

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1005**

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**Introduced by Assembly Members Gordon and Levine  
(Coauthors: Assembly Members Patterson and Wilk)**

February 26, 2015

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An act to amend Sections ~~740.2, 740.3, and 740.8~~ of the ~~Public Utilities Code~~, ~~14549.2 and 14581~~ of the *Public Resources Code*, relating to ~~electric vehicles~~, *beverage containers*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as amended, Gordon. ~~Electric vehicles: infrastructure: charging systems.~~ *California Beverage Container Recycling and Litter Reduction Act: market development payments.*

*Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery for deposit in the California Beverage Container Recycling Fund. Moneys in the fund are continuously appropriated to the department for certain payments, including market development payments. Existing law authorizes the department, until that authorization is repealed on January 1, 2017, to annually expend up to \$10,000,000 from the fund to make market development payments to an entity certified by the department as a recycling center, processor, or dropoff or collection program for empty plastic beverage containers that are subsequently washed and processed*

*into flake, pellet, or other form, and made usable for the manufacture of a plastic product, or to a product manufacturer for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and used by that product manufacturer to manufacture a product.*

*This bill would postpone that repeal until January 1, 2022. By extending the term of a continuous appropriation, this bill would make an appropriation.*

~~Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, that requires payment of a fee and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.~~

~~This bill would state the intent of the Legislature to encourage and support the widespread deployment of electric vehicles, protect competitive markets for electric vehicle charging equipment and network charging services from unfair competition, support consumer choice, and encourage and support private investment in the equipment and services, and would make legislative findings and declarations in that regard.~~

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law requires the Public Utilities Commission, in consultation with the State Energy Resources Conservation and Development Commission, the State Air Resources Board, electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified matter.~~

~~This bill would delete the requirement that the Public Utilities Commission adopt the rules by July 1, 2011, and instead require the commission to adopt the rules as needed.~~

~~Existing law requires the Public Utilities Commission, in cooperation with the State Energy Resources Conservation and Development Commission, the State Air Resources Board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electricity to power and natural gas to~~

~~fuel low-emission vehicles. The Public Utilities Commission is required to consider certain matters in evaluating and implementing its policies authorizing utilities to develop equipment and infrastructure needed for electric-powered and natural gas-fueled low-emission vehicles and to ensure that those policies ensure that the costs and expenses of utility programs are not passed through to electric or gas ratepayers unless the commission finds and determines that those programs are in the ratepayers' interest. Existing law defines what is in the "interests" of ratepayers for this purpose. Existing law further requires the commission's policies authorizing utilities to develop equipment and infrastructure needed for electric-powered and natural gas-fueled low-emission vehicles ensure that utilities do not unfairly compete with nonutility enterprises.~~

~~This bill would require the Public Utilities Commission, when evaluating and implementing its policies authorizing utilities to develop equipment and infrastructure needed for electric-powered and natural gas-fueled low-emission vehicles, to additionally consider (1) authorizing electrical corporations to rate-base make-ready infrastructure needed to support and encourage investment in electric vehicle charging equipment by customers and other providers of electric vehicle charging services, and (2) authorizing electric corporations to rate-base electric vehicle charging equipment if specified requirements are met. The bill would require that the Public Utilities Commission's policies to ensure that utilities do not unfairly compete with nonutility enterprises include the policy that an electrical corporation not constrain customer choice for electric vehicle service equipment, as defined, except when providing charging services at sites owned or operated by the electrical corporation for electric vehicles that are owned by the electrical corporation or by employees of the electrical corporation.~~

~~Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.~~

~~Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by expanding the application of a crime.~~

~~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~~<sup>2/3</sup>. Appropriation: ~~no~~<sup>yes</sup>. Fiscal committee: yes. State-mandated local program: ~~yes~~<sup>no</sup>.

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

1 SECTION 1. Section 14549.2 of the Public Resources Code is  
2 amended to read:

3 14549.2. (a) For purposes of this section, the following  
4 definitions shall apply:

5 (1) "Certified entity" means a recycling center, processor, or  
6 dropoff or collection program certified pursuant to this division.

