

A-Engrossed
House Bill 4087

Ordered by the House February 14
Including House Amendments dated February 14

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires, on or after January 1, 2023, 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 public. Provides exceptions when access may be denied or when access may be limited to news media representatives who have received basic fire and natural disaster site safety training approved by associations representing professional news media and public safety agencies. Authorizes on-site scene commanders or designees to grant unescorted access to scenes of wildfires or natural disasters to news media representatives who assume own risk and without promise of rescue. **Provides that mandated news media access rules do not apply to property owned by specified educational institutions.**

Directs [*Department of State Police*] **Office of Emergency Management** to convene committee of equal numbers of news media and public safety agency stakeholders to develop voluntary guidelines for basic fire and natural disaster site safety training for news media representatives, examples of when circumstances warrant denial of access to news media representatives and other specified topics. Directs stakeholder committee designees to report on work of committee to House Interim Committee on Rules prior to September 1, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to access to emergencies; and declaring an emergency.

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

4 **SECTION 1. (1) Notwithstanding the provisions of any law, rule, ordinance, policy or or-**
5 **der to the contrary, any official of a public body, as defined in ORS 174.109, must grant cre-**
6 **dentialed or documented representatives of news media organizations access to scenes of**
7 **wildfires or natural disasters on public lands that are otherwise closed to the public.**

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

3 (e) Authority of on-site scene commanders.

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

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

12 (5) News media representatives must carry personal protective equipment appropriate for
13 the scene of a wildfire or natural disaster they intend to enter. News media representatives
14 must provide their own personal protective equipment and are responsible for the condition
15 of the equipment. Public bodies are not required to supply personal protective equipment to
16 news media representatives and are not required to assess the appropriateness or condition
17 of the personal protective equipment of news media representatives.

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

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

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

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

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

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

36 (a) School districts, as defined in ORS 332.002;

37 (b) Public charter schools, as defined in ORS 338.005;

38 (c) Education service districts, as defined in ORS 334.003;

39 (d) Community college districts, as defined in ORS 341.005; or

40 (e) Public universities listed in ORS 352.002.

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

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

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

4 (b) Examples of when circumstances warrant denial of access on grounds of compromis-
5 ing the safety of emergency response personnel, impeding the response of emergency equip-
6 ment or personnel, protecting the privacy of victims of a wildfire or natural disaster or
7 impeding the investigation of an incident that constitutes the scene of a wildfire or natural
8 disaster;

9 (c) Examples of when public bodies, as defined in ORS 174.109, may require news media
10 representatives to provide and use their own personal protective equipment and may pre-
11 scribe circumstances when particular types of personal protective equipment may be re-
12 quired; and

13 (d) Examples of when public bodies should conduct safety briefings for news media rep-
14 resentatives and the recommended content of safety briefings.

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

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

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

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

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

26 _____