

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: Feb. 5, 2007	Department ID Number: AD 07-03

**CITY OF HUNTINGTON BEACH
REQUEST FOR COUNCIL ACTION**

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jill Hardy, Council Member, Chair on behalf of Intergovernmental Relations Committee Members Councilman Don Hansen and Councilman Keith Bohr

JH/pcl

PREPARED BY: Patricia Dapkus, Department Analyst, Senior *PD*

SUBJECT: APPROVE A CITY COUNCIL POSITION ON LEGISLATION PENDING BEFORE THE FEDERAL, STATE, OR REGIONAL GOVERNMENTS AS RECOMMENDED BY THE CITY COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE (IRC)

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation pending before a federal, state, or regional government, thereby authorizing the Mayor to communicate the city's position to the elected members of the federal or state legislature, or regional body.

Funding Source: N/A

Recommended Action: Motion to:

- SUPPORT** – Dividing the 714 Area Code in two with Area B as depicted in the California Public Utilities Commission's Alternatives #4 and #6 maintaining the 714 area code.
- SUPPORT** – SB 4 (Oropeza) - State Beaches & Parks, Smoking Ban as introduced

Alternative Action(s):

Support another alternative as proposed by the California Public Utilities Commission.

F-2

REQUEST FOR COUNCIL ACTION

MEETING DATE: Feb. 5, 2007

DEPARTMENT ID NUMBER: AD 07-03

Analysis:

SUPPORT – Dividing the 714 Area Code in two with Area B as depicted in the California Public Utilities Commission's Alternatives # 4 and #6 maintaining the 714 area code.

The California Public Utilities Commission (CPUC) is holding meetings and receiving comments on the possibility of either dividing the 714 area code in two or assigning an overlay number.

The following is a table of general characteristics of these options as provided by the CPUC:

Area Code Splits	Overlays
Splits designate a single area code for a particular geographical region.	Overlays designate more than one area code for a particular geographical region.
Splits require an area code change for approximately one-half of the rate centers within a geographical region in a two-way split. Consumers may have a different area code for their residence telephone numbers compared to their cell phone or business telephone numbers. This depends on the rate center associated with the telephone number.	Overlays will not require consumers with existing telephone numbers to change their area code. Consumers that want new telephone numbers may receive telephone numbers with the new area code. Consumers may be assigned a different area code for telephone numbers within the same residence or business location. Adjoining houses, buildings, etc. may also have different area codes even though they are next to each other.
Splits maintain 7-digit dialing within a geographical region. Consumers do not have to dial the area code when making calls to and/or from telephone numbers with the same area code.	Overlays require consumers to use a new dialing procedure whereby the area code must be dialed for all calls. Currently, in California, when one dials the area code, one must dial "1" before the area code.
Consumers receiving the new area code will need to change stationery, business cards, advertising materials, etc. Consumers may need to notify others of the new area code if their area code changed. Manual or over-the-air reprogramming of cell phones may be needed too.	Consumers may need to revise stationery, business cards, advertising materials, etc. regardless of the area code if the area code was not already identified on them. Consumers may need to reprogram their automatic dialing equipment or other types of equipment that are programmed with only a 7-digit number to ensure that they can handle dialing the new dialing procedure. Consumers will need to notify others of the new dialing procedure.
Future splits will reduce the size of the geographical region associated with an area code.	Overlays do not reduce the size of the geographical region associated with an area code.

Area B as depicted in both CPUC Alternatives #4 and #6 includes Huntington Beach. The Intergovernmental Relations Committee is, therefore, recommending that the City take a position in support of a split with Area B maintaining the 714 area code.

REQUEST FOR COUNCIL ACTION

MEETING DATE: Feb. 5, 2007

DEPARTMENT ID NUMBER: AD 07-03

1. SB 4 (Oropeza) - State Beaches & Parks, Smoking Ban as introduced

SB 4 would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime. This bill would permit the Department of Parks and Recreation or another relevant state agency to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition, as specified.

This bill would align the State's smoking policy for state beaches more closely with the current city policy which bans smoking on beach. Under current law, there is a disparity between city and state codes. Because of this disparity, there is often a question for beachgoers and for those who enforce as to where the boundaries between smoking and non-smoking areas begin. If adopted, SB 4 would remove this issue by providing continuity in the law at city and state beaches.

The Intergovernmental Relations Committee is recommending that the City Council take a position in support of SB 4.

