

Senate Bill 104

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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**.

Authorizes Office of Emergency Management to establish programs, or authorize certain private entities to establish programs, to credential individuals as critical service providers. Provides that critical service providers may access certain geographic areas and certain supplies to perform specified functions during states of emergency.

A BILL FOR AN ACT

1
2 Relating to critical service providers; amending ORS 401.239.

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

4 **SECTION 1.** ORS 401.239 is amended to read:

5 401.239. (1) As used in this section[.],

6 [(a) "*Broadcaster*" means a person that holds a license issued by the Federal Communications
7 Commission under 47 C.F.R. parts 73, 74, 76 or 78.]

8 [(b) "*First informer*"] "**critical service provider**" means an individual:

9 [(A)] (a) Who has received credentials under this section and who is employed by, or **is** acting
10 pursuant to a contract under the direction of, [*a broadcaster*] **an organization deemed by the Of-**
11 **ice of Emergency Management to be critical to emergency response operations in Oregon;**
12 and

13 [(B)] (b) Who is:

14 [(i)] (A) Maintaining, including repairing or resupplying, [*transmitters, generators or other es-*
15 *sential equipment at a broadcast station or facility*] **critical infrastructure equipment or systems;**
16 [*or*]

17 (B) **Maintaining continuity of operations of the individual's organization;**

18 (C) **Supporting emergency response activities; or**

19 [(ii)] (D) Providing technical support services to [*a broadcaster or to*] another [*first informer*]
20 **critical service provider.**

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

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

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

29 (c) Access the distribution of fuel, food, water, supplies, equipment and any other materials

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 necessary [for producing a broadcast or a broadcasting signal] **to carry out a purpose described**
 2 **in subsection (1)(b) of this section.**

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

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

11 (a) Risks associated with entering a geographic area subject to a declaration of an emergency
 12 under ORS 401.165;

13 (b) Best practices for working safely in the geographic area; and

14 (c) Best practices for working in a geographic area without hindering or interfering with the
 15 conduct of emergency services by an emergency service agency.

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

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

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

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

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

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