

# Enrolled Senate Bill 104

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CHAPTER .....

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:

[(A)] **(a)** 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

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

[(i)] **(A)** 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**

[(ii)] **(D)** Providing technical support services to [a broadcaster or 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 [first informer] **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 [for producing a broadcast or a broadcasting signal] **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 [first informer] **critical service provider.**

(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) [The private] 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.**

Passed by Senate March 18, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 1, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State