Environmental Status: NA

Attachment(s):

City Clerk's Page Number	No.	Description
4	1.	Map of the 714 Area Code Split Alternative #4
6	2.	Map of the 714 Area Code Overlay Alternative #5
8	3.	Map of the 714 Area Code Split Alternative #6
10	4.	CPUC's General Characteristics of Area Code Splits and Overlays
13	5.	CPUC's Common Questions and Answers 714 Area Code
18	6.	CPUC's 714 Area Code Comment Form
20	7.	CPUC's Meetings Regarding the 714 Area Code Change
23	8.	SB 4 State Beaches and Parks, Smoking Ban

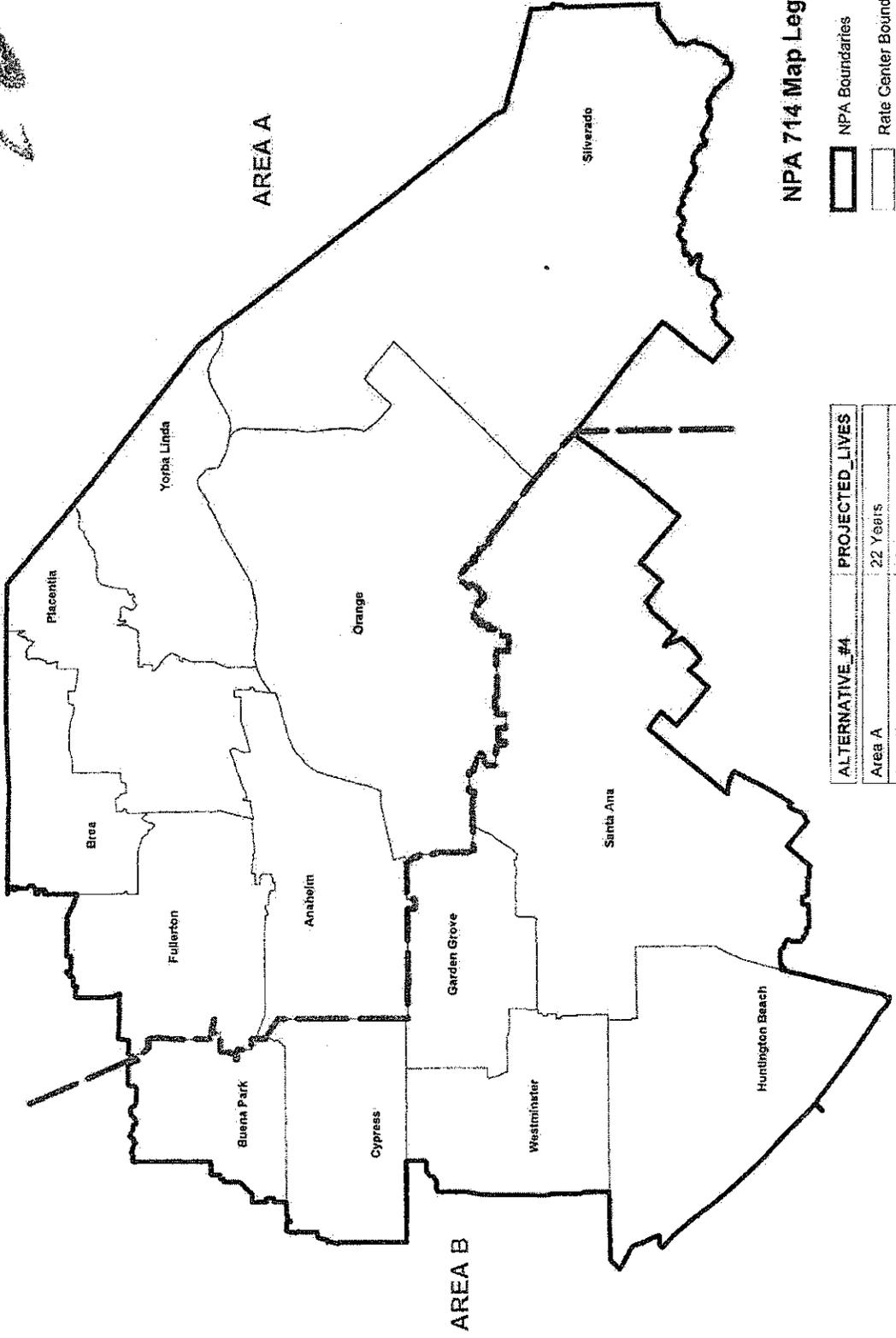
**INTENTIONALLY
LEFT
BLANK**

Handwritten signature

F2.4

ATTACHMENT #1

**NPA 714 Rate Center Map
Split Alternative #4**



NPA 714 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

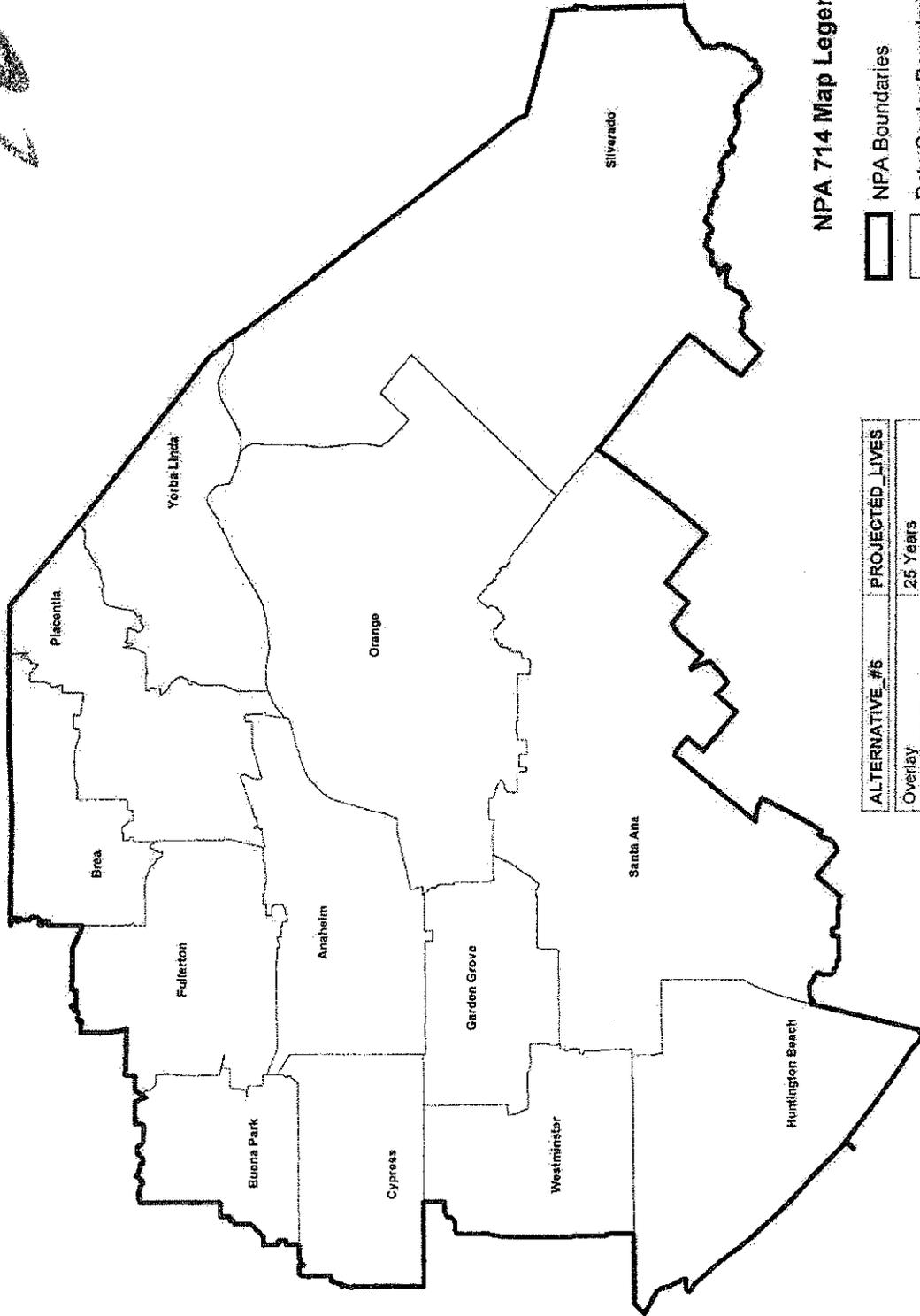
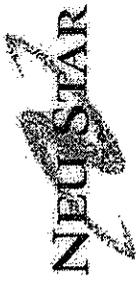
ALTERNATIVE_#4	PROJECTED_LIVES
Area A	22 Years
Area B	29 Years

