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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 45. HAZARDOUS SUBSTANCE RESPONSE [78000 - 81050]** ( *Division 45 added by Stats. 2022, Ch. 257, Sec. 2. )*

**PART 2. HAZARDOUS SUBSTANCE ACCOUNT [78000 - 81050]** ( *Part 2 added by Stats. 2022, Ch. 257, Sec. 2. )*

**CHAPTER 11. California Financial Assurance and Insurance for Redevelopment Program [80680 - 80870]** (

*Chapter 11 added by Stats. 2022, Ch. 257, Sec. 2. )*

**ARTICLE 2. Environmental Insurance Products [80750 - 80780]** ( *Article 2 added by Stats. 2022, Ch. 257, Sec. 2. )*

**80750.** (a) The secretary shall solicit proposals for a package of environmental insurance products from insurance companies through a competitive bidding process.

(b) (1) The request for proposal prepared by the secretary shall identify the objectives of this chapter and the specific types and coverage limits of the insurance products desired, including endorsements and exclusions.

(2) The request for proposal shall require that the proposal allow a purchaser the opportunity to pay for additional coverage without losing the lower transaction costs structure of the prenegotiated policy.

(c) The secretary shall hold at least one public workshop in both the northern and the southern part of the state to present and solicit comments on the request for proposal prior to receiving any proposals.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*

**80755.** The secretary shall evaluate the extent to which each proposal submitted pursuant to Section 80750 meets the objectives of the request for proposal and shall also evaluate each proposal and interested party using all of the following factors:

(a) Product pricing.

(b) Claims history.

(c) Underwriting history.

(d) Company financial strength and size.

(e) Scope of policy coverages, including endorsements and exclusions.

(f) Marketing and distribution of the insurance products.

(g) Any other factor that the secretary determines will affect the ability of the selected insurance company to meet the requirements of this chapter and provide the environmental insurance products in the most effective and efficient manner and at the least cost to the state and to persons seeking that insurance.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*

**80760.** (a) The secretary shall select one or more insurance companies that have submitted a proposal pursuant to Section 80750 to be the exclusive state-designated provider of environmental insurance under this chapter for a period of three years from the date of selection.

(b) The secretary shall select a company that, in the secretary's determination, has submitted a proposal that best meets the requirements of this chapter and the objectives stated in the request for proposal at the best possible price.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*

**80765.** Every three years, the secretary shall repeat the competitive bidding process specified in this article.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*

**80770.** (a) An insurance company selected to provide prenegotiated environmental insurance products pursuant to Section 80760 shall offer this prenegotiated package of insurance products to any interested recipient of a loan under the CLEAN Program.

(b) The insurance company shall also offer the environmental insurance products made available under this chapter to any other person who conducts a response action in the state.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*

**80775.** The secretary shall implement this article in consultation with representatives of other appropriate state agencies, including the Business, Transportation and Housing Agency, the Office of Planning and Research, the Pollution Control Financing Authority, the Department of Insurance, the state board, the department, and with other interested parties, including developers, lenders, insurers, and representatives from environmental organizations.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*

**80780.** The secretary shall implement this article in a manner that is consistent with the requirements for state procurement of services set forth in Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

*(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)*