



Legislative Committee Meeting

Committee
Supervisor Erin Hannigan (Chair)
Supervisor John M. Vasquez

Staff
Michelle Heppner

February 5, 2018

1:30 p.m.

**Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533**

AGENDA

- i. **Introductions** (Attendees)
- ii. **Public Comment** (Items not on the agenda)
- iii. **Federal Legislative update** (Paragon Government Relations)
 - a. FY 18 and FY 19 Budget
 - b. Immigration Reform
 - c. DOJ Notice to Jurisdictions regarding Byrne-JAG Funding
 - d. Infrastructure
 - e. Cannabis Update
- iv. **Update from Solano County Legislative Delegation** (Representative and/or Staff)
- v. **State Legislative Update** (Karen Lange)
 - a. Fire Disaster & Recovery Bills (Informational)
- vi. **Future Scheduled Meetings:** March 19, 2018
- vii. **Adjourn**

Fire Disaster & Recovery Bills

Friday, February 02, 2018

BILL ID/Topic	Location	Summary
<u>AB 1740</u> <u>Daly D</u> Fire insurance: valuation of loss.	1/16/2018-A. INS. 1/16/2018-Referred to Com. on INS.	<p>Current provides that under an open policy that requires payment of actual cash value, the measure of the actual cash value recovery, in whole or partial settlement of the claim, is, in the case of a total loss to the structure, the policy limit or the fair market value of the structure, whichever is less, and, in the case of a partial loss to the structure or loss to its contents, the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less. This bill would delete the provisions regarding the actual cash value of the claim of total loss to the structure and would instead require that the actual cash value of the claim, for either a total or partial loss to the structure or its contents, be the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less.</p>
<u>AB 1765</u> <u>Quirk-Silva D</u> Building Homes and Jobs Act: fee waiver: states of emergency.	1/22/2018-A. H. & C.D. 1/22/2018-Referred to Com. on H. & C.D.	<p>The Building Homes and Jobs Act, imposes a charge, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. Current law requires a county recorder to send revenues from the charge to the controller for deposit into a fund in the State Treasury to be expended for various purposes related to homes and jobs. This bill would waive that charge with regard to any real estate instrument, paper, or notice recorded in connection with real property upon which repairs or reconstruction are taking place as a direct result of a disaster for which the Governor has declared a state of emergency.</p>
<u>AB 1772</u> <u>Aguiar-Curry D</u> Fire insurance: indemnity.	1/22/2018-A. INS. 1/22/2018-Referred to Com. on INS.	<p>Current law defines the measure of indemnity for a loss under an open fire insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. In the event of a loss relating to a state of emergency, as defined, existing law establishes a minimum time limit of not less than 24 months from the date that the first payment toward the actual cash value is made during which the insured may collect the full replacement cost of the loss, subject to the policy limit, as specified. This bill would extend the minimum time limit during which an insured may collect the full replacement cost of a loss relating to a state of emergency to 36 months.</p>
<u>AB 1797</u> <u>Levine D</u> Residential property insurance.	1/22/2018-A. INS. 1/22/2018-Referred to Com. on INS.	<p>Would require an insurer to provide an estimate of replacement value, as specified, for the insured property for every policy of residential property insurance that is newly issued or renewed in this state on and after January 1, 2019, and would impose liability on an insured that fails to do so in the amount of the actual cost to replace the insured property, minus the amount of the policy coverage. The bill would prohibit an insurer that provided an estimate of replacement value from being liable to the insured if the policy limit is not sufficient to replace the insured property.</p>
<u>AB 1799</u> <u>Levine D</u> Insurance: policy documents.	1/22/2018-A. INS. 1/22/2018-Referred to Com. on INS.	<p>Current law requires an insurer, after a covered loss under a fire insurance policy, to provide the insured with a free copy of his or her policy within 30 calendar days of receiving a request from the insured, but allows the Insurance Commissioner to extend this period. Current law also provides that an insured who does not experience a covered loss shall, upon request, be entitled to one free copy of his or her policy annually. This bill would specify that the copy of the policy provided shall include the full policy, any endorsements to the policy, and the policy declarations page, and would authorize the insurer to provide these documents in electronic form if agreed to by the insured.</p>

