



OREGON PROPERTY OWNERS — ASSOCIATION —

House Committee on Rules OPOA Testimony in Opposition to House Bill 2486

May 7, 2021

Chair Smith Warner and Committee Members:

We write in opposition to House Bill 2486, not because we are opposed to media access to emergency events, but because the bill appears to allow media access to private property without the permission of the owner of said property. This is deeply concerning to us, and is inconsistent with the basic rights of private property ownership.

Courts across the United States, including the United States Supreme Court, often refer to private property ownership as a “bundle of sticks,” with each stick in the bundle representing a separate, distinct right of ownership. As the Supreme Court has noted, the right to exclude others from your private property is one of the most essential “sticks” in the bundle of rights. See *Kaiser Aetna v. United States*, 444 US 164 (1979); *Pruneyard Shopping Center v. Robins*, 447 US 74 (1980); *Loretto v. Teleprompter Manhattan Catv Corp.*, 458 US 419 (1982).

Unfortunately, and perhaps unwittingly, House Bill 2486 appears to allow access by “news media representatives” to “scenes of wildfires or natural disasters” wherever these scenes occur, including on private property. The bill appears to give the onsite scene commander at the emergency site the “sole discretion” to approve or deny access, in many cases without escort. What’s missing from the bill is the private property owner, who may or may not wish to allow “news media representatives” to access the property.

Access by news media representatives without permission of the property owner constitutes both criminal and civil trespass. Moreover, the property owner is not likely to want to risk liability for injuries to media representatives or their personal property resulting from their access to the property at a time when the property is in a dangerous condition. The legislature should not expect the property owner to bear that burden, which cannot be anticipated.

The easy solution is to prepare additional amendments to the bill that limit the scope of the bill to public property, not private property. Alternatively, amendments could be prepared that require permission of both the onsite scene commander and the owner of the private property before access to the media is granted. As drafted, however, we are opposed to the base bill and the dash-1 amendments, and ask the committee to either amend the bill further or not move it forward.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'D. Hunnicutt', is centered on the page. The signature is fluid and cursive, with a large initial 'D' and a long, sweeping tail.

David J. Hunnicutt
President

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