Produced by CDS Business Mapping 09/2006

F2.6

ATTACHMENT #2

**NPA 714 Rate Center Map
Overlay Alternative #5**



NPA 714 Map Legend

-  NPA Boundaries
-  Rate/Center Boundaries

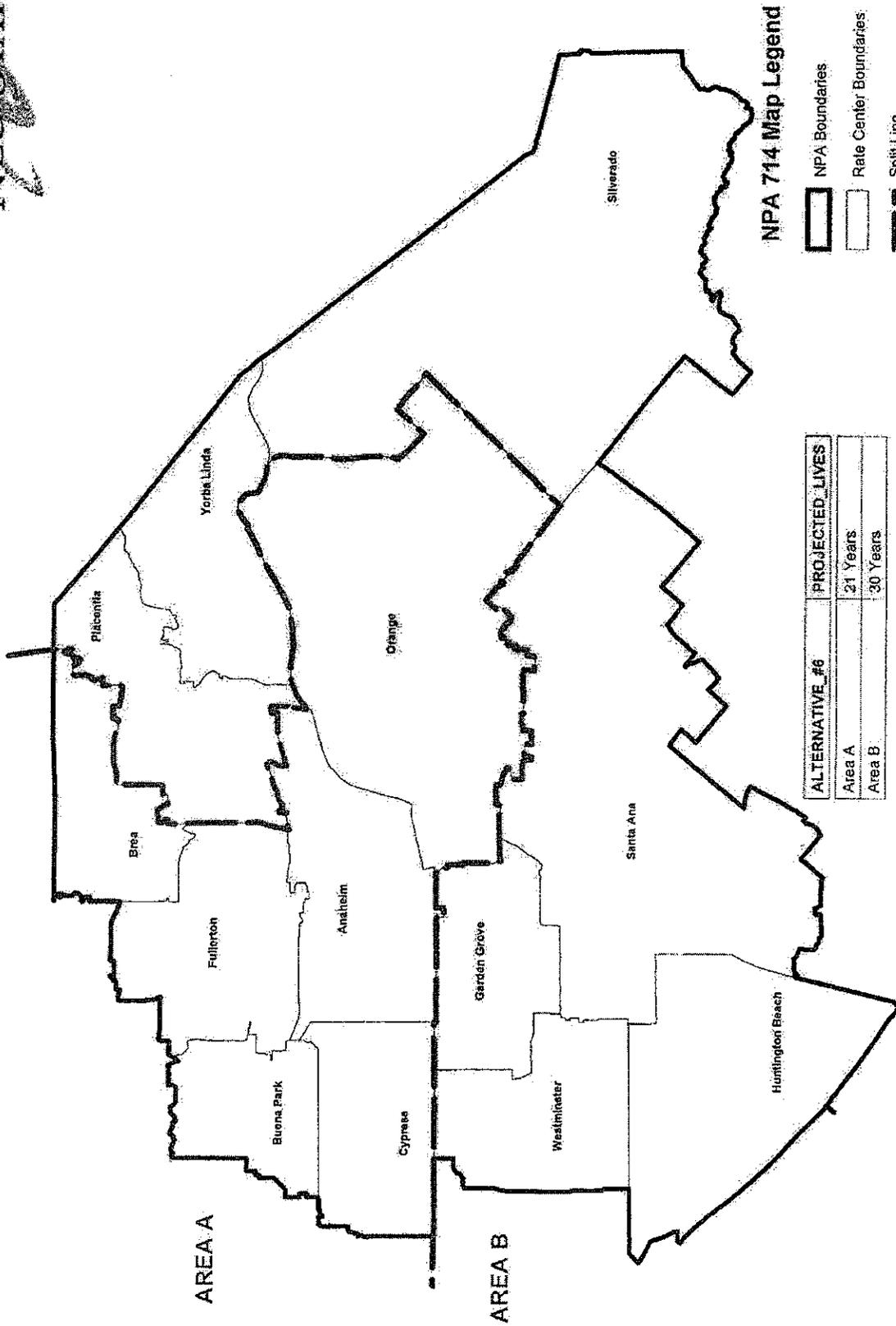
ALTERNATIVE_#5	PROJECTED_LIVES
Overlay	26 Years

Produced by CDS Business Mapping 09/2006

F2.8

ATTACHMENT #3

**NPA 714 Rate Center Map
Split Alternative #6**



NPA 714 Map Legend

- NPA Boundaries
- Rate Center Boundaries
- Split Line

Produced by CDS Business Mapping 10/2006

F2 . 10

ATTACHMENT #4

**INTENTIONALLY
LEFT
BLANK**



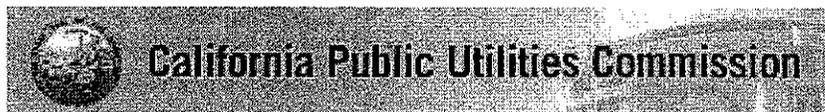
Energy

Transportation

Telecommunications

Water and Sewer

CPUC Home



Search This Site:

Powered by GOOGLE

Want To.....

