

AMENDED IN ASSEMBLY AUGUST 20, 2010

AMENDED IN ASSEMBLY AUGUST 18, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 17, 2010

AMENDED IN SENATE APRIL 22, 2010

SENATE BILL

No. 1340

Introduced by Senator Kehoe

(Coauthors: Assembly Members Bradford, Coto, Davis, and Solorio)

February 19, 2010

An act to amend Section 44272 of the Health and Safety Code, to amend Sections 26100, 26104, 26121, and 26123 of the Public Resources Code, and to add Sections 5898.15, 5898.23, and 5899.3 to the Streets and Highways Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as amended, Kehoe. Energy.

(1) Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide to specified entities, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change goals. Existing law specifies that only certain projects or programs are eligible for funding.

This bill would, additionally, specify projects eligible for funding under the program to include a cost-effective program to provide funding

for homeowners who purchase an electric vehicle to offset costs associated with modifying electrical sources to include a residential plug-in electric vehicle charging station.

(2) Existing law authorizes a public agency and a property owner to enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources or energy or water efficiency improvements that are permanently affixed on real property.

This bill would expand the use of the voluntary contractual assessment to finance electric vehicle charging infrastructure affixed on real property. The bill would prohibit a public agency from permitting a property owner to participate in a contractual assessment program if the total amount of assessments and taxes on the property exceeds 5% of the property's ~~appraised~~ market value, as specified. The bill would also require the preliminary report issued in connection with the contractual assessment program to include criteria for determining ~~the creditworthiness of a property owner~~ *underwriting requirements*, and safeguards to be used to limit the total annual property tax and assessments on the property, as specified.

(3) Existing law requires the California Alternative Energy and Advanced Transportation Financing Authority to establish a Property Assessed Clean Energy (PACE) Reserve program to assist local jurisdictions in financing the installation of distributed generation renewable energy sources or energy or water efficiency improvements meeting specified requirements that are permanently affixed on real property through the use of a voluntary contractual assessment.

This bill would expand the PACE Reserve program to assist local jurisdictions in financing the installation of electric vehicle charging infrastructure.

(4) This bill would incorporate additional changes in Section 44272 of the Health and Safety Code proposed by AB 1106, that would become operative only if AB 1106 and this bill are both chaptered and become operative on or before January 1, 2011, and this bill is chaptered last.

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

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

1 SECTION 1. Section 44272 of the Health and Safety Code is
2 amended to read:

1 44272. (a) The Alternative and Renewable Fuel and Vehicle
2 Technology Program is hereby created. The program shall be
3 administered by the commission. The commission shall implement
4 the program by regulation pursuant to the requirements of Chapter
5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
6 Title 2 of the Government Code. The program shall provide, upon
7 appropriation by the Legislature, competitive grants, revolving
8 loans, loan guarantees, loans, or other appropriate funding
9 measures, to public agencies, vehicle and technology entities,
10 businesses and projects, public-private partnerships, workforce
11 training partnerships and collaboratives, fleet owners, consumers,
12 recreational boaters, and academic institutions to develop and
13 deploy innovative technologies that transform California’s fuel
14 and vehicle types to help attain the state’s climate change policies.
15 The emphasis of this program shall be to develop and deploy
16 technology and alternative and renewable fuels in the marketplace,
17 without adopting any one preferred fuel or technology.

18 (b) A project funded by the commission shall be approved at a
19 noticed public hearing of the commission and shall be consistent
20 with the priorities established by the investment plan adopted
21 pursuant to Section 44272.5.

22 (c) The commission shall provide preferences to those projects
23 that maximize the goals of the Alternative and Renewable Fuel
24 and Vehicle Technology Program, based on the following criteria,
25 as applicable:

26 (1) The project’s ability to provide a measurable transition from
27 the nearly exclusive use of petroleum fuels to a diverse portfolio
28 of viable alternative fuels that meet petroleum reduction and
29 alternative fuel use goals.

