

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 926**

On page 1 of the printed A-engrossed bill, line 2, after “company” insert
“; and declaring an emergency”.

Delete lines 4 through 19 and delete page 2 and insert:

“WILDFIRE LITIGATION

**“SECTION 1. Sections 2 and 3 of this 2025 Act are added to and
made a part of ORS chapter 757.**

“SECTION 2. (1) As used in this section:

**“(a) ‘Electric company’ means an electric company, as defined in
ORS 757.600, that services electricity to more than 25,000 retail elec-
tricity consumers located in this state.**

**“(b) ‘Retail electricity consumer’ has the meaning given that term
in ORS 757.600.**

**“(2) If a court or jury finds that a wildfire resulted from the
negligence or a higher degree of fault on the part of an electric com-
pany, the electric company may not recover from retail electricity
consumers the following costs and expenses:**

**“(a) Costs and expenses that are, or are associated with, a civil
judgment, civil fine or penalty or criminal fine or penalty that results
from or is based on the finding that the wildfire resulted from the**

1 negligence or a higher degree of fault on the part of the electric
2 company.

3 “(b) Costs and expenses that are, or are associated with, a settle-
4 ment that is based on:

5 “(A) The underlying allegations that there are losses, expenses or
6 damages caused by the wildfire that resulted from the negligence or
7 a higher degree of fault on the part of the electric company; or

8 “(B) The finding that the wildfire resulted from the negligence or
9 a higher degree of fault on the part of the electric company.

10 “(c) Litigation costs and expenses of, or associated with, the civil
11 or criminal action in which the court or jury finds that the wildfire
12 resulted from the negligence or a higher degree of fault on the part
13 of the electric company.

14 “(d) Costs and expenses of, or associated with, repairing or replac-
15 ing the electric company’s real or personal property that was damaged
16 or destroyed in the wildfire that the court or jury finds resulted from
17 the negligence or a higher degree of fault on the part of the electric
18 company.

19 **“SECTION 3. (1) As used in this section, ‘electric company’ means**
20 **an electric company, as defined in ORS 757.600, that services electricity**
21 **to more than 25,000 retail electricity consumers, as defined in ORS**
22 **757.600, located in this state.**

23 **“(2) If an electric company owes any debt on an outstanding judg-**
24 **ment that is based on a finding by a court or jury that a wildfire re-**
25 **sulted from the negligence or a higher degree of fault on the part of**
26 **the electric company, the electric company shall provide notice to the**
27 **Public Utility Commission 30 days prior to the date the electric com-**
28 **pany:**

29 **“(a) Pays or distributes dividends, income, interest or profits of the**
30 **electric company or its affiliate or subsidiary to any person or indi-**

1 vidual with an ownership or beneficial interest in the electric com-
2 pany.

3 “(b) Pays or distributes stock or other ownership interest in the
4 electric company or its affiliate or subsidiary to any person or indi-
5 vidual with an ownership or beneficial interest in the electric com-
6 pany.

7 “(c) Repurchases stock or other ownership interest in the electric
8 company or its affiliate or subsidiary from any person or individual
9 with an ownership or beneficial interest in the electric company.

10 “(3) Upon receiving a notice from an electric company, the com-
11 mission may:

12 “(a) Order the electric company to suspend the payment, distrib-
13 ution or repurchase identified in the notice for a period of time to al-
14 low the commission to investigate the impact of the payment,
15 distribution or repurchase;

16 “(b) Impose restrictions on the payment, distribution or repurchase
17 identified in the notice;

18 “(c) Establish a minimum common equity percentage of the electric
19 company’s total capital and require the electric company to maintain
20 at least the minimum common equity percentage; and

21 “(d) If the electric company’s common equity percentage is below
22 the minimum common equity percentage established by the commis-
23 sion:

24 “(A) Prohibit the electric company from carrying out the payment,
25 distribution or repurchase identified in the notice; and

26 “(B) Require the electric company to submit a plan within 60 days
27 to the commission detailing how the electric company plans to meet
28 the minimum common equity percentage established by the commis-
29 sion.

