

# House Bill 4111

Sponsored by Representatives EVANS, WILLIAMS, HELT, BONHAM, GOMBERG, HELM, LEWIS, SMITH DB, WITT; Representatives CLEM, KENY-GUYER, LEIF, MEEK, MITCHELL, NEARMAN, NERON, NOSSE, PILUSO, POWER, REARDON, SANCHEZ, SCHOUTEN, SOLLMAN, WILDE, Senators BOLES, PROZANSKI, TAYLOR (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 **as introduced**.

Directs Office of Emergency Management to establish and administer voluntary Oregon outdoor recreation search and rescue card program.

Establishes Oregon Search and Rescue Fund. 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 establish county search and rescue grant program to distribute moneys to counties for equipment, training and educational outreach.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to funding for search and rescue; creating new provisions; amending ORS 404.125 and  
3 404.130; 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 primary purpose of the**  
7 **program is to allow members of the public who engage in outdoor recreation in Oregon to**  
8 **voluntarily contribute to the Oregon Search and Rescue Fund established under section 2 of**  
9 **this 2020 Act by purchasing an Oregon outdoor recreation search and rescue card.**

10 (2)(a) **The office may coordinate with authorized sellers to make search and rescue cards**  
11 **available for purchase, in person or online, where licenses, tags or permits for engaging in**  
12 **outdoor recreation are issued or sold.**

13 (b) **The office may consult with the Office of Outdoor Recreation to carry out the pur-**  
14 **poses of this subsection.**

15 (3)(a) **The office shall issue search and rescue cards, which may be annual or multiyear**  
16 **search and rescue cards.**

17 (b) **A multiyear search and rescue card must expire no later than five years after issu-**  
18 **ance.**

19 (c) **The office, by rule, shall establish the procedure for renewal of expired search and**  
20 **rescue cards.**

21 (d) **The office shall issue individual search and rescue cards and may, at the office's dis-**  
22 **cretion, issue family search and rescue cards.**

23 (4)(a) **The retail price of an annual search and rescue card may not exceed \$10 for an**  
24 **individual card or \$25 for a family card.**

25 (b) **The retail price of a multiyear search and rescue card may not exceed \$50 for an in-**  
26 **dividual card or \$125 for a family card.**

**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 (c) The office, by rule, shall set the amount of authorized seller’s fees that may be re-  
 2 tained by authorized sellers for each sale of a search and rescue card, not to exceed five  
 3 percent of the retail price of the search and rescue card.

4 (5) For each search and rescue card sold by an authorized seller, the authorized seller  
 5 shall remit an amount equal to the retail price of the card, less any authorized seller’s fee,  
 6 to the office. The office shall deposit the moneys in the Oregon Search and Rescue Fund  
 7 established in section 2 of this 2020 Act.

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

10 (7) The office shall administer the search and rescue grant program described in section  
 11 3 (2) of this 2020 Act.

12 (8) As used in sections 1 to 3 of this 2020 Act, “authorized sellers” includes state agen-  
 13 cies, federal agencies or private retailers identified by the office.

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

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

20 (b) The office may accept gifts, grants or donations under this subsection directly or  
 21 through an authorized seller of search and rescue cards under section 1 of this 2020 Act.

22 (c) If a person makes a gift, grant or donation to the fund through an authorized seller,  
 23 the authorized seller shall remit the entire amount of the gift, grant or donation to the office  
 24 and may not charge or retain any fee related to the gift, grant or donation.

25 (3) The fund consists of:

26 (a) Moneys deposited in the fund under section 1 of this 2020 Act; and

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

28 (4) Moneys in the fund may only be used for one or more of the following purposes:

29 (a) To reimburse a county sheriff’s office for costs incurred in the performance of the  
 30 sheriff’s responsibility for search and rescue activities under ORS 404.110, including costs,  
 31 if any, associated with volunteer search and rescue activities;

32 (b) To administer and support a search and rescue grant program described in section 3  
 33 (2) of this 2020 Act; and

34 (c) To pay the administrative costs and expenses of the office in carrying out the pro-  
 35 visions of ORS 404.100, 404.105 and 404.110 and sections 1 to 3 of this 2020 Act.

36 (5) The office shall be paid from the fund for administrative costs under subsection (4)(c)  
 37 of this section once per quarter. The office shall repay to the fund, prior to the next quar-  
 38 terly distribution, any moneys received for the payment of administrative costs during a  
 39 prior quarter that were unexpended during the prior quarter. The office shall maintain a  
 40 detailed accounting of the office’s administrative costs associated with the Oregon outdoor  
 41 recreation search and rescue card program.

