



DATE: February 17, 2015

TO: House Committee on Veterans and Emergency Preparedness

FROM: Paul Mather
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SUBJECT: HB 2210 – First Informers in Emergency Areas

INTRODUCTION

House Bill 2210 provides access to first informers in areas declared an emergency by the Governor, with the discretion of the incident commander. The bill requires the Office of Emergency Management to issue credentials to first informers who will be accessing these sites.

DISCUSSION

House Bill 2210 sets up a process for a first informer—individuals acting under the authority of a broadcaster—to travel on public roads within the geographic area that has been declared an emergency by the Governor. The bill also allows access to the area for broadcasting news, maintaining equipment required for broadcasting and access to fuel, food, water and supplies from the emergency area. The bill prohibits an emergency service agency from seizing a vehicle, fuel, food or other supplies of the first informer. Further, the bill sets up a process for the Office of Emergency Management to issue credentials to the first informer or to the broadcast entity.

The bill allows the incident commander to make a discretionary decision about whether access to the scene for a first informer would endanger public safety or inhibit recovery efforts. This is an important safeguard to ensure the danger to first informers, as well emergency personnel on scene, is minimized by this access.

However, once the incident commander allows a first informer to the declared emergency site, there are no boundaries established in the bill on where within the geographic area the first informer may travel. The bill provides for the first informer to travel on public roads and access to the geographic area. There is no provision to coordinate within the National Incident Management System structure that is required to be used by emergency service agencies for an emergency. Without proper training and guidance, first informers could put themselves or other responders at risk.

The state will also be taking on a potential liability by allowing the access. The bill does not specify who is responsible should a first informer or others be injured because of the presence and actions of the first informer. If the incident commander allows access, we are unclear whether that access constitutes indicating the site is safe.

SUMMARY

HB 2210 allows first informers to have access to emergency areas designated by the Governor. ODOT has concerns about the safety of the first informers and other emergency personnel on scene, as well as concerns about liability as a result of an injury.