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**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
CHAIR**

Monday, July 8, 2019
10 minutes prior to Session
State Capitol, Room 3162

VICE CHAIR
CUNNINGHAM, JORDAN

MEMBERS
CARRILLO, WENDY
FLORA, HEATH
GRAYSON, TIMOTHY S.
KAMLAGER-DOVE, SYDNEY
MAIENSCHIN, BRIAN
MATHIS, DEVON J.
QUIRK-SILVA, SHARON
RAMOS, JAMES C.
RIVAS, ROBERT
WICKS, BUFFY

DIEP, TYLER (R-ALT)
LEVINE, MARC (D-ALT)

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals [Page 2](#)

RESOLUTIONS

- | | | | |
|----|---------------------------|--|-------------------------|
| 2. | ACR-100 (Choi) | Purple Heart Day. | Page 4 |
| 3. | ACR-106 (Cristina Garcia) | 50th anniversary of Apollo 11. | Page 7 |
| 4. | ACR-111 (Kiley) | Prostate Cancer Awareness Month. (refer/hear) | Page 12 |
| 5. | HR-5 (Choi) | Korean Independence Day. | Page 15 |
| 6. | HR-46 (Choi) | Arirang Day. | Page 18 |
| 7. | HR-47 (Choi) | Dosan Ahn Chang Ho Day. | Page 21 |
| 8. | SCR-60 (Mitchell) | Bebe Moore Campbell National Minority Mental Health Awareness Month. | Page 25 |

REQUEST TO ADD URGENCY CLAUSE

- | | | | |
|----|---------------|-------------------------|-------------------------|
| 9. | SB-240 (Dodd) | Insurance Adjuster Act. | Page 34 |
|----|---------------|-------------------------|-------------------------|



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CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

Assembly
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SHARON QUIRK-SILVA
JAMES C. RAMOS
ROBERT RIVAS
BUFFY WICKS

MARC LEVINE (D-ALT.)
TYLER DIEP (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 7/5/19
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, ACR 113 and ACR 114 have been added to the list of referrals.

REFERRAL OF BILLS TO COMMITTEE

07/08/2019

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 111</u>	RLS.
<u>ACR 112</u>	TRANS.
<u>ACR 113</u>	RLS.
<u>ACR 114</u>	RLS.
<u>HR 48</u>	RLS.
<u>SB 432</u>	G.O.

Assembly Concurrent Resolution

No. 100

Introduced by Assembly Member Choi

(Principal coauthor: Senator Stone)

**(Coauthors: Assembly Members Eduardo Garcia, Mathis, and
Patterson)**

(Coauthors: Senators Bates, Dodd, Nielsen, and Wilk)

June 5, 2019

Assembly Concurrent Resolution No. 100—Relative to Purple Heart Day.

LEGISLATIVE COUNSEL'S DIGEST

ACR 100, as introduced, Choi. Purple Heart Day.

This measure would declare August 7, 2019, as Purple Heart Day in California.

Fiscal committee: no.

1 WHEREAS, The Purple Heart is awarded to members of the
2 Armed Forces who are killed or wounded in action; and
3 WHEREAS, Created in 1932, the Purple Heart has a long and
4 storied past that dates back to the founders of the United States.
5 The award takes its design from the Badge of Military Merit, which
6 was commissioned by General George Washington on August 7,
7 1782. This award consisted of a purple, heart-shaped piece of silk
8 having a narrow edge of silver stitched with the word Merit across
9 the face and is considered to be the first official military combat
10 badge of the Armed Forces. The official successor decoration of
11 the Badge of Military Merit is the Purple Heart; and

1 WHEREAS, Originally, the Purple Heart award was only open
2 to the United States Army and Air Force service members and
3 could not be awarded posthumously. President Franklin D.
4 Roosevelt changed that in 1942 with an executive order that opened
5 the award to members of the United States Navy, Marine Corps,
6 and Coast Guard. Later that year, in a separate order, the award
7 was made available for posthumous award to any member of the
8 military; and

9 WHEREAS, To date, approximately two million Purple Heart
10 Medals have been awarded. The award can be awarded
11 retroactively to a soldier as far back as 1917, allowing veterans
12 from World War I to be eligible; and

13 WHEREAS, Originally, the Purple Heart was awarded for
14 meritorious service, and injury was a consideration for merit. In
15 1942, the creation of the Legion of Merit award duplicated the
16 merit requirement, which became unnecessary for the Purple Heart;
17 and

18 WHEREAS, From 1942 to 1997, civilians serving in, or
19 affiliated with, the Armed Forces were eligible to receive the Purple
20 Heart. Some of the earliest civilians to receive this honor were
21 firefighters wounded or killed while fighting fires caused by the
22 attack on Pearl Harbor; and

23 WHEREAS, Since California is home to more than 1.8 million
24 veterans and more than 200,000 active and reserve members of
25 the Armed Forces, it is especially appropriate for all Californians
26 to honor those who have been awarded the Purple Heart; now,
27 therefore, be it

28 *Resolved by the Assembly of the State of California, the Senate*
29 *thereof concurring*, That the Legislature encourages all Californians
30 to honor those who have served in the Armed Forces, especially
31 those who have been wounded and received the Purple Heart, and
32 declares August 7, 2019, as Purple Heart Day in California; and
33 be it further

34 *Resolved*, That the Chief Clerk of the Assembly transmit copies
35 of this resolution to the author for appropriate distribution.

O

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 100 (Choi) – As Introduced June 5, 2019

SUBJECT: Purple Heart Day.

SUMMARY: Declares August 7, 2019, as Purple Heart Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) The Purple Heart is awarded to members of the Armed Forces who are killed or wounded in action.
- 2) Originally, the Purple Heart awarded was only open to the United States Army and Air Force service members and could not be awarded posthumously. President Franklin D. Roosevelt changed that in 1942 with an executive order that opened the award to members of the United States Navy, Marine Corps, and Coast Guard; and, later than year, in a separate order, the award was made available for posthumous awarded to any member of the military.
- 3) To date, approximately two million Purple Heart Medals have been awarded. The award can be awarded retroactively to a soldier as far back as 1917, allowing veterans from World War I to be eligible.
- 4) The Purple Heart was originally awarded for meritorious service, and injury was a consideration for merit. In 1942, the creation of the Legion of Merit award duplicated the merit requirement, which became unnecessary for the Purple Heart.
- 5) From 1942 to 1997, civilians serving in, or affiliated with, the Armed Forces were eligible to receive the Purple Heart. Some of the earliest civilians to receive this honor were firefighters wounded or killed while fighting fires caused by the attack on Pearl Harbor.
- 6) Since California is home to more than 1.8 million veterans, more than 200,000 active, and reserve members of the Armed Forces, it is especially appropriate for all Californians to honor those who have been awarded the Purple Heart.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 106

Introduced by Assembly Member Cristina Garcia

June 18, 2019

Assembly Concurrent Resolution No. 106—Relative to the 50th anniversary of Apollo 11.

LEGISLATIVE COUNSEL’S DIGEST

ACR 106, as introduced, Cristina Garcia. 50th anniversary of Apollo 11.

This measure would commemorate July 20, 2019, as the 50th anniversary of the Apollo 11 moon landing.

Fiscal committee: no.

1 WHEREAS, Commander Neil Armstrong, lunar module pilot
2 Edwin “Buzz” Aldrin, and command module pilot Michael Collins,
3 all American, landed the Apollo Lunar Module Eagle on July 20,
4 1969, at 20:17 UTC; and

5 WHEREAS, Apollo 11 was launched by a Saturn V rocket from
6 Kennedy Space Center on Merritt Island, Florida, on July 16 at
7 13:32 UTC, and was the fifth crewed mission of NASA’s Apollo
8 program; and

9 WHEREAS, Armstrong’s first step onto the lunar surface was
10 broadcast on live television to a worldwide audience. He described
11 the event as “one small step for [a] man, one giant leap for
12 mankind”; and

13 WHEREAS, Apollo 11 effectively ended the Space Race and
14 fulfilled a national goal proposed in 1961 by President John F.