30 (2) The project’s consistency with existing and future state
31 climate change policy and low-carbon fuel standards.

32 (3) The project’s ability to reduce criteria air pollutants and air
33 toxics and reduce or avoid multimedia environmental impacts.

34 (4) The project’s ability to decrease, on a life-cycle basis, the
35 discharge of water pollutants or any other substances known to
36 damage human health or the environment, in comparison to the
37 production and use of California Phase 2 Reformulated Gasoline
38 or diesel fuel produced and sold pursuant to California diesel fuel
39 regulations set forth in Article 2 (commencing with Section 2280)

1 of Chapter 5 of Division 3 of Title 13 of the California Code of
2 Regulations.

3 (5) The project does not adversely impact the sustainability of
4 the state's natural resources, especially state and federal lands.

5 (6) The project provides nonstate matching funds.

6 (7) The project provides economic benefits for California by
7 promoting California-based technology firms, jobs, and businesses.

8 (8) The project uses existing or proposed fueling infrastructure
9 to maximize the outcome of the project.

10 (9) The project's ability to reduce on a life-cycle assessment
11 greenhouse gas emissions by at least 10 percent, and higher
12 percentages in the future, from current reformulated gasoline and
13 diesel fuel standards established by the state board.

14 (10) The project's use of alternative fuel blends of at least 20
15 percent, and higher blend ratios in the future, with a preference
16 for projects with higher blends.

17 (11) The project drives new technology advancement for
18 vehicles, vessels, engines, and other equipment, and promotes the
19 deployment of that technology in the marketplace.

20 (d) Only the following shall be eligible for funding:

21 (1) Alternative and renewable fuel projects to develop and
22 improve alternative and renewable low-carbon fuels, including
23 electricity, ethanol, dimethyl ether, renewable diesel, natural gas,
24 hydrogen, and biomethane, among others, and their feedstocks
25 that have high potential for long-term or short-term
26 commercialization, including projects that lead to sustainable
27 feedstocks.

28 (2) Demonstration and deployment projects that optimize
29 alternative and renewable fuels for existing and developing engine
30 technologies.

31 (3) Projects to produce alternative and renewable low-carbon
32 fuels in California.

33 (4) Projects to decrease the overall impact of an alternative and
34 renewable fuel's life cycle carbon footprint and increase
35 sustainability.

36 (5) Alternative and renewable fuel infrastructure, fueling
37 stations, and equipment. The preference in paragraph (10) of
38 subdivision (c) shall not apply to renewable diesel or biodiesel
39 infrastructure, fueling stations, and equipment used solely for
40 renewable diesel or biodiesel fuel.

1 (6) Projects to develop and improve light-, medium-, and
2 heavy-duty vehicle technologies that provide for better fuel
3 efficiency and lower greenhouse gas emissions, alternative fuel
4 usage and storage, or emission reductions, including propulsion
5 systems, advanced internal combustion engines with a 40 percent
6 or better efficiency level over the current market standard,
7 light-weight materials, energy storage, control systems and system
8 integration, physical measurement and metering systems and
9 software, development of design standards and testing and
10 certification protocols, battery recycling and reuse, engine and fuel
11 optimization electronic and electrified components, hybrid
12 technology, plug-in hybrid technology, battery electric vehicle
13 technology, fuel cell technology, and conversions of hybrid
14 technology to plug-in technology through the installation of safety
15 certified supplemental battery modules.

16 (7) Programs and projects that accelerate the commercialization
17 of vehicles and alternative and renewable fuels including buy-down
18 programs through near-market and market-path deployments,
19 advanced technology warranty or replacement insurance,
20 development of market niches, supply-chain development, and
21 research related to the pedestrian safety impacts of vehicle
22 technologies and alternative and renewable fuels.