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AB 1800 Levine D Fire insurance: indemnity.	1/22/2018-A. INS. 1/22/2018-Referred to Com. on INS.	Current law defines the measure of indemnity for a loss under an open fire insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. Current law prohibits a fire insurance policy issued or delivered in the state from limiting or denying payment of the replacement cost of property in the event the insured decides to rebuild or replace the property at a location other than the insured premises. This bill would qualify that prohibition by making it applicable in addition to any extended replacement cost coverage purchased by the insured and in addition to any increase in policy limits.
AB 1875 Wood D Residential property insurance.	1/29/2018-A. INS. 1/29/2018-Referred to Com. on INS.	Current law requires specified disclosures to be made with the issuance or renewal of a policy of residential property insurance. This bill would require an insurer to offer extended replacement cost coverage, as specified, when issuing or renewing, on or after January 1, 2019, a policy of residential property insurance, and would require the insurer to disclose the premium costs for extended replacement cost coverage.
AB 1877 Limón D Office of Emergency Services: communications: translation.	1/29/2018-A. G.O. 1/29/2018-Referred to Com. on G.O.	The California Emergency Services Act establishes the Office of Emergency Services within the Governor's office under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. This bill would require the office to translate any emergency communication of the office into the language other than English that is spoken by a majority of the public in the impacted county or counties and to make that translation available during the emergency communication.
AB 1919 Wood D Price gouging: state of emergency.	1/24/2018-A. PRINT 1/25/2018-From printer. May be heard in committee February 24.	Would, upon the proclamation or declaration of an emergency as specified, make it a misdemeanor for a person, business, or other entity to increase the monthly rental price advertised, offered or charged for residential housing to an existing or prospective tenant by more than 10% greater than the rental price advertised, offered, or charged by that person, business, or entity within 30 days immediately prior to the date of the proclamation or disaster. The bill would extend the prohibition with regards to housing for any period that the proclamation or declaration is extended.
AB 1923 Limón D Residential property insurance: wildfires: consolidated debris removal.	1/24/2018-A. PRINT 1/25/2018-From printer. May be heard in committee February 24.	Would authorize, in the event of loss relating to a "state of emergency," as defined, due to a wildfire, the Governor, or his or her designee, to implement a consolidated debris removal program in which a residential property owner who has insurance in effect at the time of a wildfire that provides coverage for debris removal voluntarily assigns any rights, benefits, and proceeds for that coverage to a county or designated agency and makes any benefits and proceeds directly payable to that county or designated agency. The program would provide that the owner is not liable for any additional costs of the debris removal in the designated area in which the debris removal program is implemented.
AB 1954 Patterson R Timber harvest plans: exemption: reducing flammable materials.	1/29/2018-A. PRINT 1/30/2018-From printer. May be heard in committee March 1.	The Z'berg-Nejedly Forest Practices Act of 1973 authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, including a person engaged in forest management whose activities are limited to the cutting or removal of trees on the person's property in compliance with existing laws relating to defensible space, as provided, and requires the board to adopt regulations to implement this exemption no later than January 1, 2016. Current law makes the above exemption inoperative 3 years after the effective date of regulations adopted by the board or no later than January 1, 2019. This bill would delete this inoperative date.
AB 1956 Limón D Fire prevention activities.	1/29/2018-A. PRINT 1/30/2018-From printer. May be heard in committee March 1.	Current law requires the director of the Department of Forestry and Fire Protection to establish a working group, consisting of specified members, to identify potential incentives for landowners to implement prefire activities, as defined, in state responsibility areas and urban wildland communities and to identify all federal, state, or local programs, private programs, and any other programs requiring a cost share that involves prefire activities. This bill would revise and recast this law to, among other things, revise the membership and duties of the working group.

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SB 819 Hill D Electrical corporations: rates.	1/16/2018-S. E. U., & C. 1/16/2018-Referred to Coms. on E., U. & C. and JUD.	<p>The Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations. Current law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Current law authorizes the commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. Current law prohibits a gas corporation from recovering any fine or penalty in any rate approved by the commission. This bill would prohibit an electrical corporation from recovering a fine or penalty through a rate approved by the commission.</p>
SB 821 Jackson D Emergency notification: Office of Emergency Services: county jurisdictions.	1/3/2018-S. RLS. 1/16/2018-Referred to Com. on RLS.	<p>The California Emergency Services Act establishes the Office of Emergency Services in the office of the Governor and provides that the office is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. This bill would specify that the Office of Emergency Services may assist county jurisdictions in developing effective public emergency warning systems.</p>
SB 824 Lara D Insurance: nonrenewal.	1/16/2018-S. I., B. & F.I. 1/16/2018-Referred to Com. on I., B. & F.I.	<p>Current law requires an insurer to comply with certain procedures relating to the cancellation of insurance policies, except as specified, in the case of a total loss to the primary insured structure under a residential policy. Among other requirements, an insurer may not cancel coverage while the primary insured structure is being rebuilt, as specified, nor use the fact that the primary insured structure is in damaged condition as a result of the total loss as the sole basis for a decision to cancel the policy, and must offer, at least once, to renew the policy, as specified, if the total loss to the primary insured structure was caused by a disaster. This bill would express the intent of the Legislature to clarify that the provision described above is applicable to all insured properties located within a county for which a state of emergency has been declared, as specified.</p>
SB 833 McGuire D Emergency alerts: evacuation orders: operators.	1/16/2018-S. G.O. 1/16/2018-Referred to Com. on G.O.	<p>Would provide for a red alert system designed to issue and coordinate alerts following an evacuation order, as specified. The bill would require the red alert system to incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation, as appropriate. The bill would require a local government agency or state agency that uses the federal Wireless Emergency Alert (WEA) system to alert a specified area of an evacuation order to use the term "red alert" in the alert and notify OES of the alert.</p>
SB 894 Dodd D Property insurance.	1/24/2018-S. I., B. & F.I. 1/24/2018-Referred to Com. on I., B. & F.I.	<p>Current law requires an insurer, in the case of a total loss to the primary insured structure under a policy of residential property insurance, to offer to renew the policy at least once if the loss to the primary insured structure was caused by a disaster, as defined, and was not also due to the negligence of the insured, except as specified. This bill would instead require the insurer to offer to renew the policy for at least the next 2 annual renewal periods or 24 months, whichever is greater. The bill would require an insurer who decides not to offer to renew a policy after the expiration of that period to report the decision to not offer to renew the policy to the Insurance Commissioner.</p>
SB 896 McGuire D Aggravated arson.	1/24/2018-S. PUB. S. 1/24/2018-Referred to Com. on PUB. S.	<p>Current law, until January 1, 2019, defines the offense of aggravated arson, and defines the aggravating factors for the offense as, the person has been previously convicted of arson on one or more occasions within the past 10 years, the fire caused property damage and other losses in excess of \$7,000,000, or the fire caused damage to, or the destruction of, 5 or more inhabited structures. Current law, commencing January 1, 2019, deletes the aggravating factor of property damage and other losses in excess of \$7,000,000 from the definition of aggravated arson. This bill would extend the operation of the former aggravated arson offense until January 1, 2024, and would increase the threshold of property damage and other losses constituting an aggravating factor for aggravated arson to \$7,300,000.</p>