1 Kennedy: “before this decade is out, of landing a man on the Moon
2 and returning him safely to the Earth”; and

3 WHEREAS, Kennedy Space Center may be in Florida, but the
4 Apollo mission got its start in California; and

5 WHEREAS, Vultee Aircraft was the City of Downey’s largest
6 employer during World War II, producing 15 percent of all of
7 America’s military aircraft by 1941; and

8 WHEREAS, The company was a pioneer in the use of women
9 in manufacturing positions and was the first aircraft company to
10 build airplanes on a powered assembly line. Vultee became a part
11 of North American Aviation (later North American Rockwell, then
12 Rockwell International, which was then bought by the Boeing
13 Company), whose facilities were the birthplace of the systems for
14 the Apollo Space Program as well as the Space Shuttle; and

15 WHEREAS, For over 70 years, the City of Downey’s Rockwell
16 NASA plant produced and tested many of the 20th century’s
17 greatest aviation, missile, and space endeavors; and

18 WHEREAS, In November 1961, North American Aviation’s
19 Space and Information Systems Division in Downey, California,
20 won the contract for the design and construction of the Apollo
21 spacecraft; and

22 WHEREAS, By the mid-1960s, at the height of the Apollo
23 program, the Downey site ballooned to nearly 30,000 employees
24 working around the clock to complete the historic project; and

25 WHEREAS, The Apollo 11 capsule returned to the Downey
26 facility for evaluation in the months after the historic flight to
27 moon, and thousands of southern Californians witnessed the
28 spaceship at its birthplace; and

29 WHEREAS, In October of 1969, Apollo 11 astronauts Neil
30 Armstrong and Michael Collins visited the City of Downey. When
31 addressing a crowd in the city, Astronaut Collins said, “the trip to
32 the moon really started here.”; and

33 WHEREAS, The 70-year history of airplane and space vehicle
34 manufacturing in the City of Downey came to an end when the
35 Rockwell plant closed in 1999; and

36 WHEREAS, Project Apollo in general, and the flight of Apollo
37 11 in particular, should be viewed as a watershed in the nation’s
38 history; and

39 WHEREAS, It was an endeavor that demonstrated both the
40 technological and economic virtuosity of the United States and

1 established national preeminence over rival nations—the primary
2 goal of the program when first envisioned by the Kennedy
3 administration in 1961; and

4 WHEREAS, It had been an enormous undertaking, costing \$25.4
5 billion (over \$200 billion in today’s dollars), with only the building
6 of the Panama Canal rivaling the Apollo program’s size as the
7 largest nonmilitary technological endeavor ever undertaken by the
8 United States and only the Manhattan Project being comparable
9 in a wartime setting; and

10 WHEREAS, Project Apollo forced the people of the world to
11 view the planet Earth in a new way. Images from all the Apollo
12 missions were critical to this sea of change, for on its outward
13 voyage, the crew focused a portable television camera on Earth,
14 and for the first time, humanity saw its home from afar, a tiny,
15 lovely, fragile “blue marble” hanging in the blackness of space;
16 now, therefore, be it

17 *Resolved by the Assembly of the State of California, the Senate*
18 *thereof concurring*, That the Legislature commemorates July 20,
19 2019, as the 50th anniversary of the Apollo 11 moon landing; and
20 be it further

21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 106 (Cristina Garcia) – As Introduced June 18, 2019

SUBJECT: 50th anniversary of Apollo 11.

SUMMARY: Commemorates July 20, 2019, as the 50th anniversary of the Apollo 11 moon landing. Specifically, **this resolution** makes the following legislative findings:

- 1) Commander Neil Armstrong, lunar module pilot Edwin “Buzz” Aldrin, and command module pilot Michael Collins, all American, landed the Apollo Lunar Module Eagle on July 20, 1969, at 20:17 UTC.
- 2) Apollo 11 was launched by a Saturn V rocket from Kennedy Space Center on Merritt Island, Florida, on July 16 at 13:32 UTC, and was the fifth crewed mission of NASA’s Apollo program.
- 3) Armstrong’s first step onto the lunar surface was broadcast on live television to a worldwide audience. He described the event as “one small step for [a] man, one giant leap for mankind.”
- 4) Apollo 11 effectively ended the Space Race and fulfilled a national goal proposed in 1961 by President John F. Kennedy: “before this decade is out, of landing a man on the Moon and returning him safely to the Earth.”
- 5) Kennedy Space Center may be in Florida, but the Apollo mission got its start in California.
- 6) For over 70 years, the City of Downey’s Rockwell NASA plant produced and tested many of the 20th century’s greatest aviation, missile, and space endeavors.
- 7) In November 1961, North American Aviation’s Space and Information Systems Division in Downey, California, won the contract for the design and construction of the Apollo spacecraft.
- 8) By the mid-1960s, at the height of the Apollo program, the Downey site ballooned to nearly 30,000 employees working around the clock to complete the historic project.
- 9) The Apollo 11 capsule returned to the Downey facility for evaluation in the months after the historic flight to moon, and thousands of southern Californians witnessed the spaceship at its birthplace.
- 10) In October of 1969, Apollo 11 astronauts Neil Armstrong and Michael Collins visited the City of Downey. When addressing a crowd in the city, Astronaut Collins said, “the trip to the moon really started here.”
- 11) The 70-year history of airplane and space vehicle manufacturing in the City of Downey came to an end when the Rockwell plant closed in 1999.

- 12) Project Apollo in general, and the flight of Apollo 11 in particular, should be viewed as a watershed in the nation's history.
- 13) It was an endeavor that demonstrated both the technological and economic virtuosity of the United States and established national preeminence over rival nations—the primary goal of the program when first envisioned by the Kennedy administration in 1961.
- 14) It had been an enormous undertaking, costing \$25.4 billion (over \$200 billion in today's dollars), with only the building of the Panama Canal rivaling the Apollo program's size as the largest nonmilitary technological endeavor ever undertaken by the United States and only the Manhattan Project being comparable in a wartime setting.
- 15) Project Apollo forced the people of the world to view the planet Earth in a new way. Images from all the Apollo missions were critical to this sea of change, for on its outward voyage, the crew focused a portable television camera on Earth, and for the first time, humanity saw its home from afar, a tiny, lovely, fragile "blue marble" hanging in the blackness of space.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 111

Introduced by Assembly Member Kiley

July 2, 2019

Assembly Concurrent Resolution No. 111—Relative to Prostate Cancer Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 111, as introduced, Kiley. Prostate Cancer Awareness Month.
This measure would proclaim the month of September 2019 as Prostate Cancer Awareness Month in California.

Fiscal committee: no.

- 1 WHEREAS, Prostate cancer is the most frequently diagnosed
2 cancer in men and the second leading cause of cancer deaths in
3 men; and
4 WHEREAS, The American Cancer Society estimates there will
5 be 174,650 new cases of prostate cancer in the United States in
6 2019, resulting in an estimated 31,620 deaths; and
7 WHEREAS, It is estimated 24,550 men in California will be
8 diagnosed with prostate cancer this year and it is estimated 4,470
9 California men will die from this disease; and
10 WHEREAS, Black men in the United States and the Caribbean
11 have the highest documented prostate cancer incidence rates in
12 the world; and
13 WHEREAS, Early prostate cancer usually has no symptoms
14 and studies suggest strong familial predisposition may be
15 responsible for 5 to 10 percent of the disease cases; and

1 WHEREAS, Late stage prostate cancer commonly spreads to
2 the bones, which can cause pain in the hips, spine, ribs, or other
3 areas in the body; and
4 WHEREAS, The five-year survival rate approaches 100 percent
5 when prostate cancer is diagnosed and treated early, but drops to
6 30 percent when it spreads to the other parts of the body; and
7 WHEREAS, The American Cancer Society recommends that
8 men should have an opportunity to make an informed decision
9 about whether to be tested for prostate cancer based on their
10 personal values and preferences; and
11 WHEREAS, Prostate cancer treatment decisions should be based
12 on clinician recommendations and patient values and preferences;
13 now, therefore be it
14 *Resolved by the Assembly of the State of California, the Senate*
15 *thereof concurring*, That the Legislature designates September
16 2019 as Prostate Cancer Awareness Month; and be it further
17 *Resolved*, That the Legislature joins communities across our
18 nation to increase awareness about the importance for men to make
19 an informed decision with their health care provider about early
20 detection and testing for prostate cancer, and be it further
21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 111 (Kiley) – As Introduced July 2, 2019

SUBJECT: Prostate Cancer Awareness Month.