23 (8) Programs and projects to retrofit medium- and heavy-duty
24 on-road and nonroad vehicle fleets with technologies that create
25 higher fuel efficiencies, including alternative and renewable fuel
26 vehicles and technologies, idle management technology, and
27 aerodynamic retrofits that decrease fuel consumption.

28 (9) Infrastructure projects that promote alternative and renewable
29 fuel infrastructure development connected with existing fleets,
30 public transit, and existing transportation corridors, including
31 physical measurement or metering equipment and truck stop
32 electrification.

33 (10) Workforce training programs related to alternative and
34 renewable fuel feedstock production and extraction, renewable
35 fuel production, distribution, transport, and storage,
36 high-performance and low-emission vehicle technology and high
37 tower electronics, automotive computer systems, mass transit fleet
38 conversion, servicing, and maintenance, and other sectors or
39 occupations related to the purposes of this chapter.

1 (11) Block grants administered by not-for-profit technology
2 entities for multiple projects, education and program promotion
3 within California, and development of alternative and renewable
4 fuel and vehicle technology centers.

5 (12) Life cycle and multimedia analyses, sustainability and
6 environmental impact evaluations, and market, financial, and
7 technology assessments performed by a state agency to determine
8 the impacts of increasing the use of low-carbon transportation fuels
9 and technologies, and to assist in the preparation of the investment
10 plan and program implementation.

11 (13) A program to provide funding for homeowners who
12 purchase a plug-in electric vehicle to offset costs associated with
13 modifying electrical sources to include a residential plug-in electric
14 vehicle charging station. In establishing this program, the
15 commission shall consider funding criteria to maximize the public
16 benefit of the program.

17 (e) The commission may make a single source or sole source
18 award pursuant to this section for applied research. The same
19 requirements set forth in Section 25620.5 of the Public Resources
20 Code shall apply to awards made on a single source basis or a sole
21 source basis. This subdivision does not authorize the commission
22 to make a single source or sole source award for a project or
23 activity other than for applied research.

24 (f) Until January 1, 2012, the commission may contract with
25 the Treasurer to expend funds through programs implemented by
26 the Treasurer, if that expenditure is consistent with all of the
27 requirements of this chapter.

28 SEC. 1.5. Section 44272 of the Health and Safety Code is
29 amended to read:

30 44272. (a) The Alternative and Renewable Fuel and Vehicle
31 Technology Program is hereby created. The program shall be
32 administered by the commission. The commission shall implement
33 the program by regulation pursuant to the requirements of Chapter
34 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
35 Title 2 of the Government Code. The program shall provide, upon
36 appropriation by the Legislature, competitive grants, revolving
37 loans, loan guarantees, loans, or other appropriate funding
38 measures, to public agencies, vehicle and technology entities,
39 businesses and projects, public-private partnerships, workforce
40 training partnerships and collaboratives, fleet owners, consumers,

1 recreational boaters, and academic institutions to develop and
2 deploy innovative technologies that transform California’s fuel
3 and vehicle types to help attain the state’s climate change policies.
4 The emphasis of this program shall be to develop and deploy
5 technology and alternative and renewable fuels in the marketplace,
6 without adopting any one preferred fuel or technology.

7 (b) A project funded by the commission shall be approved at a
8 noticed public hearing of the commission and shall be consistent
9 with the priorities established by the investment plan adopted
10 pursuant to Section 44272.5.

11 (c) The commission shall provide preferences to those projects
12 that maximize the goals of the Alternative and Renewable Fuel
13 and Vehicle Technology Program, based on the following criteria,
14 as applicable:

15 (1) The project’s ability to provide a measurable transition from
16 the nearly exclusive use of petroleum fuels to a diverse portfolio
17 of viable alternative fuels that meet petroleum reduction and
18 alternative fuel use goals.

19 (2) The project’s consistency with existing and future state
20 climate change policy and low-carbon fuel standards.

21 (3) The project’s ability to reduce criteria air pollutants and air
22 toxics and reduce or avoid multimedia environmental impacts.

