

NH Fish and Game Department

Law Enforcement Division

SARSCENE

September 27, 2010



NH Fish & Game SAR

- Applicable Statutes
 - SAR Fund (RSA 206:42)
 - Workers Compensation (RSA 281-A:2)
 - Volunteer Indemnification (RSA 206:27-i)
 - Recklessly –Responsibility for Public Agency Response Services (RSA 153-A:24)
 - Negligent – Search and Rescue Response Expenses; Recovery (RSA 206:26-bb)



SAR Funding Statute

- **TITLE XVIII
FISH AND GAME**
- **CHAPTER 206
FISH AND GAME COMMISSION**
- **Fish and Game Search and Rescue Fund**
- **Section 206:42**
- **206:42 Fish and Game Search and Rescue Fund.** – The additional fee of \$1 collected under the provisions of RSA 270-E:5, II(b) for each private boat registered, under RSA 215-A:23, X for each OHRV registered, and under RSA 215-C:39, XI for each snowmobile registered, shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations. The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the fish and game department for the purposes of this subdivision. The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund. **Source.** 1989, 408:94. 1990, 229:19, eff. Jan. 1, 1991. 1997, 268:1, eff. July 1, 1997. 2005, 210:5, eff. July 1, 2006.



SAR Funding

- Department Search and Rescue Fund
 - RSA 206:42 Fish and Game Search and Rescue Fund
 - \$1.00 from every OHRV / Snowmobile Registration
 - \$1.00 from every Private Motor Boat Registration
 - Additional \$\$ come out of FG General Fund
 - ~12% of Conservation Officer time is for SAR



Workers' Compensation Statute

- **TITLE XXIII
LABOR**

- **CHAPTER 281-A
WORKERS' COMPENSATION**

- **Section 281-A:2**

- **281-A:2 Definitions.** – Any word or phrase defined in this section shall have the same meaning throughout RSA 281-A, unless the context clearly requires otherwise:

I. "Call or volunteer firefighter" means a firefighter who is not regularly employed by a fire department of any city, town or precinct in the state but who answers for duty only to fire alarms and who has been appointed by the fire department with which the firefighter serves.

I-a. [Repealed.]

I-b. "Board" means the compensation appeals board established in RSA 281-A:42-a.

I-c. "Blood" means human blood, human blood components, and products made from human blood.

I-d. "Bloodborne disease" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membrane with a person's blood or body fluids, other than tears, saliva, or perspiration, of a magnitude that can result in transmission of bloodborne disease.

II. "Commissioner" means the labor commissioner appointed as provided in RSA 273.

III. "Contractor" means a person or organization which contracts with another to have work performed of a kind which is a regular and recurrent part of the work of the trade, business, occupation or profession of such person or organization performing the work.

IV. "Subcontractor" means a person who contracts with a contractor to perform the work described in paragraph III.

IV-a. "Date of maximum medical improvement" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability.

V. "Dependent" means the employee's widow, widower, children, parents, persons in the direct line of ascent or descent, or next of kin, who were wholly or partially dependent, in fact, upon the earnings of the employee for support at the time of the injury. A common law wife or husband of the deceased and posthumous children shall fall within the meaning of this paragraph.

V-a. "Domestic", "domestic employee", or "domestic worker" means a person performing domestic services in a private residence of the employer, where the employer is an individual, family, local college club, or local chapter of a college fraternity or sorority and not an agency or other entity engaged in the business of providing domestic workers to the public and the person is not defined as an independent contractor under RSA 281-A:2, VI(b).

V-b. (a) "Domestic labor" or "domestic services" means the performance of such duties as housekeeping, childcare, gardening, handy person work, and serving as a companion or caregiver for children or others who are not physically or mentally infirm.

(b) "Domestic labor" or "domestic services" shall also include the services rendered by paid roommates or live-in companions who provide fellowship, care, and protection for persons who because of advanced age, or physical or mental infirmity cannot care for their own needs, regardless of whether the paid roommate or companion is employed by an agency or entity other than the person using such services, but subject to the following limitations:

(1) The services may encompass housekeeping duties provided such services do not exceed 20 percent of the total hours worked; and

(2) The services do not include those relating to the care and protection of the aged and infirm that require and are performed by specially trained personnel such as registered or licensed practical nurses or similarly trained personnel.



