

1                   **SEARCH AND RESCUE ASSISTANCE CARD PROGRAM**

2                                   **AMENDMENTS**

3   2017 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: David P. Hinkins**

6                                   House Sponsor: Carl R. Albrecht

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill makes changes to the Utah Search and Rescue Assistance Card Program.

11                   **Highlighted Provisions:**

12                   This bill:

13                   ▶ forbids a county from charging a participant in the program for rescue services  
14 unless the participant intentionally or recklessly created the situation requiring  
15 rescue services.

16                   **Money Appropriated in this Bill:**

17                   None

18                   **Other Special Clauses:**

19                   None

20                   **Utah Code Sections Affected:**

21                   AMENDS:

22                   **53-2a-1102**, as last amended by Laws of Utah 2015, Chapter 408

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

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

26                   **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

27                   **Rulemaking -- Distribution.**

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

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

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

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

36 (e) (i) "Reimbursable expenses," as used in this section, means those reasonable  
37 expenses incidental to search and rescue activities.

38 (ii) "Reimbursable expenses" include:

39 (A) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

40 (B) replacement and upgrade of search and rescue equipment;

41 (C) training of search and rescue volunteers;

42 (D) costs of providing workers' compensation benefits for volunteer search and rescue  
43 team members under Section 67-20-7.5; and

44 (E) any other equipment or expenses necessary or appropriate for conducting search  
45 and rescue activities.

46 (iii) "Reimbursable expenses" do not include any salary or overtime paid to any person  
47 on a regular or permanent payroll, including permanent part-time employees of any agency of  
48 the state.

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

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

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

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

54 (ii) money received by the state under Subsection (11) and under Sections 23-19-42,  
55 41-22-34, and 73-18-24; and

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

57 (b) All money received from the revenue sources in Subsections (3)(a)(i) and (ii) shall

58 be deposited into the General Fund as a dedicated credit to be used solely for the purposes  
59 under this section.

60 (c) All funding for the program is nonlapsing.

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

63 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
64 [53-2a-1104](#);

65 (b) money available in the program; and

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

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

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

71 (7) The division, with the approval of the Search and Rescue Advisory Board, shall  
72 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
73 consistent with this section:

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

75 (b) defining the procedures of counties to submit expenses and be reimbursed;

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

77 (i) individuals; and

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

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

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

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

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

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

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

- 88 (i) the total qualifying expenses submitted;
- 89 (ii) the number of search and rescue incidents per county population;
- 90 (iii) the number of victims that reside outside the county; and
- 91 (iv) the number of volunteer hours spent in each county in emergency response and  
92 search and rescue related activities per county population.

93 (8) (a) The division shall, in consultation with the Outdoor Recreation Office, establish  
94 the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection  
95 63J-1-504(6).

96 (b) The division shall provide a discount of not less than 10% of the card fee under  
97 Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or  
98 73-18-24 during the same calendar year in which the person applies to be a participant in the  
99 assistance card program.

100 (9) ~~[(a)]~~ Counties may not bill reimbursable expenses to an individual for costs  
101 incurred for the rescue of an individual, if the individual is ~~[not]~~ a current participant in the  
102 Utah Search and Rescue Assistance Card Program~~[-]~~ at the time of rescue, unless:

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

107 (a) the rescuing county finds that the participant acted recklessly in creating a situation  
108 resulting in the need for the county to provide rescue services; or

109 (b) the rescuing county finds that the participant intentionally created a situation  
110 resulting in the need for the county to provide rescue services.

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

113 (b) The program may not be utilized to cover any expenses, such as medically related

114 expenses, that are not reimbursable expenses related to the rescue.

115 (11) (a) To participate in the program, a person shall purchase a search and rescue  
116 assistance card from the division by paying the fee as determined by the division in Subsection  
117 (8).

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

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

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

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

125 (b) outreach and marketing strategies.

126 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance  
127 Card Program under this section is exempt from being considered an insurance program under  
128 Subsection 31A-1-301(86).