SUMMARY: Proclaims the month of September 2019 as Prostate Cancer Awareness Month in California. Specifically, **this resolution** makes the following legislative findings:

- 1) Prostate cancer is the most frequently diagnosed cancer in men, and the second leading cause of cancer deaths in men.
- 2) The American Cancer Society estimates that there will be 174,650 new cases of prostate cancer in the United States in 2019, resulting in an estimated 31,620 deaths.
- 3) It is estimated that 24,550 men in California will be diagnosed with prostate cancer this year, and an estimated 4,470 of these men will die from this disease.
- 4) Early prostate cancer usually has no symptoms and studies suggest strong familial predisposition may be responsible for 5 to 10 percent of the disease cases.
- 5) The five-year survival rate approaches 100 percent when prostate cancer is diagnosed and treated early, but drops to 30 percent when it spreads to other parts of the body.
- 6) The American Cancer Society recommends that men should have an opportunity to make an informed decision about whether or not to be tested for prostate cancer based on their personal values and preferences.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

House Resolution

No. 5

Introduced by Assembly Member Choi

January 9, 2019

House Resolution No. 5—Relative to Korean Independence Day.

1 WHEREAS, August 15, 2019, marks the 74th anniversary of
2 the Independence of the Republic of Korea; and

3 WHEREAS, Korean Independence Day or Gwangbokjeol,
4 commemorates the liberation of Korea from Japanese colonization
5 on August 15, 1945; and

6 WHEREAS, The thousands of brave Korean service members
7 and civilians who lost their lives or were imprisoned fighting for
8 independence are a testament to the Republic of Korea’s enduring
9 strength and resiliency; and

10 WHEREAS, On Korean Independence Day, Koreans throughout
11 the world unite to commemorate this day through parades, concerts,
12 and celebrations that showcase Korea’s rich cultural heritage; and

13 WHEREAS, California is home to more than 455,000 Korean
14 Americans who celebrate this important holiday; and

15 WHEREAS, The Korean American community has enriched
16 the cultural, social, and economic landscape of California; and

17 WHEREAS, Korean Independence Day is an opportunity to
18 celebrate the great contributions of Korean Americans to the United
19 States; and

20 WHEREAS, The Republic of Korea and the United States are
21 historic allies that share common values and objectives through
22 economic interdependence and security; now, therefore, be it

1 *Resolved by the Assembly of the State of California, That August*
2 15, 2019, is hereby commemorated as Korean Independence Day;
3 and be it further
4 *Resolved, That the Chief Clerk of the Assembly transmit copies*
5 of this resolution to the author for appropriate distribution.

O

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 5 (Choi) – As Introduced January 9, 2019

SUBJECT: Korean Independence Day.

SUMMARY: Commemorates August 15, 2019, as Korean Independence Day. Specifically, **this resolution** makes the following legislative findings:

- 1) August 15, 2019, marks the 74th anniversary of the Independence of the Republic of Korea.
- 2) Korean Independence Day or Gwangbokjeol, commemorates the liberation of Korea from Japanese colonization on August 15, 1945. The thousands of brave Korean service members and civilians who lost their lives or were imprisoned fighting for independence are a testament to the Republic of Korea's enduring strength and resiliency.
- 3) On Korean Independence Day, Koreans throughout the world unite to commemorate this day through parades, concerts, and celebrations that showcase Korea's rich cultural heritage.
- 4) California is home to more than 455,000 Korean Americans who celebrate this important holiday; and, who enrich the cultural, social, and economic landscape of California.
- 5) Korean Independence Day is an opportunity to celebrate the great contributions of Korean Americans to the United States.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

House Resolution

No. 46

Introduced by Assembly Members Choi and Quirk-Silva

June 26, 2019

House Resolution No. 46—Relative to Arirang Day.

1 WHEREAS, Arirang is a Korean folk song, often considered
2 as the unofficial national anthem of Korea; and

3 WHEREAS, In December 2012, South Korea’s submission of
4 the song to UNESCO was inscribed on the Representative List of
5 the Intangible Cultural Heritage of Humanity program; and

6 WHEREAS, The Orange County Korean Festival Committee
7 is holding its 35th Arirang Festival, from October 3, 2019, through
8 October 6, 2019, in the City of Buena Park; and

9 WHEREAS, The first translation of the song’s lyrics into nine
10 languages was performed in December 2013; and

11 WHEREAS, Many versions of the song feature a woman
12 warning a man of the difficulties of crossing a mountain pass in
13 order to dissuade him from leaving her; and

14 WHEREAS, “Arirang” is one name for the pass, and hence the
15 title of the song; and

16 WHEREAS, Arirang Pass is an imaginary rendezvous for lovers
17 in the land of dreams, although there is a real mountain pass, called
18 Arirang Gogae, outside the Small East Gate of Seoul; and

19 WHEREAS, The heroine of the story from which the Arirang
20 song originated was a fair maiden of Miryang. In fact, she was a
21 modest woman killed by an unrequited lover. But as time went
22 on, the tragic story changed to that of an unrequited lady-love who
23 complained of her unfeeling lover. The tune is sweet and appealing;
24 and

1 WHEREAS, With diligence, fortitude, and an enduring belief
2 in the American dream, Korean immigrants have helped to turn
3 emergent areas within the State of California into thriving and
4 respectable communities, while raising their children to be
5 productive Korean Americans; and

6 WHEREAS, Korean Americans have become an integral part
7 of mainstream American society and have made important
8 contributions as Californians in the fields of finance, technology,
9 law, medicine, education, sports, media, the arts, the military, and
10 government, as well as other areas; and

11 WHEREAS, As the people of California’s Korean American
12 community prepare for a 35th Arirang Festival, they strive to
13 preserve and maintain pride in their own cultural heritage so that
14 they may better contribute to the great State of California, rich
15 with ethnic and cultural diversity; now, therefore, be it

16 *Resolved by the Assembly of the State of California*, That the
17 Assembly recognizes October 11, 2019, as Arirang Day; and be
18 it further

19 *Resolved*, That the Chief Clerk of the Assembly transmit copies
20 of this resolution to the author for appropriate distribution.

O

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 46 (Choi) – As Introduced June 26, 2019

SUBJECT: Arirang Day.

SUMMARY: Recognizes October 11, 2019, as Arirang Day. Specifically, **this resolution** makes the following legislative findings:

- 1) Arirang is a Korean folk song, often considered as the unofficial national anthem of Korea. The first translation of the song’s lyrics into nine languages was performed in December 2013.
- 2) Many versions of the song feature a woman warning a man of the difficulties of crossing a mountain pass in order to dissuade him from leaving her.
- 3) “Arirang” is one name for the pass, and hence the title of the song. Arirang Pass is an imaginary rendezvous for lovers in the land of dreams, although there is a real mountain pass, called Arirang Gogae, outside the Small East Gate of Seoul.
- 4) With diligence, fortitude, and an enduring belief in the American dream, Korean immigrants have helped to turn emergent areas within the State of California into thriving and respectable communities, while raising their children to be productive Korean Americans.
- 5) Korean Americans have become an integral part of mainstream American society and have made important contributions as Californians in the fields of finance, technology, law, medicine, education, sports, media, the arts, the military, and government, as well as other areas.
- 6) As the people of California’s Korean American community prepare for the 35th Arirang Festival, they strive to preserve and maintain pride in their own cultural heritage so that they may better contribute to the great State of California, rich with ethnic and cultural diversity.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

House Resolution

No. 47

**Introduced by Assembly Members Choi and Quirk-Silva
(Principal coauthors: Assembly Members Medina and Patterson)**

June 26, 2019

House Resolution No. 47—Relative to Dosan Ahn Chang Ho Day.