30 “(4) When evaluating an electric company’s proposed payment,

1 distribution or repurchase identified in a notice, the commission shall
2 consider the electric company's obligation to provide adequate service
3 to its customers and its ability to pay the debts owed on the out-
4 standing judgment or judgments.

5 **"SECTION 4.** (1) In a civil action arising out of allegations that the
6 conduct of an electric company, as defined in section 3 of this 2025 Act,
7 caused or substantially contributed to a wildfire, a plaintiff may file
8 a motion to require the electric company to file a security or bond.

9 **"(2)** The court shall grant a motion filed under this section and
10 order the electric company to file a security or bond if:

11 **"(a)** The civil action is proceeding in two stages such that liability
12 and damages are determined at different stages;

13 **"(b)** At the liability stage, the plaintiff establishes that the wildfire
14 resulted from the negligence or a higher degree of fault on the part
15 of the electric company; and

16 **"(c)** The electric company has been found by a court or jury to be
17 liable to other plaintiffs or in other civil actions for damages, losses
18 or other harms resulting from the same wildfire.

19 **"(3)** The court shall establish the amount of a security or bond or-
20 dered under this section in an amount that is sufficient to demon-
21 strate the ability of the electric company to pay a money award in the
22 civil action. The court shall establish the amount in consideration of
23 other money award judgments that may be awarded against the elec-
24 tric company for damages, losses or other harms resulting from the
25 same wildfire.

26 **"SECTION 5.** In a civil action arising out of allegations that the
27 conduct of an electric company, as defined in section 3 of this 2025 Act,
28 caused or substantially contributed to a wildfire:

29 **"(1)** A plaintiff may file a motion at any time to have prejudgment
30 interest accrue:

1 “(a) From the date the wildfire caused the claimed damages, losses
2 or other harm if the amount of the damages, losses or other harm is
3 ascertainable from the date the wildfire caused the claimed damages,
4 losses or other harm.

5 “(b) From the date liability in the civil action is established if the
6 amount of the damages, losses or other harm is ascertainable from the
7 date liability in the civil action is established.

8 “(2) For purposes of a motion filed under this section, there is a
9 rebuttable presumption that damages, losses or other harm to real
10 property occurred from the date the wildfire ignited the real property.

11 “SECTION 6. (1) As used in this section, ‘final judgment’ means a
12 judgment that is not subject to further appeal or review or for which
13 the time to file an appeal has expired without a party filing an appeal.

14 “(2) In a civil action arising out of allegations that the conduct of
15 an electric company, as defined in section 3 of this 2025 Act, caused
16 or substantially contributed to a wildfire, a plaintiff may file a motion
17 for entry of a supplemental judgment against the electric company for
18 any additional tax liabilities that the plaintiff may owe on the under-
19 lying final judgment if the tax liabilities on the final judgment are
20 greater than the tax liabilities that a plaintiff would have owed on the
21 final judgment if the final judgment was entered and satisfied on the
22 date the electric company was found to be liable.

23 “SECTION 7. Sections 2 to 6 of this 2025 Act apply to wildfires that
24 are ignited on or after January 1, 2020.

25
26 **“WILDFIRE SAFETY CERTIFICATION**

27
28 “SECTION 8. Sections 9 to 11 of this 2025 Act are added to and made
29 a part of ORS chapter 757.

30 “SECTION 9. (1) The Legislative Assembly finds that:

1 “(a) Human-caused wildfires are a risk to people, property and the
2 natural environment in Oregon;

3 “(b) Electric utilities play an important role in reducing and miti-
4 gating the risks of human-caused wildfires;

5 “(c) Electric utilities are required to have and operate in compli-
6 ance with a risk-based wildfire protection plan under ORS 757.963 or
7 risk-based wildfire mitigation plan under ORS 757.966;

8 “(d) Consistent with ORS 756.040, the Public Utility Commission has
9 the jurisdiction and powers to supervise and regulate public utilities
10 with regard to wildfire safety; and

11 “(e) State agencies, through regulations and orders, are allowed to
12 establish standards of care that apply to entities that the state agen-
13 cies regulate.