Workers' Compensation Statute

■ VII. (a) "Employee", with respect to public employment, means:

(1) Any person in the service of an employer, as defined in RSA 281-A:2, IX, including members of the general court, under any express or implied voluntary contract of hire and every elected or appointed official or officer of the state or any political subdivision or agency thereof while performing official duties.

(2) Any person who is a call firefighter or special police officer, volunteer or auxiliary member of a fire or police department, ambulance or rescue service, or the state police, whether paid or not paid. For the purposes of this chapter, such a person shall be deemed to be an employee of the political subdivision of the state in which the department is organized.

(3) Any person who is a regularly enrolled volunteer member or trainee of the emergency management corps of this state as established under the state emergency management act. For the purposes of this chapter, such a person shall be deemed to be an employee of the state.

(4) Any person who fights a forest or other type of fire and who is either voluntarily under the direction of those authorized to give direction in the fighting of fires or who is under statutory compulsion to fight fires pursuant to RSA 227-L:11 and 227-L:13, or RSA 154:7, 8, and 9. For the purposes of this chapter, such a person shall be deemed to be an employee of the state with respect to fires fought under the provisions of RSA 227-L and deemed to be an employee of the municipality in which the fire is fought with respect to fires fought under the provisions of RSA 154.

(5) Any person who assists in a search for or an attempted rescue or rescue of another pursuant to RSA 206:26, XII, after January 1, 1982, and who is voluntarily under the direction of those authorized to give direction in searching for or attempting to rescue or rescuing another. A person who assists in the search for or attempted rescue or rescue of another shall, solely for the purposes of this chapter and not otherwise, be deemed to be an employee of the state with respect to such activity. Any payments required to be made as a result of this paragraph shall be a charge against the general fund.

(c) The provisions of RSA 281-A:2, VI(b)(1) through (4) and (c) shall also apply to this paragraph.



Volunteer Indemnification

- **TITLE XVIII
FISH AND GAME**
- **CHAPTER 206
FISH AND GAME COMMISSION**
- **Fish and Game Department Volunteers**
- **Section 206:27-i**
- **206:27-i Indemnification.** – Any person recognized by the executive director, department of fish and game, as a fish and game volunteer who is under the supervision of a department employee and is actually performing assigned volunteer duties or search and rescue activities shall be considered a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D; provided, however, such a volunteer shall not be indemnified from any civil suit arising out of a criminal act. **Source.** 1987, 75:1, eff. June 29, 1987.



Recklessly Reimbursement

- **TITLE XII
PUBLIC SAFETY AND WELFARE**
- **CHAPTER 153-A
EMERGENCY MEDICAL AND TRAUMA SERVICES**
- **Reimbursement for Public Agency Response Services**
- **Section 153-A:24**
- **153-A:24 Responsibility for Public Agency Response Services. –**
 - I. A person shall be liable for response expenses if, in the judgment of the court, such person:
 - (a) Negligently operates a motor vehicle, boat, off highway recreational vehicle, or aircraft while under the influence of an alcoholic beverage or controlled drug and thereby proximately causes any incident resulting in a public agency response;
 - (b) Takes another person or persons hostage or threatens to harm himself or another person, thereby proximately causing any incident resulting in an appropriate public agency response; or
 - (c) Recklessly or intentionally creates a situation requiring an emergency response.
 - II. A person's liability under this subdivision for response expenses shall not exceed \$10,000 for any single public agency response incident. **Source.** 1999, 345:6, eff. July 1, 1999.



Negligently Reimbursement

- TITLE XVIII
FISH AND GAME
- CHAPTER 206
FISH AND GAME COMMISSION
- Conservation Officers, Superintendents of Hatcheries,
and Other Employees

- Section 206:26-bb

- 206:26-bb Search and Rescue Response Expenses; Recovery. –

I. Notwithstanding RSA 153-A:24, any person determined by the department to have acted negligently in requiring a search and rescue response by the department shall be liable to the department for the reasonable cost of the department's expenses for such search and rescue response. The executive director shall bill the responsible person for such costs. Payment shall be made to the department within 30 days after the receipt of the bill, or by some other date determined by the executive director. If any person shall fail or refuse to pay the costs by the required date, the department may pursue payment by legal action, or by settlement or compromise, and the responsible person shall be liable for interest from the date that the bill is due and for legal fees and costs incurred by the department in obtaining and enforcing judgment under this paragraph. All amounts recovered, less the costs of collection and any percentage due pursuant to RSA 7:15-a, IV(b), shall be paid into the fish and game search and rescue fund established in RSA 206:42.

