and Rescue Advisory Board.

The duties of the Search and Rescue Advisory Board shall include:

- (1) conducting a board meeting at least once per quarter;
- (2) receiving applications for reimbursement of eligible expenses from county search and rescue operations by the end of the first quarter of each calendar year;
- (3) determining the reimbursement to be provided from the Search and Rescue Financial Assistance Program to each applicant;
- (4) standardizing the format and maintaining key search and rescue statistical data from each county within the state; and
- (5) disbursing funds accrued in the Search and Rescue Financial Assistance Program, created under Section 53-2a-1102, to eligible applicants.

Amended by Chapter 258, 2015 General Session