

## HB 4087 -1, -4 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Meeting Dates:** 2/3, 2/8

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#### WHAT THE MEASURE DOES:

Requires officials of public bodies, on or after January 1, 2023, to grant credentialed or documented representatives of news media organizations access to scenes of wildfires or natural disasters on public lands that are otherwise closed to the public. Allows official to require news media representatives to have received approved fire and natural disaster site safety training. Permits on-site scene commander or designee to deny access or to authorize unescorted access to news media representatives who agree to assume own risk and without promise of rescue. Requires news media representatives to carry appropriate personal protective equipment (PPE). Exempts public body or public employee from liability for injury or death of news media representative who has entered scene of wildfire or natural disaster. Requires Department of State Police to convene committee of news media and public safety agency stakeholders to develop voluntary guidelines for training, circumstances for denying access, and when PPE is required. Directs committee to report to Legislative Assembly by September 1, 2022. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Whether measure changes current liability status for public entities
- Applicability on private and federal lands
- Change in committee convener to Office of Emergency Management
- Committee as platform for more conversation and guidelines

#### EFFECT OF AMENDMENT:

-1 Makes Office of Emergency Management convener of committee to develop voluntary guidelines.

*FISCAL: Fiscal impact issued.*

*REVENUE: No revenue impact.*

-4 Exempts property owned by school districts, public charter schools, education service districts, community college districts, and public universities.

*FISCAL: Fiscal impact issued.*

*REVENUE: No revenue impact.*

#### BACKGROUND:

Media access to natural disasters or wildfires varies in western states. States and federal agencies have different requirements or guidelines for allowing or excluding media access. Agencies may allow access for print and broadcast reporters; freelance print reporters; freelance videographers; and photographers under certain circumstances or only with an official escort.

California has the most explicit law about media access. Its statute ([Cal. Penal Code Section 409.5](#)) allows law enforcement or certain public officials to close areas because of disasters such as storms, fires, and earthquakes, but exempts a “duly authorized representative of any news service, newspaper, or radio or television station or network” from such closures.

House Bill 4087 requires officials of public bodies to grant news media representatives access to scenes of wildfires or natural disasters on public lands that are otherwise closed to the public, sets conditions for allowing

or limiting access, and requires development of training and other guidelines by September 1, 2022.

PRELIMINARY