- [File A Complaint](#)
- [E-File Documents](#)
- [Order A Document](#)
- [Contact Us](#)
- [Request A Speaker](#)
- [Vea páginas en](#)

▶ [Home](#) ▶ [Telecommunications](#) ▶ [Reports - Various Issues](#) ▶ [Area Code Info](#) ▶ [Area Code 714](#)

Create Printer Friendly Version

General Characteristics of Area Code Splits and Overlays

Español

- [消費者資訊](#)

[Available in PDF]

Looking For.....

- [Daily Calendar](#)
- [Consumer Information](#)
- [Online Documents](#)
- [Commission Meetings](#)
- [Commissioners](#)
- [News Room](#)
- [About Us](#)
- [Access for the Disabled](#)
- [Jobs / Employment](#)
- [Contracting Opps](#)
- [Supplier Diversity Prog.](#)

[Decisions / Rulings ...](#)



calphoneinfo
California's Consumer Education Initiative

<http://www.calphoneinfo.com>

Area Code Splits	Overlays
Splits designate a single area code for a particular geographical region.	Overlays designate more than one area code for a particular geographical region.
Splits require an area code change for approximately one-half of the rate centers within a geographical region in a two-way split. Consumers may have a different area code for their residence telephone numbers compared to their cell phone or business telephone numbers. This depends on the rate center associated with the telephone number.	Overlays will not require consumers with existing telephone numbers to change their area code. Consumers that want new telephone numbers may receive telephone numbers with the new area code. Consumers may be assigned a different area code for telephone numbers within the same residence or business location. Adjoining houses, buildings, etc. may also have different area codes even though they are next to each other.
Splits maintain 7-digit dialing within a geographical region. Consumers do not have to dial the area code when making calls to and/or from telephone numbers with the same area code.	Overlays require consumers to use a new dialing procedure whereby the area code must be dialed for all calls. Currently, in California, when one dials the area code, one must dial "1" before the area code.
Consumers receiving the new area code will need to change stationery, business cards, advertising materials, etc. Consumers may need to notify others of the new area code if their area code changed. Manual or over-the-air reprogramming of cell phones may be needed too.	Consumers may need to revise stationery, business cards, advertising materials, etc. regardless of the area code if the area code was not already identified on them. Consumers may need to reprogram their automatic dialing equipment or other types of equipment that are programmed with only a 7-digit number to ensure that they can handle dialing the new dialing procedure. Consumers will need to notify others of the new dialing procedure.
Future splits will reduce the size of the geographical region associated with an area code.	Overlays do not reduce the size of the geographical region associated with an area code.



F2 . 11

[Back To Last Page Visited](#)

Last Modified: 12/22/2006



[Back to Top of Page](#)

[Utility Supplier Diversity](#) | [Employee Information](#) | [Consumer FAQs](#)

[Public Advisor](#) | [DRA Website](#) | [Site Map](#) | [Quick Links](#)

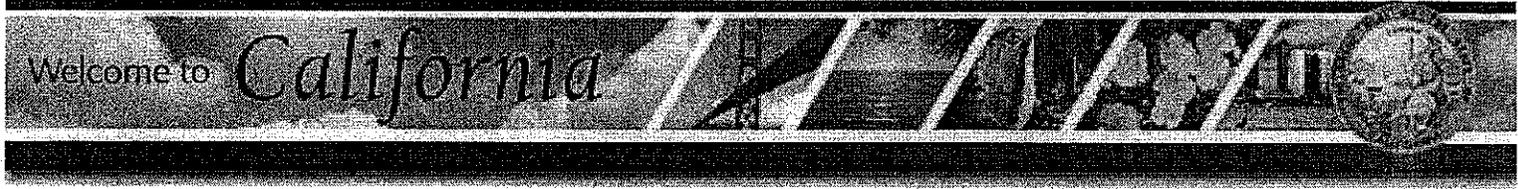
[Conditions of Use](#) | [Privacy Policy](#) | [Accessibility](#) | [Feedback/Comments](#)

Copyright State of California.

F2 . 13

ATTACHMENT #5

**INTENTIONALLY
LEFT
BLANK**



Energy

Transportation

Telecommunications

Water and Sewer

CPUC Home



Search This Site:

Search input field with 'search' button

Powered by GOOGLE

Want To.....

- [File A Complaint](#)
- [E-File Documents](#)
- [Order A Document](#)
- [Contact Us](#)
- [Request A Speaker](#)
- [Véa páginas en](#)

- ▶ [Home](#) ▶ [Telecommunications](#) ▶ [Reports - Various Issues](#) ▶ [Area Code Info](#) ▶ [Area Code 714](#)

Create Printer Friendly Version

[[en español](#)]

Español

- [消費者資訊](#)

Common Questions and Answers 714 Area Code

Looking For.....