7 (2) "Product manufacturer" means ~~any~~ a person who  
8 manufactures a plastic product in this state.

9 (b) In order to develop California markets for empty plastic  
10 beverage containers collected for recycling in the state, the  
11 department may, consistent with Section 14581 and subject to the  
12 availability of funds, pay a market development payment to a  
13 certified entity or product manufacturer for empty plastic beverage  
14 containers collected and managed pursuant to this section.

15 (c) The department shall make a market development payment  
16 to a certified entity or product manufacturer in accordance with  
17 this section, only if the plastic beverage container is collected and  
18 either recycled or used in manufacturing, in the state, as follows:

19 (1) The department shall make a market development payment  
20 to a certified entity for empty plastic beverage containers that are  
21 collected for recycling in the state, that are subsequently washed  
22 and processed by a certified entity into a flake, pellet, or other  
23 form in the state, and made usable for the manufacture of a plastic  
24 product by a product manufacturer.

25 (2) The department shall make a market development payment  
26 to a product manufacturer for empty plastic beverage containers  
27 that are collected for recycling in the state, that are subsequently  
28 washed and processed into a flake, pellet or other form in the state,  
29 and used by that product manufacturer to manufacture a product  
30 in this state.

31 (3) The department shall determine the amount of the market  
32 development payment, which may be set at a different level for a  
33 certified entity and a product manufacturer, but shall not exceed

1 one hundred fifty dollars (\$150) per ton. In setting the amount of  
2 the market development payment for both certified entities and  
3 product manufacturers, the department shall consider all of the  
4 following:

5 (A) The minimum funding level needed to encourage the in-state  
6 washing and processing of empty plastic beverage containers  
7 collected for recycling in this state.

8 (B) The minimum funding level needed to encourage the in-state  
9 manufacturing that utilizes empty plastic beverage containers  
10 collected for recycling in this state.

11 (C) The total amount of funds projected to be available for  
12 plastic market development payments and the desire to maintain  
13 the minimum funding level needed throughout the year.

14 (4) The department may make a market development payment  
15 to both a certified entity and a product manufacturer for the same  
16 empty plastic beverage container.

17 (d) This section shall remain in effect only until January 1, ~~2017~~,  
18 2022, and as of that date is repealed, unless a later enacted statute,  
19 that is enacted before January 1, ~~2017~~, 2022, deletes or extends  
20 that date.

21 *SEC. 2. Section 14581 of the Public Resources Code is*  
22 *amended to read:*

23 14581. (a) Subject to the availability of funds and in  
24 accordance with subdivision (b), the department shall expend the  
25 moneys set aside in the fund, pursuant to subdivision (c) of Section  
26 14580, for the purposes of this section in the following manner:

27 (1) For each fiscal year, the department may expend the amount  
28 necessary to make the required handling fee payment pursuant to  
29 Section 14585.

30 (2) Fifteen million dollars (\$15,000,000) shall be expended  
31 annually for payments for curbside programs and neighborhood  
32 dropoff programs pursuant to Section 14549.6.

33 (3) (A) Ten million five hundred thousand dollars (\$10,500,000)  
34 may be expended annually for payments of five thousand dollars  
35 (\$5,000) to cities and ten thousand dollars (\$10,000) for payments  
36 to counties for beverage container recycling and litter cleanup  
37 activities, or the department may calculate the payments to counties  
38 and cities on a per capita basis, and may pay whichever amount  
39 is greater, for those activities.

1 (B) Eligible activities for the use of these funds may include,  
2 but are not necessarily limited to, support for new or existing  
3 curbside recycling programs, neighborhood dropoff recycling  
4 programs, public education promoting beverage container  
5 recycling, litter prevention, and cleanup, cooperative regional  
6 efforts among two or more cities or counties, or both, or other  
7 beverage container recycling programs.

8 (C) These funds shall not be used for activities unrelated to  
9 beverage container recycling or litter reduction.