14 “(2) It is the intent of the Legislative Assembly:

15 “(a) To establish wildfire safety standards that apply to public util-
16 ities; and

17 “(b) To vest the Public Utility Commission with the authority to
18 implement and enforce the wildfire safety standards in a manner that
19 is consistent with state law.

20 “SECTION 10. (1) A public utility that provides electricity shall file
21 annually an application with the Public Utility Commission for a
22 wildfire safety certification.

23 “(2) The commission shall issue a wildfire safety certification to an
24 applicant if the applicant:

25 “(a) Has a wildfire protection plan approved under ORS 757.963.

26 “(b) Establishes that the applicant is implementing and taking
27 actions identified in the wildfire protection plan. The application must
28 describe and verify the development and adoption of the wildfire pro-
29 tection plan’s components and measures by documenting, for the prior
30 12-month period, the applicant’s wildfire mitigation expenditures and

1 physical evidence of the work taken in the development and adoption
2 of the wildfire protection plan's components and measures.

3 “(c) Identifies any actions identified in the wildfire protection plan
4 that have not been implemented, provides adequate justification for
5 not taking such actions and establishes dates by which such actions
6 will be taken.

7 “(d) Demonstrates a commitment to wildfire safety. An applicant
8 may demonstrate a commitment to wildfire safety through various
9 means, such as:

10 “(A) Participating in workshops convened by the commission under
11 ORS 757.960.

12 “(B) Performing an internal wildfire safety culture assessment and
13 adopting a process to implement the findings of the assessment.

14 “(C) Providing wildfire safety training to employees.

15 “(D) Conducting annual safety performance reviews establishing
16 processes to facilitate the reporting of risks and management ac-
17 countability.

18 “(E) Implementing other wildfire mitigation measures.

19 “(e) Has taken timely and reasonable actions on matters within the
20 applicant's control, that are consistent with safety rules adopted by
21 the commission under ORS 757.035, to address any outstanding defi-
22 ciencies reported by the commission during the commission's most
23 recent audit and safety inspection of the applicant's infrastructure.

24 “(f) Meets any other requirements adopted by the commission.

25 “(3) The commission may adopt requirements under subsection
26 (2)(f) of this section that help verify that an applicant is applying
27 risk-based wildfire mitigation standards and procedures to protect the
28 public safety, reduce risks to utility customers and promote electric
29 system resilience to wildfire damage. To verify that the applicant
30 meets requirements adopted under subsection (2)(f) of this section, an

1 applicant may provide reviews, assessments or evaluations conducted
2 by third parties that demonstrate the applicant's efforts regarding risk
3 reduction and development of a resilient electric system.

4 “(4) The commission shall approve or deny an application for a
5 wildfire safety certification within 90 days after receipt of the appli-
6 cation. If the commission finds that an application does not include
7 documentation sufficient to approve the application, the commission
8 may allow the applicant to provide additional documentation or re-
9 quire the applicant to refile.

10 “(5) The issuance of a wildfire safety certification:

11 “(a) Establishes that a public utility has established and imple-
12 mented wildfire policies and practices consistent with the
13 commission's wildfire safety standards for public utilities on the date
14 the certification is issued.

15 “(b) Does not relieve a public utility from its obligation to take
16 reasonable care to proactively prevent wildfires and mitigate wildfire
17 risk.

18 “(c) Does not establish immunity against claims for damages re-
19 sulting from a wildfire.

20 “(6) The denial of an application for a wildfire safety certification
21 does not establish liability for claims for damages resulting from a
22 wildfire.

23 “(7) Failure of the commission to act in a timely manner on an
24 application for a wildfire safety certification is not admissible evidence
25 in a civil proceeding relating to allegations that a utility that provides
26 electricity caused or contributed to a wildfire.