[Available in PDF format]

- [Daily Calendar](#)
- [Consumer Information](#)
- [Online Documents](#)
- [Commission Meetings](#)
- [Commissioners](#)
- [News Room](#)
- [About Us](#)
- [Access for the Disabled](#)
- [Jobs / Employment](#)
- [Contracting Opps](#)
- [Supplier Diversity Prog.](#)

1. Why is another area code needed?

- Whole prefixes are running out in the existing 714 area code. Once an area code no longer has any whole prefixes, it is considered to be at exhaust. The available telephone numbers in the 714 area code are limited and cannot support the needed demand for telephone numbers in the long-term.

2. What will the new area code be?

- The new area code will be the 657 area code.

3. Will I be affected by the area code change?

- If you have a telephone number with the 714 area code, you will be affected by the area code change regardless of the area code change option implemented.
- If the CPUC implemented an area code overlay, but you do not have a telephone number with the 714 area code; and you work, live, go to school, in the geographical region of the 714 area code, you will be affected.

4. Who will get the new area code?

- The CPUC has not decided which region will receive the new area code if an area code split is implemented.
- Those consumers who order new telephone numbers or services will receive the new area code if the CPUC implements an area code overlay.

5. What is an area code split?

- Traditionally, area codes have been split to provide more prefixes for the telecommunications industry and its customers, creating smaller geographic areas. Area code splits create new area codes by splitting a geographical region in multiple ways. Only one area code is assigned to a particular geographical region. Some people will be able to retain the 714 area code while others will have to change their

F2 . 14

Decisions / Rulings ...





area code to the new 657 area code.

6. What is an area code overlay?

- An area code overlay is a form of area code change that adds area code(s) to the same geographic region. Therefore, multiple area codes co-exist within the same geographic region. People with telephone numbers with the 714 area code will retain their current telephone number(s) and area code. People who would like to have new or additional telephone numbers or telecommunications services may be given telephone numbers with the new 657 area code.

7. Will I have to change my telephone number or area code?

- If an area code split is implemented then some people will have to change their area code to the new 657 area code. This depends on the rate center associated with the telephone number. Check out the list of prefixes associated with a particular rate center called Prefix and Rate Center List.
- If an area code overlay is implemented then people will be able to retain their current telephone number and area code.

8. When will telephone numbers with the new 657 area code be available?

- Telephone numbers with the new 657 area code will be available after the implementation of the area code change is completed.

9. How about giving cellular phones, faxes, ATM machines, and other non-geographical devices or services the new 657 area code instead?

- This form of area code change is referred to or known as a technology-specific overlay (TSO).
- On three occasions, the CPUC has requested the FCC for authority to implement a form of a technology-specific overlay. For the first two occasions, the CPUC requested that phone numbers from wireless services get a separate area code. However, the FCC did not respond to these CPUC requests.
- In September 2005, in response to the CPUC's third request for authority to implement a TSO, the FCC partially granted the CPUC's request. However, the FCC did not grant the CPUC authority to permanently maintain seven-digit dialing in the geographic region(s) where the TSO would be implemented. Moreover, the phone numbers associated with wireless services were excluded from the list of those phone numbers that would get a separate area code. The FCC's partial granting of the CPUC's request did not include enough of the elements of the CPUC's proposal. As a result, the benefits of implementing the TSO the FCC authorized did not outweigh the costs of doing so.

10. Will the way I dial my calls, i.e. dialing procedure, change?

- No, if an area code split is implemented.
- Yes, if an area code overlay is implemented. People must dial the area code + telephone number for all calls. Even if you are calling your next door neighbor or within a house, you must dial the area code + telephone number.
 - The Federal Communications Commission (FCC) requires dialing the area code + telephone number for all calls where an area code overlay exists. The FCC believes that this would maximize numbering resource optimization, minimize anti-competitive effects due to dialing disparities, and avoid customer confusion.
 - Do I have to dial a "1" before the area code and telephone number? Yes, the North American Numbering Plan Administrator no longer assigns new area codes that have a zero or one in the middle digit. This was the indicator that allowed the switching network to identify an area code. Since the new area codes look similar to prefixes, the telecommunications service providers operating in California decided to use the "1" to identify that the following three digits dialed represent the area code and not the prefix.

11. Will there be a change in how I dial emergency calls to 9-1-1?

- No. People can still just dial only three digits to reach 9-1-1. No additional digits will be required to make emergency calls. People can make emergency calls the same way they do so today.

