

SB 926-A9
(LC 1362)
5/22/25 (CPA/ps)

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 serves more than 25,000 retail electricity 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:**

20 “(a) ‘Electric company’ means an electric company, as defined in
21 ORS 757.600, that serves more than 25,000 retail electricity consumers
22 located in this state.

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

25 “(2) An electric company shall immediately request that the Public
26 Utility Commission open an investigation under ORS 756.515 if:

27 “(a) The electric company owes any debt on an outstanding judg-
28 ment or judgments that are based on a finding by a court or jury that
29 a wildfire resulted from the negligence or a higher degree of fault on
30 the part of the electric company;

1 **“(b) The total amount the electric company owes on the outstand-**
2 **ing judgment or judgments is greater than 50 percent of the dividend**
3 **payments that the electric company paid out during the prior 12**
4 **months; and**

5 **“(c) The electric company plans to, prior to satisfying the judgment**
6 **or judgments:**

7 **“(A) Pay or distribute dividends, income, interest or profits of the**
8 **electric company or its affiliate or subsidiary to any person or indi-**
9 **vidual with an ownership or beneficial interest in the electric com-**
10 **pany;**

11 **“(B) Pay or distribute stock or other ownership interest in the**
12 **electric company or its affiliate or subsidiary to any person or indi-**
13 **vidual with an ownership or beneficial interest in the electric com-**
14 **pany; or**

15 **“(C) Repurchase stock or other ownership interest in the electric**
16 **company or its affiliate or subsidiary from any person or individual**
17 **with an ownership or beneficial interest in the electric company.**

18 **“(3) The purpose of an investigation under this section is to deter-**
19 **mine the financial effect of a judgment or judgments on an electric**
20 **company and the ability of the electric company to satisfy the judg-**
21 **ment or judgments. In carrying out the investigation, the commission**
22 **shall balance the electric company’s obligation to provide adequate**
23 **service to its customers and its ability to pay the debts owed on the**
24 **outstanding judgment or judgments.**

25 **“(4) When an electric company requests an investigation under this**
26 **section, the commission shall order the electric company to suspend**
27 **the payment, distribution or repurchase until the commission con-**
28 **cludes its investigation and issues a final order. The commission shall**
29 **conclude its investigation and issue a final order within 90 days from**
30 **the date the electric company requests an investigation.**

1 “(5) In its final order, the commission may, based on its findings,
2 impose restrictions, requirements or conditions on the electric
3 company’s payment, distribution or repurchase activities described
4 under subsection (2)(c)(A) to (C) of this section. Any restrictions, re-
5 quirements or conditions that the commission imposes may be im-
6 posed for only so long as the judgment or judgments remain
7 outstanding. The types of restrictions, requirements or conditions that
8 the commission may impose in its final order include:

9 “(a) Establishing minimum common equity percentages of the
10 electric company’s total capital and requiring the electric company to
11 maintain at least the minimum common equity percentages; and

12 “(b) If the electric company’s common equity percentages are below
13 minimum common equity percentages established by the commission:

14 “(A) Prohibiting the electric company from carrying out payment,
15 distribution or repurchase activities described under subsection
16 (2)(c)(A) to (C) of this section; and

17 “(B) Requiring the electric company to submit a plan to the com-
18 mission detailing how the electric company plans to meet the mini-
19 mum common equity percentages established by the commission.

20 “SECTION 4. (1) In a civil action arising out of allegations that the
21 conduct of an electric company, as defined in section 3 of this 2025 Act,
22 caused or substantially contributed to a wildfire, a plaintiff may file
23 a motion to require the electric company to file a security or bond.

24 “(2) The court shall grant a motion filed under this section and
25 order the electric company to file a security or bond if:

26 “(a) The civil action is proceeding in two stages such that liability
27 and damages are determined at different stages;

28 “(b) At the liability stage, the plaintiff establishes that the wildfire
29 resulted from the negligence or a higher degree of fault on the part
30 of the electric company; and

1 “(c) The electric company has been found by a court or jury to be
2 liable to other plaintiffs or in other civil actions for damages, losses
3 or other harms resulting from the same wildfire.

4 “(3) The court shall establish the amount of a security or bond or-
5 dered under this section in an amount that is sufficient to demon-
6 strate the ability of the electric company to pay a money award in the
7 civil action. The court shall establish the amount in consideration of
8 other money award judgments that may be awarded against the elec-
9 tric company for damages, losses or other harms resulting from the
10 same wildfire.

11 “SECTION 5. In a civil action arising out of allegations that the
12 conduct of an electric company, as defined in section 3 of this 2025 Act,
13 caused or substantially contributed to a wildfire:

14 “(1) A plaintiff may file a motion at any time to have prejudgment
15 interest accrue:

16 “(a) From the date the wildfire caused the claimed damages, losses
17 or other harm if the amount of the damages, losses or other harm is
18 ascertainable from the date the wildfire caused the claimed damages,
19 losses or other harm.

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

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

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

29 “(2) In a civil action arising out of allegations that the conduct of
30 an electric company, as defined in section 3 of this 2025 Act, caused

1 or substantially contributed to a wildfire, a plaintiff may file a motion
2 for entry of a supplemental judgment against the electric company for
3 any additional tax liabilities that the plaintiff may owe on the under-
4 lying final judgment if the tax liabilities on the final judgment are
5 greater than the tax liabilities that a plaintiff would have owed, taking
6 into consideration any changes in tax treatment under federal or state
7 law, on the final judgment if the final judgment was entered and sat-
8 isfied on the date the electric company was found to be liable.