23 (4) The project’s ability to decrease, on a life cycle basis, the
24 discharge of water pollutants or any other substances known to
25 damage human health or the environment, in comparison to the
26 production and use of California Phase 2 Reformulated Gasoline
27 or diesel fuel produced and sold pursuant to California diesel fuel
28 regulations set forth in Article 2 (commencing with Section 2280)
29 of Chapter 5 of Division 3 of Title 13 of the California Code of
30 Regulations.

31 (5) The project does not adversely impact the sustainability of
32 the state’s natural resources, especially state and federal lands.

33 (6) The project provides nonstate matching funds.

34 (7) The project provides economic benefits for California by
35 promoting California-based technology firms, jobs, and businesses.

36 (8) The project uses existing or proposed fueling infrastructure
37 to maximize the outcome of the project.

38 (9) The project’s ability to reduce on a life cycle assessment
39 greenhouse gas emissions by at least 10 percent, and higher

1 percentages in the future, from current reformulated gasoline and
2 diesel fuel standards established by the state board.

3 (10) The project's use of alternative fuel blends of at least 20
4 percent, and higher blend ratios in the future, with a preference
5 for projects with higher blends.

6 (11) The project drives new technology advancement for
7 vehicles, vessels, engines, and other equipment, and promotes the
8 deployment of that technology in the marketplace.

9 (d) Only the following shall be eligible for funding:

10 (1) Alternative and renewable fuel projects to develop and
11 improve alternative and renewable low-carbon fuels, including
12 electricity, ethanol, dimethyl ether, renewable diesel, natural gas,
13 hydrogen, and biomethane, among others, and their feedstocks
14 that have high potential for long-term or short-term
15 commercialization, including projects that lead to sustainable
16 feedstocks.

17 (2) Demonstration and deployment projects that optimize
18 alternative and renewable fuels for existing and developing engine
19 technologies.

20 (3) Projects to produce alternative and renewable low-carbon
21 fuels in California.

22 (4) Projects to decrease the overall impact of an alternative and
23 renewable fuel's life cycle carbon footprint and increase
24 sustainability.

25 (5) Alternative and renewable fuel infrastructure, fueling
26 stations, and equipment. The preference in paragraph (10) of
27 subdivision (c) shall not apply to renewable diesel or biodiesel
28 infrastructure, fueling stations, and equipment used solely for
29 renewable diesel or biodiesel fuel.

30 (6) Projects to develop and improve light-, medium-, and
31 heavy-duty vehicle technologies that provide for better fuel
32 efficiency and lower greenhouse gas emissions, alternative fuel
33 usage and storage, or emission reductions, including propulsion
34 systems, advanced internal combustion engines with a 40 percent
35 or better efficiency level over the current market standard,
36 light-weight materials, energy storage, control systems and system
37 integration, physical measurement and metering systems and
38 software, development of design standards and testing and
39 certification protocols, battery recycling and reuse, engine and fuel
40 optimization electronic and electrified components, hybrid

1 technology, plug-in hybrid technology, battery electric vehicle
2 technology, fuel cell technology, and conversions of hybrid
3 technology to plug-in technology through the installation of safety
4 certified supplemental battery modules.

5 (7) Programs and projects that accelerate the commercialization
6 of vehicles and alternative and renewable fuels including buy-down
7 programs through near-market and market-path deployments,
8 advanced technology warranty or replacement insurance,
9 development of market niches, supply-chain development, and
10 research related to the pedestrian safety impacts of vehicle
11 technologies and alternative and renewable fuels.

12 (8) Programs and projects to retrofit medium- and heavy-duty
13 on-road and nonroad vehicle fleets with technologies that create
14 higher fuel efficiencies, including alternative and renewable fuel
15 vehicles and technologies, idle management technology, and
16 aerodynamic retrofits that decrease fuel consumption.