12. Will there be a change in how I dial other N-1-1 phone numbers?

- No. People can still just dial only three digits to call N-1-1 phone numbers such as 211, 311, 411, 511, 611, and 711.

13. How will customer directory listings be impacted?

- The telecommunications industry will be updating the directory listings in the white pages for all affected communities to identify the associated area code of a telephone number. Individual customers are responsible for any changes to listings appearing in other directories. Each customer is responsible for telephone numbers appearing in any display advertising.

14. What can individuals do to prepare if the CPUC decided to implement an area code split?

- Reprogram equipment or features, i.e. automatic dial, speed-dial, call forwarding, modems for computer or internet dial-up access, etc. programmed to dial the new 657 area code if you received the new area code.
- Update items like stationary, checks, etc. to include the new 657 area code if you received the new area code.
- Teach families, friends, etc. to dial the new 657 area code if you received the new area code.
- When asking for someone else's number, remember to ask for the area code too.
- Check with your service provider if manual or over-the-air reprogramming of your cell phone is needed to account for the new 657 area code if you received the new area code.

15. What can individuals do to prepare if the CPUC decided to implement an area code overlay?

- Contact security or alarm vendors to update dial-up numbers to avoid a break in security routines and contacts.
- Reprogram equipment or features, i.e. automatic dial, speed-dial, call forwarding, modems for computer or internet dial-up access, etc. programmed to dial seven digits to dial "1" + area code + telephone number.
- Update items like stationary, checks, etc. to include your area code + telephone number.
- Start thinking of dialing the area code + telephone number for all calls.
- Teach families, friends, etc. to dial the area code + telephone number for all calls.
- Give your area code + telephone number, not just the telephone number, as needed.
- When asking for someone else's number, remember to ask for the area code too.
- Remember that the 714 and 657 area codes co-exist within the same geographic region.
- During implementation of the area code overlay, businesses with telephone numbers with the 714 area code should do the following:
 - Notify alarm service providers of all appropriate area code + telephone number(s) so alarm service records and equipment can be updated as needed.
 - Ensure security door and gate systems are reprogrammed to dial "1" + area code + telephone number.
 - Reprogram any call-forwarding, automatic-dial or speed-dial features to dial "1" + area code + telephone number.

- Test telephone equipment to determine if it can dial and receive "1" + area code + telephone number. Questions regarding changes in telephone equipment should be directed to telephone equipment vendors.
- Update items like stationary, checks, business cards, advertisements, promotional items, brochures, internet web pages, catalogs, etc. to include your area code + telephone number.
- Teach employees, coworkers, customers, etc. to dial the area code + telephone number for all calls.
- Give your area code + telephone number, not just the telephone number.

16. Who is responsible for costs incurred to update customer phone equipments, advertising materials, etc., if necessary?

- Individual consumers are responsible for these costs.

17. Will the cost of a call differ because of the area code change?

- No.

18. Will calls between a telephone number with the 657 area code and a telephone number with the 714 area code be considered long-distance?

- Calls that were local before the area code change will remain local calls. The distance, time of day, and length of a call determine the price of a call.

19. If I dial a "0" before the area code + telephone number, will there be special charges for that call?

- It is possible for there to be special charges if one dials a "0" before the area code + telephone number. There may be special operator-assisted rates or credit card rates for this type of a call. It depends on your telecommunications service provider. Check with your service provider for additional information.

[Back To Last Page Visited](#)

Last Modified: 1/10/2007

[Back to Top of Page](#)

[Utility Supplier Diversity](#) | [Employee Information](#) | [Consumer FAQs](#)

[Public Advisor](#) | [DRA Website](#) | [Site Map](#) | [Quick Links](#)

[Conditions of Use](#) | [Privacy Policy](#) | [Accessibility](#) | [Feedback/Comments](#)

Copyright State of California.

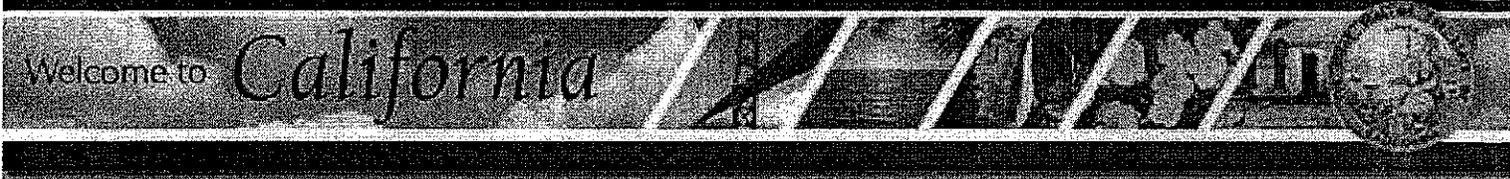
F2 . 18

ATTACHMENT #6

F2 . 20

ATTACHMENT #7

**INTENTIONALLY
LEFT
BLANK**



Energy

Transportation

Telecommunications

Water and Sewer

CPUC Home



Search This Site:

Powered by GOOGLE

Want To.....