II. If any person fails to make payment under paragraph I, the executive director of the fish and game department may:

(a) Order any license, permit, or tag issued by the fish and game department to be suspended or revoked, after due hearing.

(b) Notify the commissioner of the department of health and human services of such nonpayment. The nonpayment shall constitute cause for revocation of any license or certification issued by the commissioner pursuant to RSA 126-A:20 and RSA 151:7.

(c) Notify the director of motor vehicles of such nonpayment and request suspension of the person's driver's license pursuant to RSA 263:56. **Source.** 2008, 167:2, eff. June 6, 2008.



Billing Process

- Process for Reimbursement Consideration
 - Reckless, Negligent or Intentional Acts
 - Lieutenant / Sergeant
 - HQ Administration (Colonel) / Executive Director
 - State of NH Attorney General's Office
 - Guidelines
 - Final Decision
 - Civil Process / Suspensions for Nonpayment

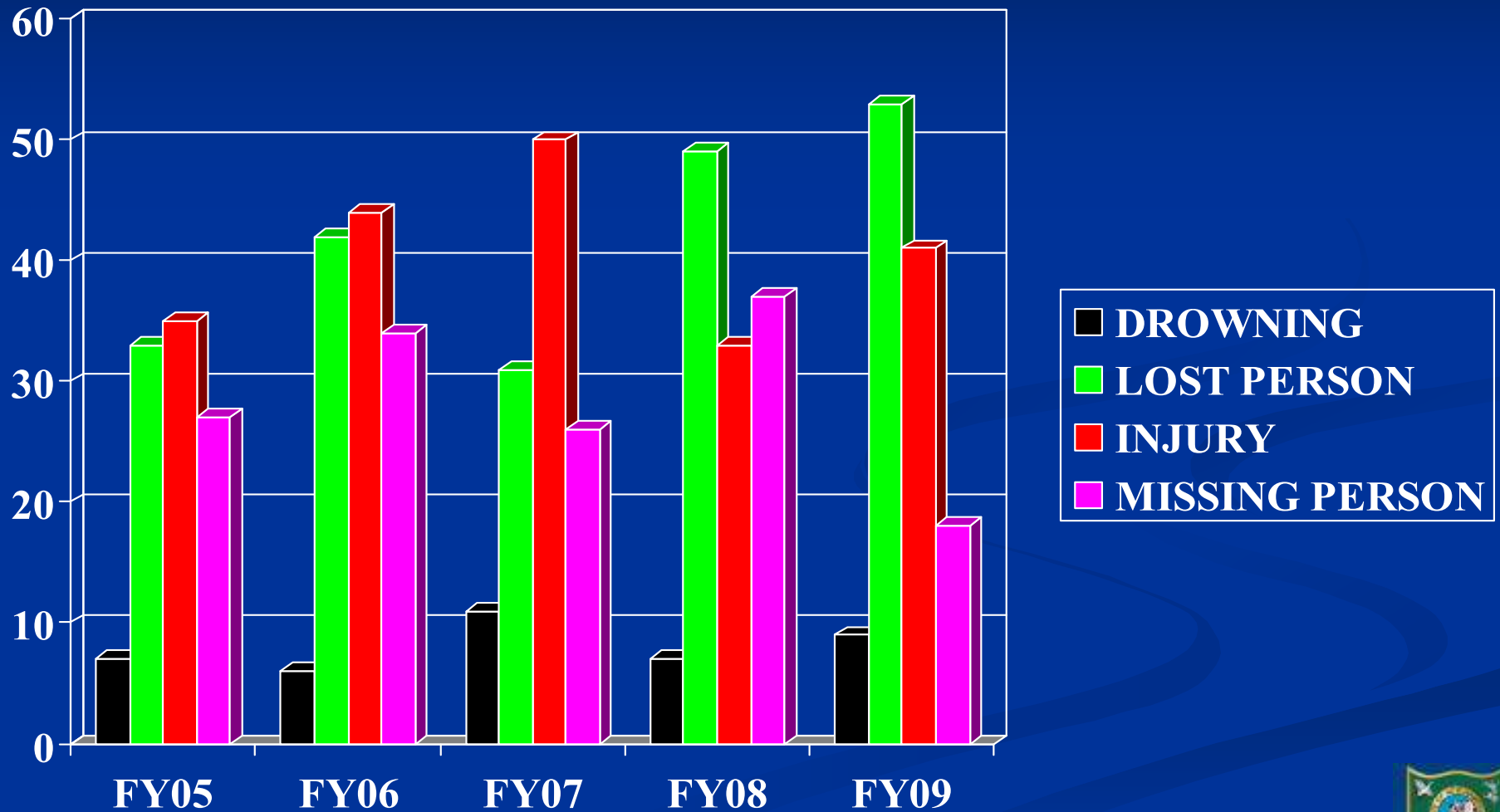


NH Fish & Game SAR

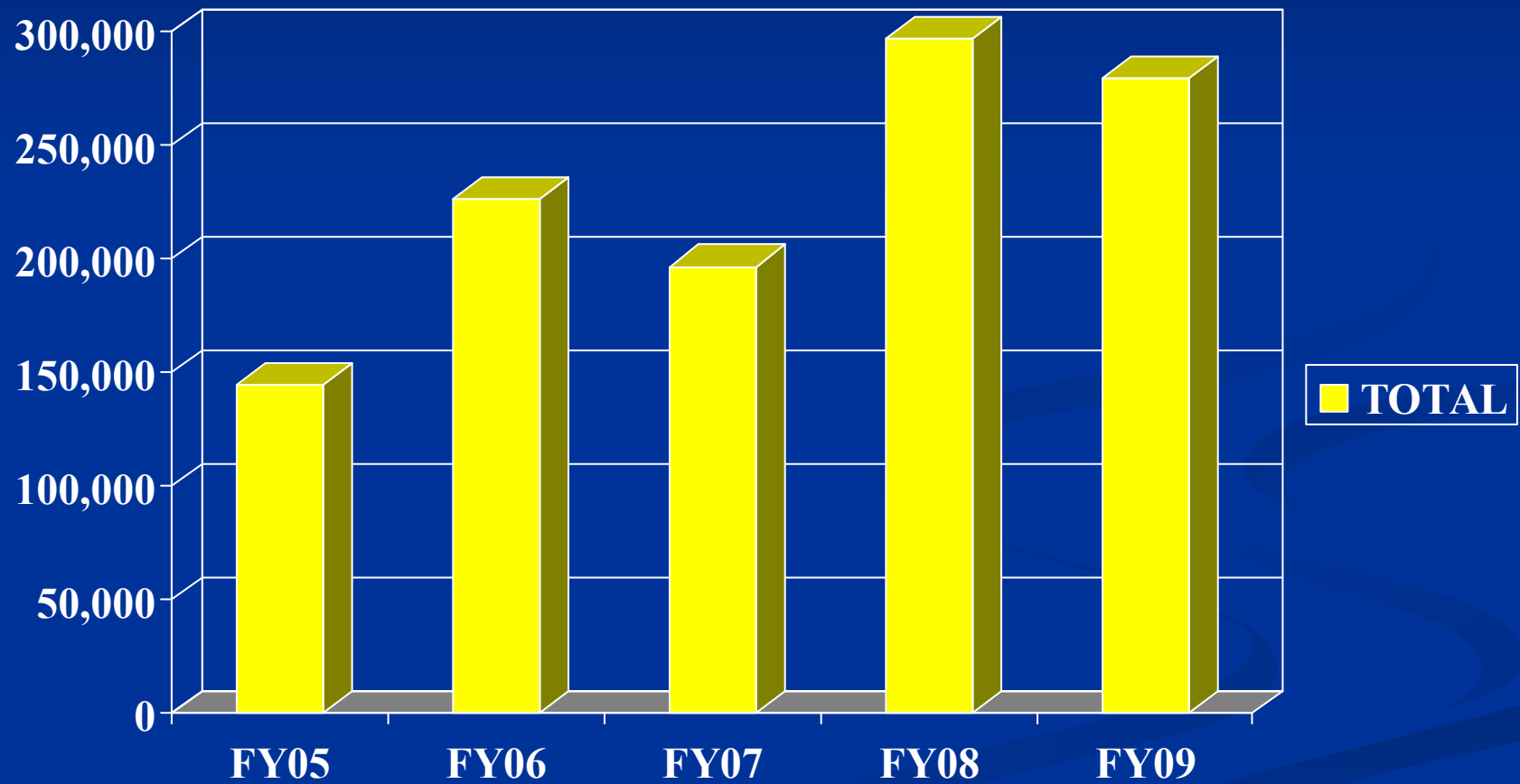
- SAR Budget
 - Annual budget of ~\$180,000
 - Spending over \$260,000 a year
- Missions Breakdown
 - Average 145-150 missions per year
 - Hikers vs. Others
 - Demographics
 - Drownings - Average 10 per year



