

SB 448-2
(LC 2679)
4/5/19 (LAS/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 448**

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

3 Delete lines 4 through 14 and insert:

4 **“SECTION 1. (1) The Office of Emergency Management shall es-
5 tablish and administer an Oregon outdoor recreation search and res-
6 cue card program. The purpose of the program is to allow members
7 of the public who engage in outdoor recreation in Oregon to volun-
8 tarily contribute to the Oregon Search and Rescue Fund established
9 under section 2 of this 2019 Act by purchasing an Oregon outdoor re-
10 creation search and rescue card.**

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

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

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

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

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

7 “(4)(a) The cost of an annual search and rescue card may not exceed
8 \$10 for an individual pass or \$25 for a family pass. The agent’s fee for
9 an annual search and rescue card may not exceed \$1.

10 “(b) The cost of a multiyear search and rescue card may not exceed
11 \$50 for an individual pass or \$125 for a family pass. The agent’s fee for
12 a multiyear search and rescue card may not exceed \$4.

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

16 “(6) Purchase of a search and rescue card under this section does
17 not exempt a person from liability for reimbursement under ORS
18 404.270.

19 “SECTION 2. (1) The Oregon Search and Rescue Fund is established
20 in the State Treasury, separate and distinct from the General Fund.
21 Interest earned by the Oregon Search and Rescue Fund shall be cred-
22 ited to the fund. Moneys in the fund are continuously appropriated to
23 the Office of Emergency Management.

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

26 “(3) The fund consists of:

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

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

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

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

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

6 “(c) To pay the administrative costs and expenses of the office in
7 carrying out the provisions of ORS 404.100, 404.105 and 404.110 and
8 sections 1 to 3 of this 2019 Act.

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

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

22 “(a) Procedures for the Office of Emergency Management to ap-
23 point agents to sell Oregon outdoor recreation search and rescue cards
24 and for appointed agents to collect the fees for the cards.

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

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

30 “(d) The method for agents to remit all moneys belonging to the

1 state accruing from the sale of search and rescue cards.

2 “(e) The method for the office to accept and evaluate claims from
3 the sheriff of each county for reimbursement for costs incurred in the
4 performance of the sheriff’s responsibility for search and rescue ac-
5 tivities under ORS 404.110.

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

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

15 “(2) If two or more agencies are required to initiate rulemaking to
16 carry out the provisions of sections 1 to 3 of this 2019 Act, the agencies
17 shall consult with one another to coordinate the rules. The agencies
18 may consolidate the rulemaking proceedings.

19 “(3) On or before December 31 of each year, the office shall submit
20 a report to the interim committees of the Legislative Assembly relat-
21 ing to emergency services that describes the administration and ef-
22 fectiveness of the Oregon outdoor recreation search and rescue card
23 program under sections 1 to 3 of this 2019 Act.

24 “SECTION 4. ORS 404.125 is amended to read:

25 “404.125. (1) After a search and rescue, the sheriff of the county in which
26 the search and rescue took place shall conduct a critique of the incident:

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

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

30 “(c) If necessary to receive reimbursement under section 2 of this

1 **2019 Act.**

2 “(2) As part of the critique, the sheriff shall examine the search and res-
3 cue report and may receive testimony and information from persons involved
4 in the incident.

5 “(3) When a critique of a search and rescue is conducted under this sec-
6 tion, the sheriff shall prepare findings of fact concerning the search and
7 rescue, including the investigatory component, and may prepare recommen-
8 dations for the conduct of future incidents or propose amendments to the
9 search and rescue plan under which the search and rescue was conducted.

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

13 “(5) The office shall, in consultation with the Oregon State Sheriffs’ As-
14 sociation, develop a standardized critique form to be used in the search and
15 rescue critiques performed by a sheriff under this section.

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

17 “404.130. (1) An incident number shall be assigned to each search and
18 rescue reported under ORS 404.110.

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

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

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

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

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

28 **“SECTION 7. The Director of the Office of Emergency Management**
29 **may take any action before the operative date specified in section 6**
30 **of this 2019 Act that is necessary for the office to exercise, on and after**

1 the operative date specified in section 6 of this 2019 Act, all of the
2 duties, functions and powers conferred on the office by sections 1 to
3 3 of this 2019 Act and the amendments to ORS 404.125 and 404.130 by
4 sections 4 and 5 of this 2019 Act.

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

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