AN ACT

Relating to critical service providers; amending ORS 401.239.

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

SECTION 1. ORS 401.239 is amended to read:

401.239. (1) As used in this section: [(a) "Broadcaster" means a person that holds a license issued by the Federal Communications Commission under 47 C.F.R. parts 73, 74, 76 or 78.]

[(b) “First informer” “critical service provider” means an individual:

[(i) Who has received credentials under this section and who is employed by, or is acting pursuant to a contract under the direction of, a broadcaster an organization deemed by the Office of Emergency Management to be critical to emergency response operations in Oregon; and

[(ii) Maintaining, including repairing or resupplying, transmitters, generators or other essential equipment at a broadcast station or facility critical infrastructure equipment or systems; or

[(B) Maintaining continuity of operations of the individual’s organization;

[(C) Supporting emergency response activities; or

[(D) Providing technical support services to another first informer critical service provider.

(2) Unless prohibited by state or federal law or in the discretion of the incident commander during an emergency declared under ORS 401.165, a critical service provider may:

(a) Travel on public roads within a geographic area subject to a declaration of emergency under ORS 401.165;

(b) Access the geographic area for the purposes of maintaining transmitters, generators or other essential equipment at a broadcast station or facility used to acquire, produce or transmit news or public safety information related to the emergency a purpose described in subsection (1)(b) of this section; and

(c) Access the distribution of fuel, food, water, supplies, equipment and any other materials necessary to carry out a purpose described in subsection (1)(b) of this section.

(3) An emergency service agency may not seize a vehicle, fuel, food, water or other essential materials in the possession of a critical service provider.

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(4) The [Office of Emergency Management] **office** [shall authorize a private entity organized under the laws of this state that represents a majority of the broadcasters in this state to establish a program for the issuance of credentials for first informers pursuant to a plan developed by the private entity. The plan to provide credentials to first informers must provide for training first informers regarding] **may establish sector-specific programs for the credentialing of individuals as critical service providers.** Such programs must inform critical service providers about:

(a) Risks associated with entering a geographic area subject to a declaration of an emergency under ORS 401.165;
(b) Best practices for working safely in the geographic area; and
(c) Best practices for working in a geographic area without hindering or interfering with the conduct of emergency services by an emergency service agency.

(5) The **office** may authorize one or more private entities organized under the laws of this state to establish sector-specific programs for the credentialing of individuals as critical service providers, subject to the following requirements:

(a) The **office** may authorize a private entity under this subsection only if the entity represents a majority of owners and operators in the sector for which the entity will establish a credentialing program.

(b) A program established under this subsection must meet the requirements set forth in subsection (4) of this section.

[(5)] (c) **An entity selected authorized by the office under this section to develop a plan for and issue credentials to first informers establish a credentialing program shall annually submit to the office a report regarding the operation of the program to issue credentials, including any changes to the plan or program.**

(6) The **office** may adopt rules to administer and implement the provisions of this section.