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

11
12 **“WILDFIRE SAFETY CERTIFICATION**
13

14 **“SECTION 8.** Sections 9 and 10 of this 2025 Act are added to and
15 made a part of ORS chapter 757.

16 **“SECTION 9.** (1) As used in this section, ‘electric company’ has the
17 meaning given that term in ORS 757.600.

18 **“(2)** An electric company shall file annually an application with the
19 Public Utility Commission for a wildfire safety certification.

20 **“(3)** The commission shall issue a wildfire safety certification to an
21 applicant if the applicant:

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

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

30 **“(c)** Identifies any actions identified in the wildfire protection plan

1 that have not been implemented, provides adequate justification for
2 not taking such actions and establishes dates by which such actions
3 will be taken.

4 “(d) Demonstrates a commitment to wildfire safety. An applicant
5 may demonstrate a commitment to wildfire safety through various
6 means, such as:

7 “(A) Participating in workshops convened by the commission under
8 ORS 757.960.

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

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

12 “(D) Conducting annual safety performance reviews establishing
13 processes to facilitate the reporting of risks and management ac-
14 countability.

15 “(E) Implementing other wildfire mitigation measures.

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

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

22 “(4) The commission may adopt requirements under subsection
23 (3)(f) of this section that help verify that an applicant is applying
24 risk-based wildfire mitigation standards and procedures to protect the
25 public safety, reduce risks to utility customers and promote electric
26 system resilience to wildfire damage. To verify that the applicant
27 meets requirements adopted under subsection (3)(f) of this section, an
28 applicant may provide reviews, assessments or evaluations conducted
29 by third parties that demonstrate the applicant’s efforts regarding risk
30 reduction and development of a resilient electric system.

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

7 “(6) The issuance of a wildfire safety certification:

8 “(a) Establishes that the applicant has established and implemented
9 wildfire policies and practices consistent with the commission’s
10 wildfire safety standards for electric companies on the date the certi-
11 fication is issued.

12 “(b) Does not establish immunity against claims for damages re-
13 sulting from a wildfire.

14 “(7) The denial of an application for a wildfire safety certification
15 does not establish liability for claims for damages resulting from a
16 wildfire.

17 “(8) Failure of the commission to act in a timely manner on an
18 application for a wildfire safety certification is not admissible evidence
19 in a civil proceeding relating to allegations that an electric company
20 caused or contributed to a wildfire.

21 “(9) The commission, in consultation with the State Forestry De-
22 partment, the Department of the State Fire Marshal and academic
23 institutions with expertise in evidence-based wildfire mitigation strat-
24 egies, shall adopt rules for the implementation of this section. The
25 rules must include:

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

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

1 **“SECTION 10.** An electric company shall first file an application
2 under section 9 of this 2025 Act no later than December 31, 2027.

3
4 **“STUDY ON CATASTROPHIC WILDFIRE**
5 **RISK AND RECOVERY**

6
7 **“SECTION 11.** (1) The Public Utility Commission shall commission
8 a third-party expert to conduct a study and examine issues related to
9 catastrophic wildfire risk and recovery and develop a range of scenar-
10 ios for a balanced solution.

11 **“(2) The study must:**

12 **“(a) Articulate and examine the negative consequences of cat-**
13 **astrophic wildfires, including:**

14 **“(A) The risks and impacts of electricity service disruption to**
15 **communities located in areas with high risk of wildfires, including**
16 **electricity service disruption resulting from wildfire mitigation prac-**
17 **tices;**

18 **“(B) The liability risks from wildfires for an electric company and**
19 **the effects of those risks on an electric company’s ability to access**
20 **capital or insurance, and the secondary effects on customers, the**
21 **state’s economic growth, electricity reliability, electricity generated**
22 **from zero-emissions or renewable resources and the ability of the state**
23 **to achieve the clean energy targets set forth in ORS 469A.410 and other**
24 **state policy goals; and**

25 **“(C) The pace of wildfire recovery funding;**

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

29 **“(A) A process by which communities and individuals who are im-**
30 **pacted by a wildfire that is caused by utility infrastructure may re-**

1 ceive fair and expedient economic compensation for damages resulting
2 from the wildfire;

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

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

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

14 “(3) During the 2026 regular session of the Eighty-third Legislative
15 Assembly, the commission shall provide an interim report, in the
16 manner provided in ORS 192.245, to the committees of the Legislative
17 Assembly related to energy and environment on the study’s findings
18 and recommendations. The commission shall consult with the State
19 Forestry Department and the State Fire Marshal and provide recom-
20 mendations for a stakeholder process to follow the final study report,
21 with the goal of the stakeholder process being to develop recommen-
22 dations for legislation for the 2027 regular session of the Eighty-fourth
23 Legislative Assembly.

24 “(4) The commission shall assess a fee against the electric compa-
25 nies to defray the costs of carrying out the provisions of this section.
26 An electric company may not recover from ratepayers a fee assessed
27 under this section.

28 “SECTION 12. Section 11 of this 2025 Act is repealed on January 2,
29 2028.

“CAPTIONS

“SECTION 13. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

“EFFECTIVE DATE

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