17 (9) Infrastructure projects that promote alternative and renewable
18 fuel infrastructure development connected with existing fleets,
19 public transit, and existing transportation corridors, including
20 physical measurement or metering equipment and truck stop
21 electrification.

22 (10) Workforce training programs related to alternative and
23 renewable fuel feedstock production and extraction, renewable
24 fuel production, distribution, transport, and storage,
25 high-performance and low-emission vehicle technology and high
26 tower electronics, automotive computer systems, mass transit fleet
27 conversion, servicing, and maintenance, and other sectors or
28 occupations related to the purposes of this chapter.

29 (11) Block grants administered by not-for-profit technology
30 entities for multiple projects, education and program promotion
31 within California, and development of alternative and renewable
32 fuel and vehicle technology centers.

33 (12) Life cycle and multimedia analyses, sustainability and
34 environmental impact evaluations, and market, financial, and
35 technology assessments performed by a state agency to determine
36 the impacts of increasing the use of low-carbon transportation fuels
37 and technologies, and to assist in the preparation of the investment
38 plan and program implementation.

39 (13) A program to provide funding for homeowners who
40 purchase a plug-in electric vehicle to offset costs associated with

1 modifying electrical sources to include a residential plug-in electric
2 vehicle charging station. In establishing this program, the
3 commission shall consider funding criteria to maximize the public
4 benefit of the program.

5 (e) The commission may make a single source or sole source
6 award pursuant to this section for applied research. The same
7 requirements set forth in Section 25620.5 of the Public Resources
8 Code shall apply to awards made on a single source basis or a sole
9 source basis. This subdivision does not authorize the commission
10 to make a single source or sole source award for a project or
11 activity other than for applied research.

12 (f) Until January 1, 2012, the commission may do both of the
13 following:

14 (1) Contract with the Treasurer to expend funds through
15 programs implemented by the Treasurer, if the expenditure is
16 consistent with all of the requirements of this chapter.

17 (2) Contract with small business financial development
18 corporations established by the Business, Transportation and
19 Housing Agency to expend funds through the Small Business Loan
20 Guarantee Program if the expenditure is consistent with all of the
21 requirements of the program and this chapter.

22 SEC. 2. Section 26100 of the Public Resources Code is
23 amended to read:

24 26100. (a) The Legislature finds and declares all of the
25 following:

26 (1) Property Assessed Clean Energy (PACE) financing has been
27 pioneered by municipalities and counties in California as a way
28 for home and small business owners to finance voluntary energy
29 and water efficiency and clean energy improvements.

30 (2) PACE financing was pioneered in the City of Berkeley,
31 while the City and County of San Francisco, City of San Diego,
32 City of Palm Desert, Sonoma County, and the California Statewide
33 Communities Development Authority (CSCDA) have already
34 initiated or are working to launch additional programs.

35 (3) Seventeen other states, including Colorado and New York,
36 have also enacted enabling PACE legislation.

37 (4) The public subsidy provided by the PACE financing is
38 justified by the benefits received in job creation, lower energy
39 demand, and spurring new clean industries that will grow the
40 economy.

1 (b) It is the intent of the Legislature to assist local jurisdictions
2 in financing the installation of distributed generation renewable
3 energy sources, electric vehicle charging infrastructure, or energy
4 or water efficiency improvements that are permanently fixed to
5 real property through the use of voluntary contractual assessments.

6 (c) It is not the intent of the Legislature to create any debt,
7 liability, or obligation on the part of the state in assisting local
8 jurisdictions pursuant to this division.

9 SEC. 3. Section 26104 of the Public Resources Code is
10 amended to read:

11 26104. “Property Assessed Clean Energy bond” or “PACE
12 bond” means a bond that is secured by a voluntary contractual
13 assessment on property authorized pursuant to paragraph (2) of
14 subdivision (a) of Section 5898.20 of the Streets and Highways
15 Code or by a voluntary contractual assessment or a voluntary
16 special tax on property to finance the installation of distributed
17 generation renewable energy sources, electric vehicle charging
18 infrastructure, or energy or water efficiency improvements that is
19 levied pursuant to a chartered city’s constitutional authority under
20 Section 5 of Article XI of the California Constitution.