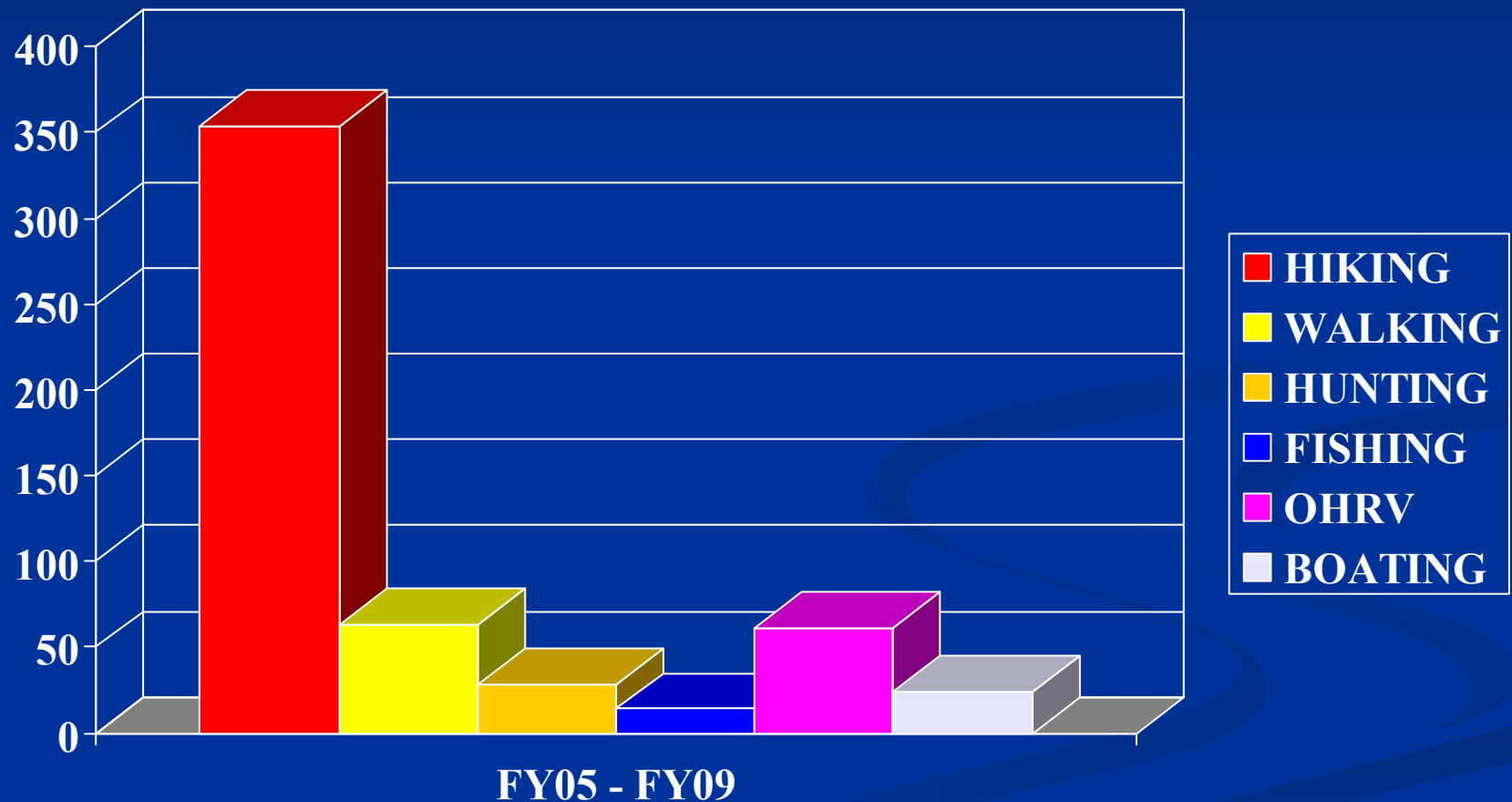
TYPE OF MISSION



TOTAL SAR EXPENSES



5 YEAR TOTAL BY ACTIVITY



SAR MISSIONS BILLED