1 WHEREAS, Dosan Ahn Chang Ho is regarded as one of the
2 most significant patriotic figures by Koreans at home and abroad;
3 and

4 WHEREAS, Korean independence leader Dosan Ahn Chang
5 Ho was born on November 9, 1878, in Korea. He is to the Korean
6 and Korean American community as Mahatma Gandhi is seen to
7 the people of India, for he is held in highest esteem; and

8 WHEREAS, As a teenager, Dosan Ahn Chang Ho’s desire for
9 a modern education led him to enroll in an American
10 missionary-run school, the Miller Academy, in Seoul, Korea, where
11 he became a Christian and graduated at 18 years of age in 1897,
12 and to establish the Jeom Jin School, which was the first modern
13 school in the country, in 1899; and

14 WHEREAS, American missionary educated, Dosan Ahn Chang
15 Ho wished to know more about America, especially its educational
16 system. This desire led him to come to America, where he arrived
17 in San Francisco on October 14, 1902; and

18 WHEREAS, Dosan Ahn Chang Ho spent thirteen years of his
19 life in the United States, primarily in California. This experience
20 led him to many observations of American life, including politics,
21 economics, and education; and

22 WHEREAS, Dosan Ahn Chang Ho helped and organized the
23 early Korean immigrants who came to the United States to work

1 on Hawaiian sugar plantations into a self-help community. He
2 established the first organized Korean American settlement, Korean
3 National Association, and a labor agency. Dosan Ahn Chang Ho's
4 organizational leadership helped lead to the success of the Korean
5 American community within California; and

6 WHEREAS, When Korea was annexed and occupied by Japan
7 from 1910 to 1945, Dosan Ahn Chang Ho spearheaded the Korean
8 independence movement. His goal was for Koreans to promote
9 and adopt democracy. His influence and actions helped Koreans
10 understand the importance of a free nation, and today democracy
11 is firmly rooted in South Korea; and

12 WHEREAS, Dosan Ahn Chang Ho founded the Young Korean
13 Academy, also known as the Heungsadahn, in San Francisco in
14 1913. It is still a robust organization dedicated to training and
15 educating Koreans to cultivate morals and ethics that help build
16 inner strength, community consciousness, and good citizenship;
17 and

18 WHEREAS, The Korean American immigrant experience was,
19 then, vastly enhanced by Dosan Ahn Chang Ho's leadership, and
20 even today his pioneering and patriotic spirit still lives on in the
21 minds of Korean immigrants; and

22 WHEREAS, November 9, 2018, was declared Dosan Ahn Chang
23 Ho Day; now, therefore, be it

24 *Resolved by the Assembly of the State of California*, That the
25 Assembly adopts and declares November 9, 2019, and each
26 November 9 thereafter, as Dosan Ahn Chang Ho Day, as
27 recognized in the previous year; and be it further

28 *Resolved*, That the Chief Clerk of the Assembly transmit copies
29 of this resolution to the author for appropriate distribution.

O

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 47 (Choi) – As Introduced June 26, 2019

SUBJECT: Dosan Ahn Chang Ho Day.

SUMMARY: Declares November 9, 2019, and each November 9 thereafter, as Dosan Ahn Chang Ho Day. Specifically, **this resolution** makes the following legislative findings:

- 1) Korean independence leader Dosan Ahn Chang Ho was born on November 9, 1878, in Korea. He is to the Korean and Korean American community as Mahatma Gandhi is seen to the people of India, for he is held in highest esteem. Dosan Ahn Chang Ho is regarded as one of the most significant patriotic figures by Koreans at home and abroad.
- 2) As a teenager, Dosan Ahn Chang Ho's desire for a modern education led him to enroll in an American missionary-run school, the Miller Academy, in Seoul, Korea, where he became a Christian and graduated at 18 years of age in 1897, and to establish the Jeom Jin School, which was the first modern school in the country.
- 3) American missionary educated, Dosan Ahn Chang Ho wished to know more about America, especially its educational system. This desire led him to come to America, where he arrived in San Francisco on October 14, 1902.
- 4) Dosan Ahn Chang Ho spent thirteen years of his life in the United States, primarily in California. This experience led him to many observations of American life, including politics, economics, and education.
- 5) Dosan Ahn Chang Ho helped and organized the early Korean immigrants who came to the United States to work on Hawaiian sugar plantations into a self-help community. He established the first organized Korean American settlement, Korean National Association, and a labor agency. Dosan Ahn Chang Ho's organizational leadership helped lead to the success of the Korean American community within California.
- 6) Dosan Ahn Chang Ho founded the Young Korean Academy, also known as the Heungsadahn, in San Francisco in 1913. It is still a robust organization dedicated to training and educating Koreans to cultivate morals and ethics that help build inner strength, community consciousness, and good citizenship.
- 7) The Korean American immigrant experience was, then, vastly enhanced by Dosan Ahn Chang Ho's leadership, and even today his pioneering and patriotic spirit still lives on in the minds of Korean immigrants.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Introduced by Senator Mitchell
(Coauthor: Senator Wiener)
(Coauthors: Assembly Members Gonzalez and Weber)

June 17, 2019

Senate Concurrent Resolution No. 60—Relative to Bebe Moore Campbell National Minority Mental Health Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 60, as introduced, Mitchell. Bebe Moore Campbell National Minority Mental Health Awareness Month.

This measure would recognize the month of July 2019 as Bebe Moore Campbell National Minority Mental Health Awareness Month in California.

Fiscal committee: no.

- 1 WHEREAS, Mental illness is one of the leading causes of
- 2 disabilities in the United States, affecting one out of every four
- 3 families and impacting both persons with the illness and those
- 4 persons who care for and love the persons afflicted; and
- 5 WHEREAS, Untreated serious mental illness costs Americans
- 6 approximately \$193.2 billion in lost earnings per year; and
- 7 WHEREAS, The National Institute of Mental Health has
- 8 reported that many people suffer from more than one mental
- 9 disorder at a given time and 45 percent of those with any mental
- 10 disorder meet criteria for two or more disorders, including diabetes,
- 11 cardiovascular disease, HIV/AIDS, and cancer, and the severity
- 12 of the mental disorder strongly relates to comorbidity; and
- 13 WHEREAS, One in five adults (46.6 million or 18.9 percent)
- 14 experiences mental illness in a given year. Approximately one in

1 25 adults (11.2 million) experiences a serious mental illness that
2 substantially interferes with one or more major life activities. One
3 in five youth 13 to 18 years of age, inclusive, (21.4 percent)
4 experiences a severe mental disorder at some point during their
5 life; and

6 WHEREAS, According to the 1999 Surgeon General’s Report
7 on Mental Illness, adult Caucasians who suffer from depression
8 or an anxiety disorder are more likely to receive treatment than
9 adult African Americans with the same disorders, even though the
10 disorders occur in both groups at about the same rate, when taking
11 into account socioeconomic factors; and

12 WHEREAS, Although mental illness impacts all people, African
13 Americans receive less care and poorer quality of care and often
14 lack access to culturally competent care, thereby resulting in mental
15 health care disparities; and

16 WHEREAS, According to the California Reducing Disparities
17 Project report, “Pathways into the Black Population for Eliminating
18 Mental Health Disparities,” the African American population
19 reveals alarming statistics related to mental health, including high
20 rates of serious psychological distress, depression, suicide attempts,
21 dual diagnoses, and many other mental health concerns, and that
22 co-occurring conditions with physical health problems, including
23 high rates of heart disease, cancer, stroke, infant mortality,
24 violence, substance abuse, and intergenerational unresolved trauma,
25 provide a complex set of issues that places the population in a
26 crisis state; and

27 WHEREAS, According to the same California Reducing
28 Disparities Project report, in relationship to the African American
29 population, the mental health system has offered inaccurate
30 diagnoses, disproportionate findings of severe illness, greater usage
31 of involuntary commitments, and a woeful inadequacy of service
32 integration. The complexity of these factors had created an intense
33 stigma in the African American community that disparages mental
34 illness as “crazy,” a condition and a status that are viewed as
35 personally caused and difficult to resolve; and

36 WHEREAS, The African American population has rejected the
37 label “crazy” and continues to work within its communities using
38 strategies and interventions that it knows work to help its people
39 overcome physical, social, emotional, and psychological limitations
40 and challenges; and

1 WHEREAS, According to the California Reducing Disparities
2 Project report, “Community-Defined Solutions for Latino Mental
3 Health Care Disparities,” participants see negative perceptions
4 about mental health care as a significant factor contributing to
5 limited or nonexistent access to care, and the most common
6 concerns are stigma, culture, masculinity, exposure to violence,
7 and lack of information and awareness, among many others; and