10 (D) To receive these funds, a city, county, or city and county  
11 shall fill out and return a funding request form to the department.  
12 The form shall specify the beverage container recycling or litter  
13 reduction activities for which the funds will be used.

14 (E) The department shall annually prepare and distribute a  
15 funding request form to each city, county, or city and county. The  
16 form shall specify the amount of beverage container recycling and  
17 litter cleanup funds for which the jurisdiction is eligible. The form  
18 shall not exceed one double-sided page in length, and may be  
19 submitted electronically. If a city, county, or city and county does  
20 not return the funding request form within 90 days of receipt of  
21 the form from the department, the city, county, or city and county  
22 is not eligible to receive the funds for that funding cycle.

23 (F) For the purposes of this paragraph, per capita population  
24 shall be based on the population of the incorporated area of a city  
25 or city and county and the unincorporated area of a county. The  
26 department may withhold payment to any city, county, or city and  
27 county that has prohibited the siting of a supermarket site, caused  
28 a supermarket site to close its business, or adopted a land use policy  
29 that restricts or prohibits the siting of a supermarket site within its  
30 jurisdiction.

31 (4) One million five hundred thousand dollars (\$1,500,000) may  
32 be expended annually in the form of grants for beverage container  
33 recycling and litter reduction programs.

34 (5) (A) The department shall expend the amount necessary to  
35 pay the processing payment established pursuant to Section 14575.  
36 The department shall establish separate processing fee accounts  
37 in the fund for each beverage container material type for which a  
38 processing payment and processing fee are calculated pursuant to  
39 Section 14575, or for which a processing payment is calculated  
40 pursuant to Section 14575 and a voluntary artificial scrap value is

1 calculated pursuant to Section 14575.1, into which account shall  
2 be deposited both of the following:

3 (i) All amounts paid as processing fees for each beverage  
4 container material type pursuant to Section 14575.

5 (ii) Funds equal to the difference between the amount in clause  
6 (i) and the amount of the processing payments established in  
7 subdivision (b) of Section 14575, and adjusted pursuant to  
8 paragraph (2) of subdivision (c) of, and subdivision (f) of, Section  
9 14575, to reduce the processing fee to the level provided in  
10 subdivision (e) of Section 14575, or to reflect the agreement by a  
11 willing purchaser to pay a voluntary artificial scrap value pursuant  
12 to Section 14575.1.

13 (B) Notwithstanding Section 13340 of the Government Code,  
14 the moneys in each processing fee account are hereby continuously  
15 appropriated to the department for expenditure without regard to  
16 fiscal years, for purposes of making processing payments pursuant  
17 to Section 14575.

18 (6) Up to five million dollars (\$5,000,000) may be annually  
19 expended by the department for the purposes of undertaking a  
20 statewide public education and information campaign aimed at  
21 promoting increased recycling of beverage containers.

22 (7) Up to ten million dollars (\$10,000,000) may be expended  
23 annually by the department for quality incentive payments for  
24 empty glass beverage containers pursuant to Section 14549.1.

25 (8) (A) Up to ten million dollars (\$10,000,000) may be  
26 expended annually by the department for market development  
27 payments for empty plastic beverage containers pursuant to Section  
28 14549.2, until January 1, ~~2017~~: 2022.

29 (B) In addition to the amount specified in subparagraph (A),  
30 the department may expend the amount calculated pursuant to  
31 subparagraph (C) for market development payments for empty  
32 plastic beverage containers pursuant to Section 14549.2.

33 (C) The department shall calculate the amount authorized for  
34 expenditure pursuant to subparagraph (B) in the following manner:

35 (i) The department shall *annually* determine, on or before  
36 January 1, ~~2012~~, and ~~annually thereafter~~, whether the amount of  
37 funds estimated to be necessary pursuant to clause (ii) of  
38 subparagraph (A) of paragraph ~~(6)~~ (5) for deposit to a processing  
39 fee account established by the department for plastic beverage  
40 containers to make processing payments for plastic beverage

1 containers for the current calendar year is less than the total amount  
2 of funds that were estimated to be necessary the previous calendar  
3 year pursuant to clause (ii) of subparagraph (A) of paragraph~~(6)~~  
4 (5) for deposit to that processing fee account.