21 SEC. 4. Section 26121 of the Public Resources Code is
22 amended to read:

23 26121. To qualify for assistance pursuant to this division, the
24 PACE program shall require all of the following:

25 (a) The interest rate on the PACE bond does not exceed a
26 percentage as determined by the authority to be appropriate.

27 (b) Minimum legal loan structure and credit underwriting criteria
28 as determined by the authority are met.

29 (c) Proceeds of the PACE bonds are used to finance qualified
30 energy and water efficiency, electric vehicle charging
31 infrastructure, and clean energy improvements.

32 (d) The improvement financed is for a residential project of
33 three units or fewer, or a commercial project that costs less than
34 twenty-five thousand dollars (\$25,000) in total.

35 SEC. 5. Section 26123 of the Public Resources Code is
36 amended to read:

37 26123. (a) In evaluating eligibility, the authority shall consider
38 whether the applicant’s PACE program includes the following
39 conditions:

40 (1) Loan recipients are legal owners of underlying property.

1 (2) Loan recipients are current on mortgage and property tax
2 payments.

3 (3) Loan recipients are not in default or in bankruptcy
4 proceedings.

5 (4) Loans are for less than 10 percent of the value of the
6 property.

7 (5) The property is within the geographical boundaries of the
8 PACE program.

9 (6) The program offers financing for energy efficiency
10 improvements or electric vehicle charging infrastructure.

11 (7) Improvements financed by the program follow applicable
12 standards of energy efficiency retrofit work, including any
13 guidelines adopted by the State Resources Conservation and
14 Development Commission.

15 (b) In evaluating an application, the authority shall consider all
16 of the following factors:

17 (1) The use by the PACE program of best practices, adopted by
18 the authority, to qualify eligible properties for participation in
19 underwriting the PACE program.

20 (2) The cost efficiency of the applicant’s PACE program,
21 including bond issuance.

22 (3) The projected number of jobs created by the PACE program.

23 (4) The applicant’s PACE program requirements for quality
24 assurance and consumer protection as related to achieving
25 efficiency and clean energy production.

26 (5) The mechanisms by which savings produced by this program
27 are passed on to the property owners.

28 (6) Any other factors deemed appropriate by the authority.

29 SEC. 6. Section 5898.15 is added to the Streets and Highways
30 Code, to read:

31 5898.15. (a) A public agency shall not permit a property owner
32 to participate in any program established pursuant to this chapter
33 if the owner’s participation would result in the total amount of any
34 annual property taxes and assessments exceeding 5 percent of the
35 property’s ~~appraised~~ market value, as determined at the time of
36 approval of the owner’s contractual assessment.

37 (b) Nothing in this chapter shall be construed to void or
38 otherwise release a property owner from the contractual obligations
39 incurred by a contractual assessment on a property, particularly in
40 the event that the total amount of annual property taxes and

1 assessments exceeds 5 percent of a property's ~~appraised~~ *market*
2 value after the property owner has entered into a contractual
3 assessment pursuant to this chapter.

4 SEC. 7. Section 5898.23 is added to the Streets and Highways
5 Code, to read:

6 5898.23. For purposes of the report required pursuant to Section
7 5898.22, the statement of public agency policies required pursuant
8 to subdivision (c) of that section shall also include a brief
9 description of criteria for determining the ~~creditworthiness of a~~
10 ~~property owner~~ *underwriting requirements*, and safeguards that
11 will be used to ensure that the total annual property tax and
12 assessments on the property will not exceed 5 percent of the
13 property's ~~appraised~~ market value, as determined at the time of
14 approval for the owner's contractual assessment.