8 WHEREAS, According to the same California Reducing
9 Disparities Project report, a substantial proportion of the Latino
10 participants believe that limited access and underutilization of
11 mental health services in the Latino community are primarily due
12 to gaps in culturally and linguistically appropriate services, in
13 conjunction with a shortage of bilingual and bicultural mental
14 health workers, an absence of educational programs for Latino
15 youth, and a system of care that is too rigid; and

16 WHEREAS, According to the California Reducing Disparities
17 Project report, “Native Vision: A Focus on Improving Behavioral
18 Health Wellness for California Native Americans,” most American
19 Indians and Alaska Natives living in California are expected to
20 learn to cope in both Western and Native American worlds on a
21 daily basis. Native Americans within California have shared
22 concerns about loss of culture, alcohol and drug abuse, and
23 depression and suicide as contributing factors to mental health
24 disparities, and the disconnection of culture and traditional values
25 has fragmented Native American communities, families, and
26 individuals; and

27 WHEREAS, According to the same California Reducing
28 Disparities Project report, being misdiagnosed and given severe
29 mental health diagnoses can be stigmatizing and can affect the
30 person’s self-esteem, which, in turn, can discourage the person
31 from seeking help through Native American practices and cultural
32 identity through community involvement; and

33 WHEREAS, According to the same California Reducing
34 Disparities Project report, lack of cultural identity can impede the
35 mental health healing process. Western mental health service
36 delivery focuses on the individual, rather than taking into
37 consideration the Native American community as a whole, and a
38 holistic approach is needed for individual, family, and community
39 wellness; and

1 WHEREAS, According to the California Reducing Disparities
2 Project report, “In Our Own Words,” which details disparities in
3 the Asian American and Pacific Islander (API) population, API
4 community members report high rates of mental health conditions
5 but have difficulty accessing services due to cultural and linguistic
6 barriers. Language, in particular, presents a substantial challenge
7 as many API community members have limited English
8 proficiency, and interpreters, when available, often lack the
9 expertise in mental health terminology and cultural knowledge to
10 effectively communicate with the patient; and

11 WHEREAS, According to the same California Reducing
12 Disparities Project report, stigma and misconceptions about mental
13 health concerns are also significant barriers to API persons seeking
14 mental health services, especially because many API languages
15 lack a vocabulary for mental health concerns that is not derogatory,
16 mental health care that is truly culturally competent for API persons
17 is often unavailable, and standard Western methods of assessing
18 and treating mental health clients may not be appropriate; and

19 WHEREAS, According to the California Reducing Disparities
20 Project report, “First, Do No Harm: Reducing Disparities for
21 Lesbian, Gay, Bisexual, Transgender, Queer and Questioning
22 (LGBTQ) Populations in California,” coming out as LGBTQ for
23 members of African American, Latino, Native American, and API
24 populations may require them to choose between the safety of their
25 families and cultural environment and their LGBTQ identities.
26 Their unique needs and status are often rendered invisible, in any
27 community with which they choose to associate, and too often
28 they find themselves having to choose; and

29 WHEREAS, According to the same California Reducing
30 Disparities Project report, LGBTQ participants from these
31 populations indicated dissatisfaction with how mental health care
32 providers had met their needs regarding their intersecting identities
33 and their racial or ethnic concerns. They also reported being
34 rejected by mental health care providers due to their sexual
35 orientation; and

36 WHEREAS, According to the same California Reducing
37 Disparities Project report, Latino, Native American, and API
38 participants reported higher rates of seriously considering suicide
39 compared to Caucasian participants. When compared to other
40 groups, African American participants reported almost twice as

1 many suicide attempts that needed treatment by a doctor or nurse;
2 and

3 WHEREAS, Nearly two-thirds of all people with a diagnosable
4 mental illness do not receive mental health treatment due to stigma,
5 cost, lack of community-based resources, inadequate diagnosis,
6 or no diagnosis; and

7 WHEREAS, Communities of color are in need of culturally
8 competent mental health resources and the training of all health
9 care providers to serve multiethnic patients; and

10 WHEREAS, Mental health providers and advocates must be
11 encouraged to incorporate and integrate minority mental health
12 education and outreach within their respective programs, including
13 the use of peer support; and

14 WHEREAS, An estimated 70 percent of all youth in the juvenile
15 justice system have at least one mental health condition, and at
16 least 20 percent live with severe mental illness that is usually
17 undiagnosed, misdiagnosed, untreated, or ineffectively treated,
18 thus leaving those incarcerated in vulnerable conditions; and

19 WHEREAS, Minority mental health patients are often among
20 the so-called “working poor” who face additional challenges
21 because they are underinsured or uninsured, which often leads to
22 late diagnosis or no diagnosis of mental illness; and

23 WHEREAS, The faith, customs, values, and traditions of a
24 variety of ethnic groups should be taken into consideration when
25 attempting to treat and diagnose mental illnesses; and

26 WHEREAS, African Americans and Hispanic Americans used
27 mental health services at about one-half the rate of Caucasians in
28 the past year, and Asian Americans used mental health services at
29 about one-third the rate of Caucasians; and

30 WHEREAS, African Americans are misdiagnosed at a higher
31 rate than persons of other ethnic groups within the mental health
32 delivery system, and greater effort must be made to accurately
33 assess the mental health of African Americans; and

34 WHEREAS, There is a need to improve public awareness of
35 mental illness and to strengthen local and national awareness of
36 brain diseases in order to assist with advocacy for persons of color
37 with mental illness, so that they may receive adequate and
38 appropriate treatment that will result in their becoming fully
39 functioning members of society; and

1 WHEREAS, Community mobilization of resources is needed
2 to advocate, educate, and train mental health care providers to help
3 remove barriers to the treatment of mental disorders; and

4 WHEREAS, Access to mental health treatment and services is
5 of paramount importance; and

6 WHEREAS, There is a need to encourage primary care and
7 emergency physicians to offer screenings, to partner with mental
8 health care providers, to offer culturally appropriate services, to
9 seek the appropriate referrals to specialists, and to encourage timely
10 and accurate diagnoses of mental disorders; and

11 WHEREAS, There is a need to support services that are
12 developed and provided by individuals and family members living
13 with mental illness from diverse communities in order to overcome
14 barriers to access and to decrease stigma; and

15 WHEREAS, The Legislature wishes to enhance public
16 awareness of mental illness, especially within minority
17 communities; and

18 WHEREAS, The late Bebe Moore Campbell, a mother,
19 grandmother, wife, friend, advocate, celebrated writer and
20 journalist, radio commentator, community activist, cofounder of
21 the National Alliance on Mental Illness Urban Los Angeles,
22 University of Pittsburgh trustee and educator, and recipient of
23 numerous awards and honors, was recognized for her tireless
24 advocacy and fight to bring awareness and attention to mental
25 illness among minorities with the release of her New York Times
26 best-selling novel, “72 Hour Hold,” and her children’s book,
27 “Sometimes My Mommy Gets Angry,” both of which bring
28 awareness to the plight of those with brain disorders; and

29 WHEREAS, Bebe Moore Campbell, through her dedication and
30 commitment, sought to move communities to support mental
31 wellness through effective treatment options, to provide open
32 access to mental health treatment and services, and to improve
33 community outreach and support for the many loved ones who are
34 unable to speak for themselves; and

35 WHEREAS, In 2008, the United States House of Representatives
36 proclaimed the month of July as Bebe Moore Campbell National
37 Minority Mental Health Awareness Month; and

38 WHEREAS, July is an appropriate month to recognize as Bebe
39 Moore Campbell National Minority Mental Health Awareness
40 Month; now, therefore, be it

1 *Resolved by the Senate of the State of California, the Assembly*
2 *thereof concurring,* That the Legislature hereby recognizes the
3 month of July 2019 as Bebe Moore Campbell National Minority
4 Mental Health Awareness Month in California to enhance public
5 awareness of mental illness among minorities; and be it further
6 *Resolved,* That the Secretary of the Senate transmit copies of
7 this resolution to the author for appropriate distribution.

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Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 60 (Mitchell) – As Introduced June 17, 2019

SENATE VOTE: 37-0

SUBJECT: Bebe Moore Campbell National Minority Mental Health Awareness Month.