5 (ii) If the amount estimated to be necessary for the current  
6 calendar year, as specified in clause (i), is less than the amount  
7 estimated to be necessary for the previous calendar year, the  
8 department shall calculate the amount of that difference.

9 (iii) The department shall expend an amount that is not greater  
10 than 50 percent of the amount calculated pursuant to clause (ii)  
11 for purposes of subparagraph (B).

12 (iv) If the department determines that the amount of funds  
13 authorized for expenditure pursuant to this subparagraph is not  
14 needed to make plastic market development payments pursuant to  
15 subparagraph (B) in the calendar year for which that amount is  
16 allocated, the department may expend those funds during the  
17 following year.

18 (v) If the department determines that there are insufficient funds  
19 to both make the market development payments pursuant to  
20 subparagraph (B) and to deposit the amount required by clause (ii)  
21 of subparagraph (A) of paragraph~~(6)~~, (5), for purposes of making  
22 the processing payments and reducing the processing fees pursuant  
23 to Section 14575 for plastic beverage containers, the department  
24 shall suspend the implementation of this subparagraph and  
25 subparagraph (B).

26 (D) Subparagraphs (B) and (C) shall remain operative only until  
27 January 1, ~~2017~~. 2022.

28 (b) (1) If the department determines, pursuant to a review made  
29 pursuant to Section 14556, that there may be inadequate funds to  
30 pay the payments required by this division, the department shall  
31 immediately notify the appropriate policy and fiscal committees  
32 of the Legislature regarding the inadequacy.

33 (2) On or before 180 days, but not less than 80 days, after the  
34 notice is sent pursuant to paragraph (1), the department may reduce  
35 or eliminate expenditures, or both, from the funds as necessary,  
36 according to the procedure set forth in subdivision (c).

37 (c) If the department determines that there are insufficient funds  
38 to make the payments specified pursuant to this section and Section  
39 14575, the department shall reduce all payments proportionally.

1 (d) ~~Prior to~~ *Before* making an expenditure pursuant to paragraph  
2 ~~(6)~~ (5) of subdivision (a), the department shall convene an advisory  
3 committee consisting of representatives of the beverage industry,  
4 beverage container manufacturers, environmental organizations,  
5 the recycling industry, nonprofit organizations, and retailers to  
6 advise the department on the most cost-effective and efficient  
7 method of the expenditure of the funds for that education and  
8 information campaign.

9 (e) Subject to the availability of funds, the department shall  
10 retroactively pay in full any payments provided in this section that  
11 have been proportionally reduced during the period of January 1,  
12 2010, through June 30, 2010.

13 ~~SECTION 1. (a) The Legislature finds and declares all of the~~  
14 ~~following:~~

15 ~~(1) California should encourage the expansion of investment~~  
16 ~~and usage of electric vehicles to protect the environment, stimulate~~  
17 ~~economic growth, and improve the quality of life in this state. All~~  
18 ~~Californians benefit from programs that support more widespread~~  
19 ~~adoption and usage of electric vehicles.~~

20 ~~(2) The availability of electric vehicle charging correlates~~  
21 ~~directly with the rate of electric vehicle adoption. In order to reach~~  
22 ~~the goal 1.5 million electric vehicles in California by 2025, electric~~  
23 ~~vehicle consumers need confidence that they can readily access~~  
24 ~~electric vehicle charging services at home, at the workplace, and~~  
25 ~~at public locations.~~

26 ~~(3) “Smart” electric vehicle charging equipment and network~~  
27 ~~electric vehicle charging services are available on the market and~~  
28 ~~enable the management of electric vehicle charging to avoid~~  
29 ~~negative impacts on the distribution system, coordinate electric~~  
30 ~~vehicle charging with the operation of the electrical grid, and~~  
31 ~~minimize costs and maximize benefits to electric vehicle users and~~  
32 ~~utility ratepayers.~~

33 ~~(4) Encouraging private investment in “smart” electric vehicle~~  
34 ~~charging equipment and network electric vehicle charging services~~  
35 ~~will facilitate customer choice, stimulate innovation and~~  
36 ~~development of new business models, attract private capital~~  
37 ~~investment, and create jobs for Californians.~~

38 (b) It is the intent of the Legislature to do all the following:

39 (1) Encourage and support the widespread deployment of electric  
40 vehicles.