27 “(8) The commission, in consultation with the State Forestry De-
28 partment, the Department of the State Fire Marshal and academic
29 institutions with expertise in evidence-based wildfire mitigation strat-
30 egies, shall adopt rules for the implementation of this section. The

1 rules must include:

2 “(a) Reporting and auditing requirements for determining an
3 applicant’s implementation of the applicant’s wildfire protection plan
4 approved under ORS 757.963.

5 “(b) The timing, procedures, reporting requirements and standards
6 for the review of an application for a wildfire safety certification.

7 “SECTION 11. A public utility that provides electricity shall file the
8 public utility’s first application under section 10 of this 2025 Act no
9 later than December 31, 2027.

10
11 “STUDY ON CATASTROPHIC WILDFIRE
12 RISK AND RECOVERY
13

14 “SECTION 12. (1) The Public Utility Commission shall commission
15 a third-party expert to conduct a study and examine issues related to
16 catastrophic wildfire risk and recovery and develop a range of scenar-
17 ios for a balanced solution.

18 “(2) The study must:

19 “(a) Articulate and examine the negative consequences of cat-
20 astrophic wildfires, including:

21 “(A) The risks and impacts of electricity service disruption to
22 communities located in areas with high risk of wildfires, including
23 electricity service disruption resulting from wildfire mitigation prac-
24 tices;

25 “(B) The liability risks from wildfires for a public utility and the
26 effects of those risks on a public utility’s ability to access capital or
27 insurance, and the secondary effects on customers, the state’s eco-
28 nomic growth, electricity reliability, electricity generated from zero-
29 emissions or renewable resources and the ability of the state to
30 achieve the clean energy targets set forth in ORS 469A.410 and other

1 state policy goals; and

2 “(C) The pace of wildfire recovery funding;

3 “(b) Outline a range of policy options, including their essential ele-
4 ments, that balance the needs of communities impacted by a wildfire
5 and utility customers. The range of policy options must address:

6 “(A) A process by which communities and individuals who are im-
7 pacted by a wildfire may receive fair and expedient economic com-
8 pensation for damages caused by the wildfire;

9 “(B) An overall approach that supports stable access to low-cost
10 capital in order to advance the state’s economic growth, electricity
11 reliability, electricity generated from zero-emissions or renewable re-
12 sources and the ability of the state to achieve the clean energy targets
13 set forth in ORS 469A.410 and other state policy goals; and

14 “(C) The process and timing by which the causes of a wildfire are
15 determined; and

16 “(c) Enumerate the steps required to implement the proposed policy
17 option solutions and provide a general cost estimate for carrying out
18 the administrative implementation steps with enough sufficiency to
19 support a fiscal impact analysis.

20 “(3) During the 2026 regular session of the Eighty-third Legislative
21 Assembly, the commission shall provide an interim report, in the
22 manner provided in ORS 192.245, to the committees of the Legislative
23 Assembly related to energy and environment on the study’s findings
24 and recommendations. The commission shall provide recommen-
25 dations for a stakeholder process to follow the final study report with
26 the goal of the stakeholder process being to develop recommendations
27 for legislation for the 2027 regular session of the Eighty-fourth Legis-
28 lative Assembly.

29 “(4) The commission shall assess a fee against the public utilities
30 that provide electricity services to defray the costs of carrying out the

1 provisions of this section.

2 **“SECTION 13. Section 12 of this 2025 Act is repealed on January 2,**
3 **2028.**

4
5 **“CAPTIONS**
6

7 **“SECTION 14. The unit captions used in this 2025 Act are provided**
8 **only for the convenience of the reader and do not become part of the**
9 **statutory law of this state or express any legislative intent in the**
10 **enactment of this 2025 Act.**

11
12 **“EFFECTIVE DATE**
13

14 **“SECTION 15. This 2025 Act being necessary for the immediate**
15 **preservation of the public peace, health and safety, an emergency is**
16 **declared to exist, and this 2025 Act takes effect on its passage.”.**
17
