

**A-Engrossed**  
**Senate Bill 448**

Ordered by the Senate April 11  
Including Senate Amendments dated April 11

Sponsored by Senator THOMSEN, Representatives MARSH, HELM, Senators DEMBROW, ROBLAN, Representatives BONHAM, HELT, LEWIS, WILLIAMS (at the request of Oregon Outdoors, Oregon State Sheriffs' Association, Mt. Hood Meadows, Oregon Restaurant and Lodging Association) (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs Office of Outdoor Recreation to study and make recommendations on development of Oregon Outdoors Pass. Requires office to submit report to Legislative Assembly by September 15, 2019.]*

**Establishes voluntary Oregon outdoor recreation search and rescue card program within Office of Emergency Management.**

**Establishes Oregon Search and Rescue Fund to fund program. Continuously appropriates moneys in fund to office to reimburse county sheriffs for search and rescue activities and to administer and support county search and rescue grant program. Directs office to adopt program for providing grants by rule, in consultation with State Fish and Wildlife Commission, State Parks and Recreation Department and other affected agencies.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to outdoor recreation passes; creating new provisions; amending ORS 404.125 and 404.130;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The Office of Emergency Management shall establish and administer an**  
6 **Oregon outdoor recreation search and rescue card program. The purpose of the program is**  
7 **to allow members of the public who engage in outdoor recreation in Oregon to voluntarily**  
8 **contribute to the Oregon Search and Rescue Fund established under section 2 of this 2019**  
9 **Act by purchasing an Oregon outdoor recreation search and rescue card.**

10 **(2) The Office of Emergency Management shall coordinate with the State Fish and**  
11 **Wildlife Commission, the State Parks and Recreation Department and any other state agen-**  
12 **cies, federal agencies or private retailers identified by the office to make search and rescue**  
13 **cards available for purchase at locations that may include but are not limited to:**

14 **(a) Locations where licenses, tags or permits are issued by the State Fish and Wildlife**  
15 **Commission or by agents appointed by the commission under ORS 497.022;**

16 **(b) Locations where operating permits for all-terrain vehicles are issued under ORS**  
17 **390.580 and 390.590; and**

18 **(c) Online through any website where licenses, tags or permits for engaging in outdoor**  
19 **recreation activities are sold.**

20 **(3) A search and rescue card is valid for one year from the date of purchase. The Office**  
21 **of Emergency Management may issue a multiyear search and rescue card that may be valid**  
22 **for a period not to exceed five years.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4)(a) The cost of an annual search and rescue card may not exceed \$10 for an individual  
2 pass or \$25 for a family pass. The agent's fee for an annual search and rescue card may not  
3 exceed \$1.

4 (b) The cost of a multiyear search and rescue card may not exceed \$50 for an individual  
5 pass or \$125 for a family pass. The agent's fee for a multiyear search and rescue card may  
6 not exceed \$4.

7 (5) Moneys collected under this section from the sale of search and rescue cards, not  
8 including agent fees, shall be deposited in the Oregon Search and Rescue Fund established  
9 in section 2 of this 2019 Act.

10 (6) Purchase of a search and rescue card under this section does not exempt a person  
11 from liability for reimbursement under ORS 404.270.

12 **SECTION 2.** (1) The Oregon Search and Rescue Fund is established in the State Treasury,  
13 separate and distinct from the General Fund. Interest earned by the Oregon Search and  
14 Rescue Fund shall be credited to the fund. Moneys in the fund are continuously appropriated  
15 to the Office of Emergency Management.

16 (2) The office may solicit and accept gifts, grants or donations from public and private  
17 sources for deposit in the fund.

18 (3) The fund consists of:

19 (a) Moneys collected under section 1 of this 2019 Act; and

20 (b) Gifts, grants or donations received under subsection (2) of this section.

21 (4) Moneys in the fund shall be used:

22 (a) To reimburse the sheriff of each county for costs incurred in the performance of the  
23 sheriff's responsibility for search and rescue activities under ORS 404.110;

24 (b) To administer and support an annual county search and rescue grant program; and

25 (c) To pay the administrative costs and expenses of the office in carrying out the pro-  
26 visions of ORS 404.100, 404.105 and 404.110 and sections 1 to 3 of this 2019 Act.

27 (5) The office shall be paid from the fund for administrative costs under subsection (4)(c)  
28 of this section once per quarter. The quarterly payment may not exceed four percent of the  
29 moneys available in the fund on the date of the distribution of moneys to the office. The of-  
30 fice shall repay to the fund, prior to the next quarterly distribution, any moneys received for  
31 the payment of administrative costs during a quarter that are unexpended during the quar-  
32 ter.

