

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

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;

18 ▶ requires the division to provide a discount of not less than 10% on the search and
19 rescue card fee if the applicant has paid for a hunting or fishing license, an
20 off-highway vehicle registration, or a motorboat or sailboat registration in the same
21 year the person applies for the assistance card program; and

22 ▶ allows counties the option to bill individuals for the costs of their rescue if the
23 individual is not registered as having a current Search and Rescue Assistance Card
24 at the time of the rescue.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53-2a-1102**, as renumbered and amended by Laws of Utah 2013, Chapter 295



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

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

35 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

36 **Rulemaking -- Distribution.**

37 (1) (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
38 Program created within this section.

39 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
40 participant.

41 (c) "Participant" means an individual, family, or group who is registered pursuant to
42 this section as having a valid card at the time search, rescue, or both are provided.

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

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

47 ~~[(b)]~~ (ii) "Reimbursable expenses" include:

48 ~~[(i)]~~ (A) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

49 ~~[(ii)]~~ (B) replacement and upgrade of search and rescue equipment;

50 ~~[(iii)]~~ (C) training of search and rescue volunteers;

51 ~~[(iv)]~~ (D) costs of providing workers' compensation benefits for volunteer search and
52 rescue team members under Section **67-20-7.5**; and

53 ~~[(v)]~~ (E) any other equipment or expenses necessary or appropriate for conducting
54 search and rescue activities.

55 ~~[(e)]~~ (iii) "Reimbursable expenses" do not include any salary or overtime paid to any
56 person on a regular or permanent payroll, including permanent part-time employees of any
57 agency ~~[or political subdivision]~~ of the state.

58 (f) "Rescue" means search services, rescue services, or both search and rescue services.

59 (2) There is created the Search and Rescue Financial Assistance Program within the
60 division.

61 (3) (a) The program shall be funded from the following revenue sources:

62 (i) any voluntary contributions to the state received for search and rescue operations;

63 (ii) money received by the state under ~~[Section]~~ Subsection (11) and under Sections
64 23-19-42, ~~[Section]~~ 41-22-34, and ~~[Section]~~ 73-18-24; and

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

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

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

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

72 (a) the approval of the Search and Rescue Advisory Board as provided in Section
73 53-2a-1104;

74 (b) money available in the program; and

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

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

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

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

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

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

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

87 (i) individuals; and

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

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

90 (e) defining excluded expenses that may not be reimbursed under the program,

91 including medical expenses;

92 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card

93 Program;

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

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

96 ~~(i)~~ (i) providing a formula to govern the distribution of available money among the
97 counties for uncompensated search and rescue expenses based on:

98 (i) the total qualifying expenses submitted;

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

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

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

103 (8) (a) The division shall, in consultation with the Outdoor Recreation Office, establish
104 the fee schedule of the Search and Rescue Assistance Card under Subsection [63J-1-504\(6\)](#).

105 (b) The division shall provide a discount of not less than 10% of the card fee under
106 Subsection (8)(a) to a person who has paid a fee under Section [23-19-42](#), [41-22-34](#), or
107 [73-18-24](#) during the same calendar year in which the person applies to be a participant in the
108 assistance card program.

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

112 (b) Counties may bill a participant for reimbursable expenses for costs incurred for the
113 rescue of the participant if the participant is found by the rescuing county to have acted

114 recklessly or to have intentionally created a situation resulting in the need for a county to
115 provide rescue service for the participant.

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

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

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

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

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

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

129 (a) administration of the assistance card program; and

130 (b) outreach and marketing strategies.

131 (13) Pursuant to Subsection [31A-1-103](#)(7), the Utah Search and Rescue Assistance
132 Card Program under this section is exempt from being considered an insurance program under
133 Subsection [31A-1-301](#)(86).

134 **Section 2. Effective date.**

135 This bill takes effect on July 1, 2015.