42 **SECTION 3.** (1) The Office of Emergency Management shall adopt rules to carry out the  
 43 provisions of sections 1 to 3 of this 2020 Act. Rules adopted by the office shall prescribe,  
 44 without limitation:

45 (a) Procedures for the office to appoint authorized sellers to sell Oregon outdoor recre-

1 **ation search and rescue cards and for authorized sellers to collect the fees for the cards.**

2 **(b) Procedures for the printing and distribution of the search and rescue cards to be of-**  
 3 **ferred for sale to the public.**

4 **(c) The retail price of a search and rescue card and the amount of the retail price that**  
 5 **may be retained by the authorized seller as the authorized seller's fee, subject to section 1**  
 6 **(4) of this 2020 Act.**

7 **(d) The method for authorized sellers to remit all moneys belonging to the state accruing**  
 8 **from the sale of search and rescue cards.**

9 **(e) The method for the office to accept and evaluate claims from a county sheriff's office**  
 10 **for reimbursement for costs incurred in the performance of the sheriff's responsibility for**  
 11 **search and rescue activities under ORS 404.110, including costs, if any, associated with vol-**  
 12 **unteer search and rescue activities.**

13 **(f) The method for reimbursing a county sheriff's office under sections 1 to 3 of this 2020**  
 14 **Act.**

15 **(2) The office shall establish and operate a search and rescue grant program. The office**  
 16 **shall adopt rules necessary to administer the grant program that, without limitation:**

17 **(a) Include eligibility criteria that limit grant applicants to county sheriffs' offices, but**  
 18 **permit applications from county sheriffs' offices to include requests submitted on behalf of**  
 19 **first responders;**

20 **(b) Prescribe a method for ensuring that grant funds are distributed equitably among**  
 21 **grant applicants, taking into consideration the applicant's additional resources and ge-**  
 22 **ographic location and the number of search and rescue activities in the applicant's county;**

23 **(c) Limit use of grant funds to expenses relating to equipment, training and educational**  
 24 **outreach;**

25 **(d) Direct that grant funds must be spent no later than one year following distribution**  
 26 **of grant funds to the grant recipient; and**

27 **(e) Require grant recipients to submit a report to the office no later than the earlier of**  
 28 **90 days following the date the recipient exhausts the grant funds or 15 months following the**  
 29 **date the grant funds are distributed to the recipient. The report must describe the equipment**  
 30 **purchased or maintained, the training provided or the educational outreach implemented**  
 31 **with the grant funds.**

32 **(3) If two or more agencies are required to initiate rulemaking to carry out the pro-**  
 33 **visions of sections 1 to 3 of this 2020 Act, the agencies shall consult with one another to**  
 34 **coordinate the rules. The agencies may consolidate the rulemaking proceedings.**

35 **(4) On or before December 31 of each year, the Office of Emergency Management shall**  
 36 **submit a report to the interim committees of the Legislative Assembly relating to emergency**  
 37 **services that describes the administration and effectiveness of the Oregon outdoor recre-**  
 38 **ation search and rescue card program established under sections 1 to 3 of this 2020 Act.**

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

40 404.125. (1) After a search and rescue, the sheriff of the county in which the search and rescue  
 41 took place shall conduct a critique of the incident:

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

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

44 **(c) If necessary to receive reimbursement under section 2 of this 2020 Act.**

45 (2) As part of the critique, the sheriff shall examine the search and rescue report and may re-

1 ceive testimony and information from persons involved in the incident.

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

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

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

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

12 404.130. (1) An incident number shall be assigned to each search and rescue reported under ORS  
13 404.110.

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

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

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

18 (c) **A request for reimbursement under section 2 of this 2020 Act.**

19 **SECTION 6.** Sections 1 to 3 of this 2020 Act and the amendments to ORS 404.125 and  
20 404.130 by sections 4 and 5 of this 2020 Act become operative on January 1, 2021.

21 **SECTION 7.** The Office of Emergency Management may take any action before the op-  
22 erative date specified in section 6 of this 2020 Act that is necessary for the office to exercise,  
23 on and after the operative date specified in section 6 of this 2020 Act, all of the duties,  
24 functions and powers conferred on the office by sections 1 to 3 of this 2020 Act and the  
25 amendments to ORS 404.125 and 404.130 by sections 4 and 5 of this 2020 Act.

26 **SECTION 8.** This 2020 Act being necessary for the immediate preservation of the public  
27 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect  
28 on its passage.