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SB 897 McGuire D Residential property insurance: wildfires.	1/24/2018-S. I., B. & F.I. 1/24/2018-Referred to Com. on I., B. & F.I.	<p>Current law requires an insurer, in the event of a loss under a residential insurance policy for which the insured has made a claim for additional living expenses, to provide the insured with a list of items that the insurer believes may be covered under the policy as additional living expenses. Additionally, current law provides that, in the case of a loss related to a declared state of emergency, an insurer provide coverage for living expenses for a period of 24 months, subject to the limitations of the policy. This bill would specify that additional living expense coverage shall include all reasonable expenses incurred by the insured in order to maintain a comparable standard of living and would provide a list of expenses that shall be covered.</p>
SB 901 Dodd D Electrical corporations: local publicly owned electric utilities: electrical cooperatives: wildfire mitigation plans and measures.	1/24/2018-S. E. U., & C. 1/24/2018-Referred to Com. on E., U. & C.	<p>Would require a wildfire mitigation plan prepared by an electrical corporation, and wildfire mitigation measures prepared by a local publicly owned electric utility or electrical cooperative, to include policies and procedures by which the preparing entity may assess when it may be necessary to deenergize its electrical lines and, if so, which electrical lines should be deenergized. The bill would require those policies and procedures to include relevant meteorological conditions, maps of relevant fire hazard severity zones and high fire risk areas, observations made by individuals and cameras, as applicable, of vegetation conditions near electrical lines, and communication protocols for notifying customers who may be impacted by the deenergizing of electrical lines.</p>
SB 912 Beall D Working forest management plans: notice.	1/18/2018-S. RLS. 2/1/2018-Referred to Com. on RLS.	<p>Current law authorizes a person who intends to become a working forest landowner, as provided, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of a specified plan to file a working forest management plan with the Department of Forestry and Fire Protection. Current law requires the Board of Forestry and Fire Protection to adopt regulations regarding the notice of receipt of a proposed working forest management plan. This bill would make a nonsubstantive change to these provisions.</p>
SB 914 Dodd D Local agency contracts.	2/1/2018-S. GOV. & F. 2/1/2018-Referred to Com. on GOV. & F.	<p>Current law authorizes a county, until January 1, 2023, with approval of the board of supervisors, to utilize construction manager at-risk construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county, subject to certain requirements, including that the method may only be used for projects that are in excess of \$1,000,000. This bill would authorize the use of this method of contracting for the erection, construction, alteration, repair, or improvement of any infrastructure, excluding roads.</p>
SB 917 Jackson D Insurance policies.	2/1/2018-S. I., B. & F.I. 2/1/2018-Referred to Com. on I., B. & F.I.	<p>Under current law, an insurer is liable for a loss of which a peril insured against was the proximate cause, although a peril not contemplated by the contract may have been a remote cause of the loss. Under existing law, an insurer is not liable for a loss of which the peril insured was only the remote cause. This bill would provide that a policy that does not cover the peril of landslide shall not exclude coverage for any loss or damage attributable to a landslide if the landslide resulting in loss or damage was proximately caused by another covered peril, as provided. The bill would state that it does not constitute a change in, but is declaratory of, existing law.</p>
SB 969 Dodd D Automatic garage door openers: backup batteries.	1/31/2018-S. RLS. 2/1/2018-From printer. May be acted upon on or after March 3.	<p>Would also require an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated by an electrical outage. The bill would make a violation of those provisions subject to a civil penalty of \$1,000.</p>

Total Measures: 24