SUMMARY: Recognizes the month of July 2019 as Bebe Moore Campbell National Minority Mental Health Awareness Month in California. Specifically, **this resolution** makes the following legislative findings:

- 1) Mental illness is one of the leading causes of disabilities in the United States, affecting one out of every four families and impacting both persons with the illness and those persons who care for and love the persons afflicted.
- 2) Nearly two-thirds of all people with a diagnosable mental illness do not receive mental health treatment due to stigma, cost, lack of community-based resources, inadequate diagnosis, or no diagnosis. Communities of color are in need of culturally competent mental health resources and the training of all health care providers to serve multiethnic patients.
- 3) Minority mental health patients are often among the so-called “working poor” who face additional challenges because they are underinsured or uninsured, which often leads to late diagnosis or no diagnosis of mental illness.
- 4) African Americans and Hispanic Americans used mental health services at about one-half the rate of Caucasians in the past year, and Asian Americans used mental health services at about one-third the rate of Caucasians.
- 5) Mental health providers and advocates must be encouraged to incorporate and integrate minority mental health education and outreach within their respective programs, including the use of peer support.
- 6) There is a need to improve public awareness of mental illness and to strengthen local and national awareness of brain diseases in order to assist with advocacy for persons of color with mental illness, so that they may receive adequate and appropriate treatment that will result in their becoming fully functioning members of society.
- 7) The late Bebe Moore Campbell, a mother, grandmother, wife, friend, advocate, celebrated writer and journalist, radio commentator, community activist, cofounder of the National Alliance on Mental Illness Urban Los Angeles, University of Pittsburgh trustee and educator, and recipient of numerous awards and honors, was recognized for her tireless advocacy and fight to bring awareness and attention to mental illness among minorities with the release of her New York Times best-selling novel, “72 Hour Hold,” and her children’s book, *Sometimes My Mommy Gets Angry*,” both of which bring awareness to the plight of those with brain disorders. Bebe Moore Campbell, through her dedication and commitment, sought to move communities to support mental wellness through effective treatment options,

to provide open access to mental health treatment and services, and to improve community outreach and support for the many loved ones who are unable to speak for themselves.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY JULY 3, 2019
AMENDED IN SENATE APRIL 29, 2019
AMENDED IN SENATE APRIL 11, 2019
AMENDED IN SENATE MARCH 14, 2019

SENATE BILL

No. 240

Introduced by Senator Dodd

February 11, 2019

An act to amend Sections 1722, 14020, 14022, ~~and 14022.5~~ 14022.5, 14023, 14037, and 14065 of, and to add Sections ~~14046 and 14047~~ 14046, 14047, and 14064.5 to, the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, Dodd. Insurance Adjuster Act.

Existing law creates the Department of Insurance, headed by the Insurance Commissioner, and prescribes the department's powers and duties. Existing law, the Insurance Adjuster Act, sets forth various requirements with respect to operation as an insurance adjuster in this state and prohibits a person from engaging in a business regulated by the act, or acting or assuming to act as, or representing themselves to be, an insurance adjuster unless the person is licensed under the act. Existing law also prohibits a person from falsely representing that the person is employed by a licensee. Existing law exempts a person from the requirements of the Insurance Adjuster Act if the person is employed exclusively and regularly by one employer, as specified, with which the person has an employer-employee relationship. If the commissioner declares an emergency situation, existing law authorizes a nonlicensed insurance adjuster to adjust claims if certain requirements are met, including that the nonlicensed insurance adjuster registers with the

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commissioner via a written letter naming the nonlicensed adjuster, identifying adjuster licenses held in other jurisdictions, and stating when the claims adjusting activity began in the emergency situation. Existing law requires an insurer to provide an insured with a written status report if the insurer assigns a 3rd or subsequent adjuster to be primarily responsible for a claim within a 6-month period. *Existing law provides that if a specified licensee, not including an insurance adjuster, enters the military service of the United States and is in the military service at the time of filing a license renewal application, the application filing is waived and the license remains in force during the licensee's military service and for a specified time afterward.*

This bill would require an insurer to establish a ~~single~~ primary point of contact for ~~the insured~~ a claim under a policy of residential property insurance and provide the insured with one or more direct means of communication with the ~~single~~ primary point of contact if, within a 6-month period, the insurer assigns a 3rd or subsequent *first-party real or personal property claims* adjuster to be primarily responsible for a claim. The bill would require the ~~single~~ primary point of contact to remain assigned to the insured's claim until the insurer determines that the claim is ~~closed~~. *closed or litigation has been filed.*

This bill would add insurance adjusters to the list of licensees whose application filing is waived during military service and for whom a license remains in force during military service.

This bill would require the department to annually prepare and deliver to every Insurance Adjuster Act licensee a notice describing the most significant California laws pertaining to property ~~insurance policies~~. The bill would exempt an individual who does not hold a California insurance adjuster license, and who meets specified criteria, from the requirements of the Insurance Adjuster Act if the individual additionally certifies, under penalty of perjury, that the individual read and understands the most recent significant law notice and has completed a training program, as described below. *The policies, as well as a handbook for adjusting in California that includes information relevant to evaluating damage caused by an emergency. The bill would require the commissioner to make the notice and the certification process, as described below, accessible on the department's internet website.*

This bill would require registration of a licensee or insurer to register a nonlicensed insurance adjuster ~~during an emergency situation to include a self-certification~~, within 15 calendar days from the date on which the nonlicensed adjuster began claims adjusting activity in

California in connection with an emergency situation as declared by the commissioner. The bill would require a supervising licensed adjuster to ensure their registered nonlicensed adjusters and employee nonlicensed adjusters have read and understand the most recent significant law notice and adjusting handbook within 15 calendar days from the date on which the nonlicensed adjuster began claims adjusting activity in California after a declared state of emergency. The bill would require a registered nonlicensed adjuster, under penalty of perjury, that a to certify that the nonlicensed individual adjuster has read and understands the most recent significant law notice and has completed a training program, as described below. The bill would require a nonlicensed insurance adjuster to complete a training regarding evaluating damage caused by an emergency, catastrophe, disaster, or other similar occurrence before adjusting a claim during an emergency situation. The bill would require the department to adopt regulations for that training on or before January 1, 2021, and would require the training to include issues related to adjusting wildfire claims. notice and handbook within 15 calendar days from the date on which the nonlicensed adjuster began claims adjusting activity in California in connection with an emergency situation as declared by the commissioner. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would also make technical, nonsubstantive changes to those provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1722 of the Insurance Code is amended
2 to read:
3 1722. If a natural person while licensed pursuant to the
4 provisions of this chapter or Chapter 6 (commencing with Section
5 1760), Chapter 7 (commencing with Section 1800), or Chapter 8
6 (commencing with Section 1831) of this part, Part 5 (commencing
7 with Section 12140) of Division 2, or Chapter 1 (commencing with

1 *Section 14000*) or Chapter 2 (commencing with Section 15000)
 2 of Division 5 enters the military service of the United States and
 3 is in that service at a time prescribed for the filing of a renewal
 4 application, the filing of that application is waived, and the license
 5 held by that licensee at the time of ~~his or her~~ *the licensee's* entry
 6 into military service shall remain in force during the period of that
 7 military service and until the end of the license year in which ~~he~~
 8 ~~or she~~ *the licensee* is released from that ~~service~~ *service*, but not
 9 for less than six months after that release. During that ~~period~~
 10 *period*, the ~~person~~ *licensee* may secure a license of the type held
 11 by ~~him or her~~ *on his or her the licensee* upon entry into military
 12 service upon the filing of an application and paying the fee therefor
 13 without the necessity of taking an examination or paying a penalty.

14 **SECTION 1.**

15 *SEC. 2.* Section 14020 of the Insurance Code is amended to
 16 read:

17 14020. (a) A person shall not engage in a business regulated
 18 by this chapter, or act or assume to act as, or represent themselves
 19 to be, a licensee unless the person is licensed under this chapter.

20 (b) A person shall not falsely represent that the person is
 21 employed by a licensee.