33 **SECTION 3.** (1) The Director of the Office of Emergency Management shall adopt rules,  
34 after consultation with the State Fish and Wildlife Commission, the State Parks and Recre-  
35 ation Department and any other affected state agencies, to carry out the provisions of  
36 sections 1 to 3 of this 2019 Act. Rules adopted by the director shall prescribe but not be  
37 limited to:

38 (a) Procedures for the Office of Emergency Management to appoint agents to sell Oregon  
39 outdoor recreation search and rescue cards and for appointed agents to collect the fees for  
40 the cards.

41 (b) Procedures for the printing and distribution of the search and rescue cards to be of-  
42 fered for sale to the public.

43 (c) The cost of a search and rescue card and the proportion of the fee charged for the  
44 search and rescue card that may be retained by the agent as the agent's fee.

45 (d) The method for agents to remit all moneys belonging to the state accruing from the

1 sale of search and rescue cards.

2 (e) The method for the office to accept and evaluate claims from the sheriff of each  
3 county for reimbursement for costs incurred in the performance of the sheriff's responsi-  
4 bility for search and rescue activities under ORS 404.110.

5 (f) The method for reimbursing the sheriff of each county under sections 1 to 3 of this  
6 2019 Act. In adopting procedures for reimbursement, the office shall consider whether the  
7 person for whose benefit search and rescue activities are conducted holds a valid search and  
8 rescue card.

9 (g) Any rules necessary for the administration of a county search and rescue grant pro-  
10 gram. The rules adopted shall include eligibility criteria and a method for ensuring that grant  
11 funds are distributed equitably among the counties of this state.

12 (2) If two or more agencies are required to initiate rulemaking to carry out the pro-  
13 visions of sections 1 to 3 of this 2019 Act, the agencies shall consult with one another to  
14 coordinate the rules. The agencies may consolidate the rulemaking proceedings.

15 (3) On or before December 31 of each year, the office shall submit a report to the interim  
16 committees of the Legislative Assembly relating to emergency services that describes the  
17 administration and effectiveness of the Oregon outdoor recreation search and rescue card  
18 program under sections 1 to 3 of this 2019 Act.

19 **SECTION 4.** ORS 404.125 is amended to read:

20 404.125. (1) After a search and rescue, the sheriff of the county in which the search and rescue  
21 took place shall conduct a critique of the incident:

22 (a) If, in the opinion of the sheriff, the critique would be useful; [*or*]

23 (b) Upon request from an individual directly involved in the incident; **or**

24 (c) **If necessary to receive reimbursement under section 2 of this 2019 Act.**

25 (2) As part of the critique, the sheriff shall examine the search and rescue report and may re-  
26 ceive testimony and information from persons involved in the incident.

27 (3) When a critique of a search and rescue is conducted under this section, the sheriff shall  
28 prepare findings of fact concerning the search and rescue, including the investigatory component,  
29 and may prepare recommendations for the conduct of future incidents or propose amendments to the  
30 search and rescue plan under which the search and rescue was conducted.

31 (4) If amendments to the search and rescue plan are proposed and adopted, the sheriff shall file  
32 the amended search and rescue plan with the Office of Emergency Management.

33 (5) The office shall, in consultation with the Oregon State Sheriffs' Association, develop a  
34 standardized critique form to be used in the search and rescue critiques performed by a sheriff under  
35 this section.

36 **SECTION 5.** ORS 404.130 is amended to read:

37 404.130. (1) An incident number shall be assigned to each search and rescue reported under ORS  
38 404.110.

39 (2) The incident number assigned shall be referenced for:

40 (a) The payment of workers' compensation benefits for those persons participating in search and  
41 rescue activities; [*and*]

42 (b) The dispatch and request for state, federal and cooperative assistance resources; **and**

43 (c) **A request for reimbursement under section 2 of this 2019 Act.**

44 **SECTION 6.** Sections 1 to 3 of this 2019 Act and the amendments to ORS 404.125 and  
45 404.130 by sections 4 and 5 of this 2019 Act become operative on January 1, 2020.

1        **SECTION 7.** The Director of the Office of Emergency Management may take any action  
2 before the operative date specified in section 6 of this 2019 Act that is necessary for the of-  
3 fice to exercise, on and after the operative date specified in section 6 of this 2019 Act, all of  
4 the duties, functions and powers conferred on the office by sections 1 to 3 of this 2019 Act  
5 and the amendments to ORS 404.125 and 404.130 by sections 4 and 5 of this 2019 Act.

6        **SECTION 8.** This 2019 Act being necessary for the immediate preservation of the public  
7 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect  
8 on its passage.

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