1 ~~(2) Protect competitive markets for electric vehicle charging~~  
2 ~~equipment and network charging services from unfair competition~~  
3 ~~by clarifying that electrical corporations may only own electric~~  
4 ~~vehicle service equipment used to charge electric vehicles owned~~  
5 ~~by the electrical corporation and its employees, and that electrical~~  
6 ~~corporations may not provide electric vehicle charging services.~~

7 ~~(3) Support consumer choice in electric vehicle charging~~  
8 ~~equipment and network charging services.~~

9 ~~(4) Encourage and support private investment in electric vehicle~~  
10 ~~charging equipment and network charging services.~~

11 ~~SEC. 2. Section 740.2 of the Public Utilities Code is amended~~  
12 ~~to read:~~

13 ~~740.2. The commission, in consultation with the Energy~~  
14 ~~Commission, State Air Resources Board, electrical corporations,~~  
15 ~~and the motor vehicle industry, shall evaluate policies to develop~~  
16 ~~infrastructure sufficient to overcome any barriers to the widespread~~  
17 ~~deployment and use of plug-in hybrid and electric vehicles. The~~  
18 ~~commission shall adopt rules, as necessary, to address all of the~~  
19 ~~following:~~

20 ~~(a) The electrical infrastructure, including infrastructure~~  
21 ~~upgrades, necessary for widespread use of plug-in hybrid and~~  
22 ~~electric vehicles and the role and development of public charging~~  
23 ~~infrastructure.~~

24 ~~(b) The impact of plug-in hybrid and electric vehicles on grid~~  
25 ~~stability and the integration of renewable energy resources.~~

26 ~~(c) The technological advances that are needed to ensure the~~  
27 ~~widespread use of plug-in hybrid and electric vehicles and what~~  
28 ~~role the state should take to support the development of this~~  
29 ~~technology.~~

30 ~~(d) The existing code and permit requirements that will impact~~  
31 ~~the widespread use of plug-in hybrid and electric vehicles and any~~  
32 ~~recommended changes to existing legal impediments to the~~  
33 ~~widespread use of plug-in hybrid and electric vehicles.~~

34 ~~(e) The role the state should take to ensure that technologies~~  
35 ~~employed in plug-in hybrid and electric vehicles work in a~~  
36 ~~harmonious manner and across service territories.~~

37 ~~(f) The impact of widespread use of plug-in hybrid and electric~~  
38 ~~vehicles on achieving the state's goals pursuant to the California~~  
39 ~~Global Warming Solutions Act of 2006 (Division 25.5~~  
40 ~~(commencing with Section 38500) of the Health and Safety Code)~~

1 and the California Renewables Portfolio Standard Program (Article  
2 16 (commencing with Section 399.11) of Chapter 2.3) and what  
3 steps should be taken to address possibly shifting emissions  
4 reductions responsibilities from the transportation sector to the  
5 electrical industry.

6 SEC. 3.— Section 740.3 of the Public Utilities Code is amended  
7 to read:

8 740.3. (a) For purposes of this section, “electric vehicle  
9 charging equipment” means electric vehicle service equipment  
10 and network charging services.

11 (b) The commission, in cooperation with the Energy  
12 Commission, the State Air Resources Board, air quality  
13 management districts and air pollution control districts, electrical  
14 corporations, gas corporations, and the motor vehicle industry,  
15 shall evaluate and implement policies to promote the development  
16 of equipment and infrastructure needed to facilitate the use of  
17 electricity to power and natural gas to fuel low-emission vehicles.  
18 Policies to be considered shall include all of the following:

19 (1) The sale-for-resale and the rate-basing of low-emission  
20 vehicles and supporting equipment such as batteries for electric  
21 vehicles and compressor stations for natural gas fueled vehicles.