22 ~~**SEC. 2.**~~

23 *SEC. 3.* Section 14022 of the Insurance Code is amended to
 24 read:

25 14022. This chapter does not apply to:

26 ~~(a) A person who does not hold a California adjuster license~~
 27 ~~and who is employed exclusively and regularly by one employer~~
 28 ~~in connection with the affairs of that employer only, if there exists~~
 29 ~~an employer-employee relationship, and if, within 15 working~~
 30 ~~days from the date on which the person commences claims~~
 31 ~~adjusting activity in California, the person submits to the~~
 32 ~~department a certification, under penalty of perjury, that the person~~
 33 ~~has read and understands the most recent notice prepared by the~~
 34 ~~department pursuant to Section 14046 that describes the most~~
 35 ~~significant California laws pertaining to property insurance policies,~~
 36 ~~and has completed a training program in accordance with the~~
 37 ~~standards developed pursuant to subdivision (d) of Section 14022.5.~~

38 ~~(b) A person who does not hold a California adjuster license,~~
 39 ~~whose tax treatment is consistent with that of an independent~~
 40 ~~contractor as described in Section 3121 of Title 26 of the United~~

1 States Code, who is employed by an insurer or licensee, and whose
2 work is performed under the active direction, control, charge, or
3 management of a licensed independent insurance adjuster or an
4 insurer authorized to do business in this state. Following a declared
5 emergency, and within 15 working days from the date on which
6 the person commences claims adjusting activity in California, the
7 person shall submit to the department a certification, under penalty
8 of perjury, that the person has read and understands the most recent
9 notice prepared by the department pursuant to Section 14046 that
10 describes the most significant California laws pertaining to property
11 insurance policies, and has completed a training program in
12 accordance with the standards developed pursuant to subdivision
13 (d) of Section 14022.5.

14 (a) (1) *An person employed exclusively and regularly by one*
15 *employer in connection with the affairs of the employer only and*
16 *if there exists an employer-employee relationship, except as*
17 *provided in paragraph (2).*

18 (2) *After a declared state of emergency, as defined in Section*
19 *8558 of the Government Code, or other emergency declared by a*
20 *public official, a person licensed under this chapter or a qualified*
21 *manager shall require that all nonlicensed adjusters read and*
22 *understand the most recent notice and adjuster handbook prepared*
23 *by the department pursuant to subdivision (a) of Section 14046*
24 *within 15 calendar days from the date on which the nonlicensed*
25 *adjuster began claims adjusting activity in California.*

26 (3) *In enforcing this chapter, the department shall not be*
27 *required to investigate the employment or contractor status of a*
28 *person employed exclusively and regularly by one employer*
29 *pursuant to paragraph (1).*

30 (e)

31 (b) *An officer or employee of the United States of America, or*
32 *of this state or a political subdivision thereof, while that officer or*
33 *employee is engaged in the performance of official duties.*

34 (d)

35 (c) *A person engaged exclusively in the business of obtaining*
36 *and furnishing information as to the financial rating of persons.*

37 (e)

38 (d) *A charitable philanthropic society or association duly*
39 *incorporated under the laws of this state, which is organized and*
40 *maintained for the public good and not for private profit.*

- 1 ~~(f)~~
- 2 (e) An attorney performing the duties of an attorney.
- 3 ~~(g)~~
- 4 (f) A licensed collection agency or an employee thereof acting
- 5 within the scope of employment, while making an investigation
- 6 incidental to the business of the agency, including an investigation
- 7 of the location of a debtor or the debtor’s property if the contract
- 8 with an assignor creditor is for the collection of claims owed or
- 9 due or asserted to be owed or due or the equivalent thereof.
- 10 ~~(h)~~
- 11 (g) Admitted insurers and agents and insurance brokers licensed
- 12 by the state, performing duties in connection with insurance
- 13 transacted by them.
- 14 ~~(i)~~
- 15 (h) The legal owner of personal property that has been sold
- 16 under a conditional sales agreement or a mortgagee under the terms
- 17 of a chattel mortgage.
- 18 ~~(j)~~
- 19 (i) A bank subject to the jurisdiction of the Commissioner of
- 20 Financial Institutions of the State of California under Division 1
- 21 (commencing with Section 99) of the Financial Code or the
- 22 Comptroller of the Currency of the United States.
- 23 ~~(k)~~
- 24 (j) A person engaged solely in the business of securing
- 25 information about persons or property from public records.
- 26 ~~(l)~~
- 27 (k) A building contractor, engineer, technical expert, or other
- 28 person who is engaged by an insurer or licensed adjuster to provide
- 29 an expert or professional evaluation of the extent, cause, or origin
- 30 of damage to the insured property, but who does not otherwise
- 31 participate in the process of adjusting claims.
- 32 ~~SEC. 3.~~
- 33 SEC. 4. Section 14022.5 of the Insurance Code is amended to
- 34 read:
- 35 14022.5. (a) In the event of an emergency situation as declared
- 36 by the commissioner, claims arising out of the emergency,
- 37 catastrophe, disaster, or other similar occurrence may be adjusted
- 38 by a nonlicensed adjuster upon registration with the commissioner
- 39 if all of the following requirements are met:

1 (1) The work performed by the nonlicensed adjuster is under
2 the active direction, control, charge, or management of a licensed
3 adjuster or an insurer authorized to do business in this state.

4 (2) ~~Registration~~ *The licensee or insurer registers the nonlicensed*
5 *adjuster with the commissioner—~~is accomplished before the~~*
6 *nonlicensed adjuster begins claims adjusting activities or, if*
7 *retained specifically to adjust claims arising out of an emergency*
8 *situation as declared by the commissioner, within 15—~~working~~*
9 *calendar days from the date on which the nonlicensed adjuster*
10 *commences the ~~began~~ claims adjusting activity in connection with*
11 *the emergency situation. California.*

12 (3) ~~The nonlicensed adjuster has completed a training in~~
13 ~~accordance with the standards developed pursuant to subdivision~~
14 ~~(d).~~

15 (3) *The nonlicensed adjuster submits to the commissioner a*
16 *certification in a form or other format specified by the*
17 *commissioner, under penalty of perjury, that the adjuster has read*
18 *and understands the most recent notice and the handbook for*
19 *adjusting disaster claims prepared by the department pursuant to*
20 *subdivision (a) of Section 14046.*

21 (b) ~~“Registration,”~~ *“Registration” or “register,”* within the
22 meaning of this section, means ~~a written letter to filing with the~~
23 *commissioner a notice in a form or other format specified by the*
24 *commissioner, submitted by the supervising licensed adjuster or*
25 *admitted insurer, naming the nonlicensed adjusters, identifying*
26 *their adjuster licenses held in other ~~jurisdictions, jurisdictions, or,~~*
27 *if not licensed, providing other identification specified by the*
28 *commissioner, stating when their claims adjusting activity will*
29 *commence or has commenced, and ~~including a self-certification,~~*
30 *under penalty of perjury, that the nonlicensed individual has read*
31 *and understands the most recent notice prepared by the department*
32 *pursuant to Section 14046 that describes the most significant*
33 *California laws pertaining to property insurance policies, and has*
34 *completed a training program in accordance with the standards*
35 *developed pursuant to subdivision (d). ~~any other information the~~*
36 *commissioner may require.*

37 (c) ~~Registration under this section for claims adjusting activities~~
38 ~~arising out of an emergency is valid for a period of 180 days from~~
39 ~~the date of the registration letter. Before the lapse of that period,~~
40 ~~the commissioner may grant further 180-day extensions as the~~

1 commissioner deems appropriate upon written request from the
2 supervising licensed adjuster or the admitted insurer.