15 SEC. 8. Section 5899.3 is added to the Streets and Highways
16 Code, to read:

17 5899.3. (a) The Legislature finds and declares all of the
18 following:

19 (1) This chapter should be used to finance the installation of
20 electric vehicle charging infrastructure that is permanently fixed
21 to residential, commercial, industrial, agricultural, or other real
22 property.

23 (2) Electric vehicle charging infrastructure is a necessary
24 component to transitioning to increase electric vehicle usage.
25 Electric vehicles and their electric charging infrastructure also
26 address the issue of global climate change.

27 (3) The upfront cost of installing electric vehicle charging
28 infrastructure improvements for residential, commercial, industrial,
29 agricultural, or other real property prevents many property owners
30 from making those improvements. To make those improvements
31 more affordable and to promote the installation of those
32 improvements, it is necessary to authorize an alternative procedure
33 for authorizing assessments to finance the cost of installing electric
34 vehicle charging infrastructure.

35 (4) The Legislature declares that a public purpose will be served
36 by a voluntary contractual assessment program that provides the
37 legislative body of a public agency with the authority to finance
38 the installation of electric vehicle charging infrastructure that is
39 permanently fixed to residential, commercial, industrial,
40 agricultural, or other real property.

1 (b) For the purpose of financing the installation of electric
2 vehicle charging infrastructure, “public agency” means a county,
3 city, city and county, or a municipal utility district, an irrigation
4 district, or public utility district that owns and operates an electric
5 distribution system. The definition of “city” in Section 5005 shall
6 not apply to this section.

7 (c) The legislative body of any public agency may designate an
8 area, in the manner provided pursuant to Section 5898.20, within
9 which authorized public agency officials and property owners may
10 enter into voluntary contractual assessments to finance the
11 installation of electric vehicle charging infrastructure that is
12 permanently fixed to real property pursuant to this chapter.

13 (d) For purposes of establishing a voluntary contractual
14 assessment program relating to electric vehicle charging
15 infrastructure, the legislative body shall make the determinations
16 required pursuant to Section 5898.20 by adopting a resolution
17 indicating its intention to do so. The resolution of intention shall
18 identify the kinds of electric vehicle charging infrastructure that
19 may be financed and shall include all of the information that is
20 required pursuant to subdivision (b) of Section 5898.20, including,
21 but not limited to, directing an appropriate public agency official
22 to prepare a report pursuant to Section 5898.22.

23 (e) For purposes of the report required pursuant to Section
24 5898.22, relating to a voluntary contractual assessment program
25 for electric vehicle charging infrastructure, the designated public
26 agency official shall satisfy the requirements of paragraph (1) of
27 subdivision (c) of Section 5898.22 by identifying the types of
28 electric vehicle charging infrastructure that may be financed
29 through the use of contractual assessments.

30 (f) Notwithstanding any other provision of this chapter, upon
31 the written consent of an authorized public agency official, the
32 proposed arrangements for financing the program pertaining to
33 the installation of electric vehicle charging infrastructure that is
34 permanently fixed to real property may authorize the property
35 owner to purchase directly the related equipment and materials for
36 the installation of electric vehicle charging infrastructure and to
37 contract directly for the installation of electric vehicle charging
38 infrastructure that is permanently fixed to the property owner’s
39 residential, commercial, industrial, agricultural, or other real
40 property.

1 SEC. 9. Section 1.5 of this bill incorporates amendments to
2 Section 44272 of the Health and Safety Code proposed by this bill
3 and AB 1106. It shall only become operative if (1) both bills are
4 enacted and become effective on or before January 1, 2011, (2)
5 each bill amends Section 44272 of the Health and Safety Code,
6 and (3) this bill is enacted after AB 1106, in which case Section
7 44272 of the Health and Safety Code, as amended by AB 1106,
8 shall remain operative only until the operative date of this bill, at
9 which time Section 1.5 of this bill shall become operative, and
10 Section 1 of this bill shall not become operative.

O