22 (2) The development of statewide standards for electric vehicle  
23 charger connections and compressed natural gas vehicle fueling  
24 connections, including installation procedures and technical  
25 assistance to installers.

26 (3) Authorizing electrical corporations to rate-base make-ready  
27 infrastructure needed to support and encourage investment in  
28 electric vehicle charging equipment by customers and other  
29 providers of electric vehicle charging services. For these purposes,  
30 “make-ready infrastructure” means electrical infrastructure installed  
31 and owned by an electrical corporation that is required in order to  
32 interconnect and provide electric service to electric vehicle service  
33 equipment, including transformers, utility services and meters,  
34 panels, interconnection equipment, including conduits and wiring,  
35 and associated infrastructure. “Make-ready infrastructure” does  
36 not include electric vehicle service equipment or network charging  
37 services.

38 (4) Authorizing electrical corporations to rate-base electric  
39 vehicle charging equipment if all of the following requirements  
40 are met:

1 (A) The equipment is networked.

2 (B) The site hosts for the equipment are unconstrained with  
3 respect to choice of technology and services, beyond the  
4 requirement that the equipment be networked.

5 (C) The equipment provides electrical grid benefits, such as  
6 demand response.

7 (D) The electricity supplied by the equipment is not limited to  
8 utility-owned generation.

9 (e) The commission shall hold public hearings as part of its  
10 effort to evaluate and implement the new policies and proposals  
11 considered in subdivision (b), and shall provide a progress report  
12 to the Legislature by January 30, 1993, and every two years  
13 thereafter, concerning policies on rates, equipment, and  
14 infrastructure implemented by the commission and other state  
15 agencies, federal and local governmental agencies, and private  
16 industry to facilitate the use of electricity to power and natural gas  
17 to fuel low-emission vehicles.

18 (d) The commission's policies authorizing utilities to develop  
19 equipment or infrastructure needed for electric-powered and natural  
20 gas-fueled low-emission vehicles shall do both of the following:

21 (1) Ensure that the costs and expenses of those programs are  
22 not passed through to electric or gas ratepayers unless the  
23 commission finds and determines that those programs are in the  
24 ratepayers' interest.

25 (2) Ensure that utilities do not unfairly compete with nonutility  
26 enterprises.

27 SEC. 4. Section 740.8 of the Public Utilities Code is amended  
28 to read:

29 740.8. (a) As used in Section 740.3, "interests" of ratepayers,  
30 short- or long-term, mean direct benefits that are specific to  
31 ratepayers in the form of safer, more reliable, or less costly gas or  
32 electrical service, consistent with Section 451, and activities that  
33 benefit ratepayers and that promote energy efficiency, reduction  
34 of health and environmental impacts from air pollution, and  
35 emissions of greenhouse gases related to electricity and natural  
36 gas production and use, and increased use of alternative fuels.

37 (b) The commission's policies to ensure that utilities do not  
38 unfairly compete with nonutility enterprises pursuant to paragraph  
39 (2) of subdivision (d) of Section 740.3 shall include the policy that  
40 an electrical corporation shall not constrain customer choice for

1 electric vehicle service equipment, as defined in Section 44268 of  
2 the Health and Safety Code, except when providing charging  
3 services at sites owned or operated by the electrical corporation  
4 for electric vehicles that are owned by the electrical corporation  
5 or by employees of the electrical corporation.

6 ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
7 ~~Section 6 of Article XIII B of the California Constitution because~~  
8 ~~the only costs that may be incurred by a local agency or school~~  
9 ~~district will be incurred because this act creates a new crime or~~  
10 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
11 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
12 ~~the Government Code, or changes the definition of a crime within~~  
13 ~~the meaning of Section 6 of Article XIII B of the California~~  
14 ~~Constitution.~~