

## SENATE AMENDMENTS TO SENATE BILL 448

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 11

1 In line 2 of the printed bill, after “passes;” insert “creating new provisions; amending ORS  
2 404.125 and 404.130;”.

3 Delete lines 4 through 14 and insert:

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

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

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

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

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

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

22 **“(4)(a) The cost of an annual search and rescue card may not exceed \$10 for an individual  
23 pass or \$25 for a family pass. The agent’s fee for an annual search and rescue card may not  
24 exceed \$1.**

25 **“(b) The cost of a multiyear search and rescue card may not exceed \$50 for an individual  
26 pass or \$125 for a family pass. The agent’s fee for a multiyear search and rescue card may  
27 not exceed \$4.**

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

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

33 **“SECTION 2. (1) The Oregon Search and Rescue Fund is established in the State Treas-  
34 ury, separate and distinct from the General Fund. Interest earned by the Oregon Search and  
35 Rescue Fund shall be credited to the fund. Moneys in the fund are continuously appropriated**

1 to the Office of Emergency Management.

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

4 “(3) The fund consists of:

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

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

7 “(4) Moneys in the fund shall be used:

8 “(a) To reimburse the sheriff of each county for costs incurred in the performance of the  
9 sheriff’s responsibility for search and rescue activities under ORS 404.110;

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

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

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

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

24 “(a) Procedures for the Office of Emergency Management to appoint agents to sell  
25 Oregon outdoor recreation search and rescue cards and for appointed agents to collect the  
26 fees for the cards.

27 “(b) Procedures for the printing and distribution of the search and rescue cards to be  
28 offered for sale to the public.

29 “(c) The cost of a search and rescue card and the proportion of the fee charged for the  
30 search and rescue card that may be retained by the agent as the agent’s fee.

31 “(d) The method for agents to remit all moneys belonging to the state accruing from the  
32 sale of search and rescue cards.

33 “(e) The method for the office to accept and evaluate claims from the sheriff of each  
34 county for reimbursement for costs incurred in the performance of the sheriff’s responsi-  
35 bility for search and rescue activities under ORS 404.110.

36 “(f) The method for reimbursing the sheriff of each county under sections 1 to 3 of this  
37 2019 Act. In adopting procedures for reimbursement, the office shall consider whether the  
38 person for whose benefit search and rescue activities are conducted holds a valid search and  
39 rescue card.

40 “(g) Any rules necessary for the administration of a county search and rescue grant  
41 program. The rules adopted shall include eligibility criteria and a method for ensuring that  
42 grant funds are distributed equitably among the counties of this state.

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

1       **“(3) On or before December 31 of each year, the office shall submit a report to the in-**  
2 **terim committees of the Legislative Assembly relating to emergency services that describes**  
3 **the administration and effectiveness of the Oregon outdoor recreation search and rescue**  
4 **card program under sections 1 to 3 of this 2019 Act.**

5       **“SECTION 4.** ORS 404.125 is amended to read:

6       “404.125. (1) After a search and rescue, the sheriff of the county in which the search and rescue  
7 took place shall conduct a critique of the incident:

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

9       “(b) Upon request from an individual directly involved in the incident; or

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

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

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

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

19       “(5) The office shall, in consultation with the Oregon State Sheriffs’ Association, develop a  
20 standardized critique form to be used in the search and rescue critiques performed by a sheriff under  
21 this section.

22       **“SECTION 5.** ORS 404.130 is amended to read:

23       “404.130. (1) An incident number shall be assigned to each search and rescue reported under  
24 ORS 404.110.

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

26       “(a) The payment of workers’ compensation benefits for those persons participating in search  
27 and rescue activities; [and]

28       “(b) The dispatch and request for state, federal and cooperative assistance resources; and

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

30       **“SECTION 6.** Sections 1 to 3 of this 2019 Act and the amendments to ORS 404.125 and  
31 **404.130 by sections 4 and 5 of this 2019 Act become operative on January 1, 2020.**

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

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