

SB 85-2
(LC 3374)
4/4/25 (DJ/AG/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

**PROPOSED AMENDMENTS TO
SENATE BILL 85**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;
2 amending ORS 476.398;”.

3 After line 3, insert:

4 “Whereas the state has a substantial public policy interest in addressing
5 wildfire risks and mitigation of those risks in communities throughout the
6 state; and

7 “Whereas wildfires are becoming more frequent, growing in intensity and
8 destruction, often overwhelming response capabilities and triggering large-
9 scale conflagrations that destroy communities, ecosystems and critical
10 infrastructure; and

11 “Whereas the state, local communities, nongovernmental organizations
12 and property owners have invested, and will continue to invest, significantly
13 in measures to mitigate wildfire risk to reduce the catastrophic nature of
14 wildfire across our landscapes and built infrastructure; and

15 “Whereas the state continues to take a proactive approach to addressing
16 affordability and availability challenges in insurance markets, especially in
17 wildfire-prone areas of this state, including examining best practices and
18 policies that help reduce wildfire risk for homeowners and communities; and

19 “Whereas the state believes that the investments and activities under-
20 taken by the state, local communities and property owners should be recog-
21 nized to the maximum extent possible in the underwriting and ratings

1 decisions of insurance companies; and

2 “Whereas the state must continue to partner with all relevant
3 stakeholders, including insurance companies and research and academic in-
4 stitutions, to research wildfire risk mitigation and the connection of wildfire
5 risk mitigation to insurance underwriting and rating decisions; and

6 “Whereas the threat of wildfire requires an immediate, coordinated re-
7 sponse to protect lives, public health, natural resources and the stability of
8 communities; now, therefore,”.

9 Delete lines 5 through 20 and delete pages 2 through 4 and insert:

10 **“SECTION 1. (1) The Department of Consumer and Business Ser-**
11 **vices and the Department of the State Fire Marshal, in consultation**
12 **with the State Forestry Department and representatives of the insur-**
13 **ance industry, shall evaluate and develop recommendations for**
14 **community-based wildfire risk mitigation actions, programs and**
15 **strategies that could have positive impacts on reducing wildfire risks**
16 **and increasing insurance affordability and availability in this state.**

17 **“(2) The actions, programs and strategies described in this section**
18 **include, but are not limited to:**

19 **“(a) Property-level actions, programs and strategies, including es-**
20 **tablishing defensible space, hardening a building or receiving certi-**
21 **fication from the Insurance Institute for Business and Home Safety**
22 **or a similar entity; and**

23 **“(b) Community-level actions, programs and strategies, with an**
24 **emphasis on encouraging collaborative activities among residents of**
25 **cohesive neighborhoods, including community risk-reduction programs**
26 **offered by the Department of the State Fire Marshal, the Institute for**
27 **Business and Home Safety or a similar entity.**

28 **“SECTION 2. (1) The Department of Consumer and Business Ser-**
29 **vices and the Department of the State Fire Marshal shall jointly sub-**
30 **mit a report on the evaluation and recommendations under section 1**

1 of this 2025 Act, in the manner provided by ORS 192.245, to the interim
2 committees of the Legislative Assembly related to wildfire no later
3 than February 2, 2026. The report must include:

4 “(a) Recommendations for legislative changes, if any, to positively
5 impact the availability and affordability of homeowners insurance in
6 this state.

7 “(b) A discussion of the discounts or incentives that the insurance
8 industry could provide to consumers in this state who complete
9 actions, programs or strategies described in section 1 of this 2025 Act.

10 “(c) Information from homeowner insurers regarding the ways in
11 which insurers treat wildfire risk mitigation actions, as defined in ORS
12 742.277, in making underwriting and rate decisions. The information
13 must include, but is not limited to:

14 “(A) A list of wildfire risk mitigation actions that, taken together,
15 could have a significant impact on underwriting or rating decisions for
16 each insurer;

17 “(B) A description of the circumstances under which each wildfire
18 risk mitigation action would have a significant impact on underwriting
19 or rating decisions;

20 “(C) A discussion of trends and variability among insurers regard-
21 ing treatment of wildfire risk mitigation actions in making under-
22 writing and rating decisions; and

23 “(D) A summary of best practices among insurers who recognize
24 wildfire mitigation risk actions in making underwriting and rating
25 decisions.

26 “(2) The Department of Consumer and Business Services and the
27 Department of the State Fire Marshal shall also submit the report to
28 the State Wildfire Programs Director and the Wildfire Programs Ad-
29 visory Council.

30 “(3) All records, documents, work papers, recorded information or

1 **copies thereof, that are produced or obtained by, or disclosed to, the**
2 **Department of Consumer and Business Services under subsection (1)(c)**
3 **of this section:**

4 **“(a) Are provided to the Director of the Department of Consumer**
5 **and Business Services in the course of analysis by the director of the**
6 **financial condition or market conduct of an insurer under ORS 731.312**
7 **(6); and**

8 **“(b) Are confidential, privileged and exempt from public disclosure**
9 **under ORS 705.137.**

10 **“SECTION 3. Sections 1 and 2 of this 2025 Act are repealed on Jan-**
11 **uary 2, 2027.**

12 **“SECTION 4. This 2025 Act being necessary for the immediate**
13 **preservation of the public peace, health and safety, an emergency is**
14 **declared to exist, and this 2025 Act takes effect on its passage.”.**

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