3 ~~(d) (1) On or before January 1, 2021, the department shall adopt~~
4 ~~regulations setting forth standards governing the training of~~
5 ~~nonlicensed adjusters in evaluating damage caused by an~~
6 ~~emergency, catastrophe, disaster, or other similar occurrence.~~
7 ~~Training shall include issues related to adjusting wildfire claims~~
8 ~~and California law applicable to catastrophes. A nonlicensed~~
9 ~~adjuster trained and accredited by one insurer pursuant to this~~
10 ~~section shall not be required to receive training again to adjust~~
11 ~~claims for a different insurer.~~

12 ~~(2) The regulations may be adopted as emergency regulations~~
13 ~~in accordance with Chapter 3.5 (commencing with Section 11340)~~
14 ~~of Division 3 of Title 2 of the Government Code, and for the~~
15 ~~purposes of that chapter, including Section 11349.6 of the~~
16 ~~Government Code, the adoption of those regulations shall be~~
17 ~~considered by the Office of Administrative Law to be necessary~~
18 ~~for the immediate preservation of the public peace, health and~~
19 ~~safety, and general welfare. The emergency regulations shall be~~
20 ~~submitted to the Office of Administrative Law for filing with the~~
21 ~~Secretary of State and shall remain in effect for no more than 180~~
22 ~~days, by which time final regulations shall be promulgated.~~

23 ~~(d) The commissioner shall make the notice and the certification~~
24 ~~process required pursuant to paragraph (3) of subdivision (a)~~
25 ~~accessible through a dedicated page on the department's internet~~
26 ~~website. A registration is not valid unless a current certification~~
27 ~~is on file with the commissioner.~~

28 ~~(e) In enforcing this chapter, the department shall not be~~
29 ~~required to investigate the employment or contractor status of a~~
30 ~~person registered pursuant to this section.~~

31 *SEC. 5. Section 14023 of the Insurance Code is amended to*
32 *read:*

33 14023. An application for a license under this chapter shall be
34 on a form prescribed by the ~~commissoner~~ *commissioner* and
35 accompanied by the application fee provided by this chapter.

36 *SEC. 6. Section 14037 of the Insurance Code is amended to*
37 *read:*

38 14037. A licensee shall at all times be legally responsible for
39 the good conduct in the business of each of ~~his or her~~ *the licensee's*
40 employees or agents, including ~~his or her manager.~~ *the licensee's*

1 *manager and any nonlicensed adjusters the licensee registers*
2 *pursuant to Section 14022.5.*

3 ~~SEC. 4.~~

4 *SEC. 7.* Section 14046 is added to the Insurance Code, to read:

5 14046. (a) (1) The department shall annually prepare and
6 deliver to every person licensed under this chapter *and every*
7 *insurer admitted in this state* a notice describing the most
8 significant California laws pertaining to property insurance policies,
9 including those related to a declared state of emergency, as defined
10 in Section 8558 of the Government Code, or other emergency
11 declared by a public official.

12 (2) *The department shall prepare and deliver to every person*
13 *licensed under this chapter a handbook for adjusting in California*
14 *that includes information relevant to evaluating damage caused*
15 *by an emergency, catastrophe, disaster, or other similar*
16 *occurrence, including wildfires. The handbook shall be the similar*
17 *or equivalent to one hour of continuing education for licensees.*

18 (b) After a claim is filed for losses after a declared state of
19 emergency, as defined in Section 8558 of the Government Code,
20 or other emergency declared by a public official, an insurer shall
21 provide the claimant with a copy of the most recent notice
22 described in *paragraph (1) of subdivision (a)* within 15 ~~working~~
23 *calendar days* from the date on which the insurer received notice
24 of the claim.

25 (c) *After a declared state of emergency, as defined in Section*
26 *8558 of the Government Code, or other emergency declared by a*
27 *public official, a supervising licensed adjuster shall require any*
28 *nonlicensed adjuster it has registered with the department pursuant*
29 *to subdivision (b) of Section 14022.5 and any nonlicensed adjuster*
30 *exempted from this chapter pursuant to subdivision (a) of Section*
31 *14022 to read and understand the notice described in paragraph*
32 *(1) of subdivision (a) and the handbook described in paragraph*
33 *(2) of subdivision (a) within 15 calendar days from the date on*
34 *which the nonlicensed adjuster began claims adjusting activity in*
35 *California.*

36 ~~SEC. 5.~~

37 *SEC. 8.* Section 14047 is added to the Insurance Code, to read:

38 14047. (a) ~~For~~ *For a claim under a policy of residential property*
39 *insurance arising as a result of a state of emergency, as defined*
40 *in subdivision (b) of Section 8558 of the Government Code, if,*

1 within a six-month period, an insurer assigns a third or subsequent
 2 *first-party real or personal property claims* adjuster to be primarily
 3 responsible for a claim, the insurer, in a timely manner, shall
 4 provide the insured with a written status report, establish a ~~single~~
 5 *primary* point of contact for the insured, and provide the insured
 6 with one or more direct means of communication with the ~~single~~
 7 *primary* point of contact.

8 (b) ~~The single primary point of contact shall be available to~~
 9 *respond to inquiries by the insured related to the residential*
 10 *property insurance claim. Other claims personnel, vendors, or*
 11 *professionals, including clerical staff members and call center*
 12 *staff members, may work on portions of the insured's claim. Once*
 13 *assigned, the primary point of contact shall remain assigned to the*
 14 *insured's claim until the insurer determines that the residential*
 15 *property claim is closed. closed or litigation has been filed.*

16 (c) The insurer shall ensure that the ~~single primary point of~~
 17 *contact refers and transfers an insured to an the appropriate*
 18 *supervisor with a span of control over the primary point of contact*
 19 *upon the request of the insured, if the single point of contact has*
 20 *a supervisor. insured. This process shall be satisfied by a referral*
 21 *to a first-tier or second-tier manager with authority over claim*
 22 *handling.*

23 (d) For purposes of this ~~section,~~ *single section:*

24 (1) *"Policy of residential property insurance" has the same*
 25 *meaning as defined in Section 10087.*

26 (2) *"Primary point of contact" means an individual a first-party*
 27 *real or personal property claims adjuster or team of personnel*
 28 *employed as a member or members of the insurer's staff who are*
 29 *knowledgeable about the claim and its current status.*

30 SEC. 9. Section 14064.5 is added to the Insurance Code, to
 31 read:

32 14064.5. (a) *The commissioner may, at any time, deny,*
 33 *suspend, or revoke a nonlicensed adjuster's registration under*
 34 *Section 14022.5, or impose a restricted registration, in the same*
 35 *manner and on the same grounds as the commissioner may for a*
 36 *license as set forth in Sections 14026.5 to 14028.5, inclusive.*

37 (b) *The commissioner may deny, suspend, revoke, or restrict*
 38 *an adjusting firm's license if a nonlicensed adjuster registered by*
 39 *the firm pursuant to Section 14022.5 commits an act that would*

1 *give rise to suspension, revocation, or restriction of the firm's*
2 *license under Section 14038, 14039, or 14061 to 14064, inclusive.*

3

4 *SEC. 10. Section 14065 of the Insurance Code is amended to*
5 *read:*

6 14065. The commissioner, in lieu of suspending or revoking
7 a license issued under this chapter for violations of Sections 14061,
8 14063, ~~and~~ 14064, *and 14064.5*, may impose a civil penalty not
9 to exceed five hundred dollars (\$500) upon a licensee, if the
10 commissioner determines that ~~such action~~ *a penalty* better serves
11 the purposes of this chapter.

12 ~~SEC. 6.~~

13 *SEC. 11.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

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California State Senate

BILL DODD

SENATOR, THIRD DISTRICT



CHAIR: SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

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CALIFORNIA'S WINE INDUSTRY
CO-CHAIR

May 29, 2019

Honorable Ken Cooley
Chair, Rules Committee
California State Assembly, Room 3016
Sacramento, CA 95814

Dear Chairman Cooley:

Last year, the Senate and Assembly Insurance Committees held a joint hearing that examined claims issues arising from the 2017 North Bay Fires. Consumers and industry experts testified about out-of-state adjusters providing receiving inaccurate information about claims. These problems come from a lack of training on California law and frequent adjuster turnover.

SB 240 addresses these issues in a measured and targeted way by imposing special training requirements on independent insurance adjusters that are exempted from California's licensing requirement, as well as requiring insurers to assign its own point of contact for claimants once a third or subsequent adjusters has been assigned within a six month period.

The bill has no opposition. I have been working with industry representatives and the Department of Insurance to make sure that the bill's provisions would not be unduly burdensome and that insurers would have ready access to adjuster services after an emergency.

I respectfully request the approval of the Committee on Rules to add an urgency clause to the bill so that these consumer protection are in place before the next catastrophic fire.

Sincerely,

A handwritten signature in blue ink that reads "Bill Dodd".

Bill Dodd
California State Senator, 3rd District

