

Enrolled
House Bill 4087

Sponsored by Representative POWER, Senator THATCHER, Representative FAHEY, Senator GOLDEN; Representatives DEXTER, MARSH, SMITH DB, WALLAN, WILDE, Senator ARMITAGE (at the request of Society of Professional Journalists) (Presession filed.)

CHAPTER

AN ACT

Relating to access to emergencies; and declaring an emergency.

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

SECTION 1. (1) Notwithstanding the provisions of any law, rule, ordinance, policy or order to the contrary, any official of a public body, as defined in ORS 174.109, must 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.

(2) Access by news media representatives to scenes of wildfires or natural disasters may be denied at the sole discretion of an on-site scene commander or the designee of an on-site scene commander.

(3) In compliance with voluntary guidelines for recognition of news media representatives established under section 2 of this 2022 Act, an official of a public body may request news media representatives to present credentials verifying completion of basic fire and natural disaster site safety training approved by an association representing professional news media and an association representing public safety agencies. The training must include at least all of the following:

(a) Protocol for early phases of a fire or natural disaster before a formal public safety command structure is established.

(b) Appropriate types of personal protective equipment and the uses of that equipment.

(c) Driving and parking practices at wildfire and natural disaster sites.

(d) Basic safety practices at wildfire and natural disaster sites.

(e) Authority of on-site scene commanders.

(4)(a) Except as described in subsection (2) of this section, an on-site scene commander or a designee of an on-site scene commander may, in their sole discretion, grant credentialed or documented news media representatives access to a scene of a wildfire or natural disaster without escort, provided that the news media representatives agree that entry is at their own risk and without promise of rescue.

(b) Nothing in paragraph (a) of this subsection may be interpreted to require that credentialed or documented news media representatives be granted access to a scene of a wildfire or natural disaster without escort.

(5) News media representatives must carry personal protective equipment appropriate for the scene of a wildfire or natural disaster they intend to enter. News media representatives must provide their own personal protective equipment and are responsible for the condition

of the equipment. Public bodies are not required to supply personal protective equipment to news media representatives and are not required to assess the appropriateness or condition of the personal protective equipment of news media representatives.

(6) A public body or public employee may not be held liable for the injury or death of a news media representative after the representative has entered the scene of a wildfire or natural disaster.

(7) The State Forestry Department, Department of State Police and any other state agency with responsibility for wildfire or natural disaster response may provide technical assistance to professional or trade associations representing news media or public bodies for the purpose of facilitating safety education.

(8) Representatives of news media organizations may not impede wildfire or natural disaster response vehicles through actions including but not limited to inappropriately parking a vehicle or failing to yield to a public safety vehicle. Any unattended vehicle that impedes public safety or emergency vehicle access to a scene of wildfire or natural disaster may be towed without notice.

(9) Nothing in this section alters the applicability of Federal Aviation Administration regulations that govern the closure or restriction of airspace over incidents that constitute the scene of a wildfire or natural disaster.

(10) This section does not apply to privately owned property and does not serve as an impediment to application of trespass laws, rules or ordinances.

(11) This section does not apply to property owned by:

- (a) School districts, as defined in ORS 332.002;
- (b) Public charter schools, as defined in ORS 338.005;
- (c) Education service districts, as defined in ORS 334.003;
- (d) Community college districts, as defined in ORS 341.005; or
- (e) Public universities listed in ORS 352.002.

(12) Nothing in this section may be construed to require a public body to issue news media credentials or to maintain a list of credentialed news media representatives.

SECTION 2. (1) The Office of Emergency Management shall convene a committee composed of equal numbers of news media and public safety agency stakeholders to develop the following voluntary guidelines for implementing section 1 of this 2022 Act:

(a) Recommendations for essential elements of basic fire and natural disaster site safety training for news media representatives that satisfies the training described in section 1 (3) of this 2022 Act;

(b) Examples of when circumstances warrant denial of access on grounds of compromising the safety of emergency response personnel, impeding the response of emergency equipment or personnel, protecting the privacy of victims of a wildfire or natural disaster or impeding the investigation of an incident that constitutes the scene of a wildfire or natural disaster;

(c) Examples of when public bodies, as defined in ORS 174.109, may require news media representatives to provide and use their own personal protective equipment and may prescribe circumstances when particular types of personal protective equipment may be required; and

(d) Examples of when public bodies should conduct safety briefings for news media representatives and the recommended content of safety briefings.

(2) The office shall ensure that adopted guidelines are broadly disseminated to state and local public bodies and officials.

(3) The committee described in subsection (1) of this section shall designate one representative of public safety agencies and one representative of news media to report on the work of the committee to the House Interim Committee on Rules before September 1, 2022.

(4) Nothing in this section may be construed to require a public body to issue news media credentials or to maintain a list of credentialed news media representatives.

SECTION 3. Section 1 of this 2022 Act becomes operative on January 1, 2023.

SECTION 4. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by House February 17, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 28, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State