- [File A Complaint](#)
- [E-File Documents](#)
- [Order A Document](#)
- [Contact Us](#)
- [Request A Speaker](#)
- [Véa páginas en Español](#)

- ▶ [Home](#)
- ▶ [Telecommunications](#)
- ▶ [Reports - Various Issues](#)
- ▶ [Area Code Info](#)
- ▶ [Area Code 714](#)

Create Printer Friendly Version 

[\[en Español\]](#)

- [消費者資訊](#)

Public Participation Meetings Regarding 714 Area Code Change

Looking For....

- [Daily Calendar](#)
- [Consumer Information](#)
- [Online Documents](#)
- [Commission Meetings](#)
- [Commissioners](#)
- [News Room](#)
- [About Us](#)
- [Access for the Disabled](#)
- [Jobs / Employment](#)
- [Contracting Opps](#)
- [Supplier Diversity Prog.](#)

The California Public Utilities Commission will be holding public meetings on January 17, 18, and 25, 2007 to inform the public and to hear concerns about the 714 area code change alternatives.

If you need help understanding this area code change and other terms, please see the [Additional Information](#) available. Due to time and resource constraints, we were unable to make these materials available sooner. We apologize for the delay. Hopefully, these materials will help in making a more informed decision. You can also contact your service provider for information. For questions unanswered by your service provider and the reference materials, please contact the Public Advisor's Office at (866) 340-6147.

Wednesday, January 17, 2007

1:30 pm - 3:30 pm Local Jurisdiction Meeting
 7:00 pm - 9:00 pm Public Participation Meeting
Anaheim City Hall, East Council Chambers
 200 S. Anaheim Boulevard
 Anaheim, CA 92805

Thursday, January 18, 2007

7:00 pm - 9:00 pm Public Participation Meeting
City of Orange Council Chambers
 300 E. Chapman Avenue
 Orange, CA 92866-1591

Thursday, January 25, 2007

7:00 pm - 9:00 pm Public Participation Meeting
City Of Huntington Beach Council Chambers
 2000 Main Street
 Huntington Beach, CA 92648

F2.21

It is the Commission's policy to schedule hearings in locations that are accessible to everyone. If specialized accommodations are needed, such as sign language, please contact the Commission's Public Advisor's Office five business days beforehand toll free at 866-849-8390 or toll free TTY at 866-836-7825.

Decisions / Rulings ...



<http://www.calphoneinfo.com>





[Back To Last Page Visited](#)

Last Modified: 12/22/2006

[Back to Top of Page](#)

[Utility Supplier Diversity](#) | [Employee Information](#) | [Consumer FAQs](#)

[Public Advisor](#) | [DRA Website](#) | [Site Map](#) | [Quick Links](#)

[Conditions of Use](#) | [Privacy Policy](#) | [Accessibility](#) | [Feedback/Comments](#)

Copyright State of California.

F2 . 23

ATTACHMENT #8

**INTENTIONALLY
LEFT
BLANK**

SB 4 Senate Bill - INTRODUCED

BILL NUMBER: SB 4 INTRODUCED
 BILL TEXT

INTRODUCED BY Senator Oropeza

DECEMBER 4, 2006

An act to add Section 5008.9 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as introduced, Oropeza. Public resources: state beaches and parks: smoking ban.

(1) Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime.

This bill would permit the Department of Parks and Recreation or another relevant state agency to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition, as specified.

(2) 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:

SECTION 1. Section 5008.9 is added to the Public Resources Code, to read:

5008.9. (a) For purposes of this section, the following definitions apply:

(1) "Cigar" has the same meaning as defined in Section 104550 of the Health and Safety Code.

(2) "Cigarette" has the same meaning as defined in Section 104556 of the Health and Safety Code.

(3) "Smoke or smoking" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette, of any kind, or the lighting of a pipe, cigar, or cigarette, of any kind, including, but not limited to, tobacco, or any other weed or plant.

(4) "State coastal beach" means a sand area that is owned, operated, or under the jurisdiction of the state, an agency of the state, or a department of the state and that adjoins the ocean, a bay, or an estuary. "State coastal beach" does not include an adjacent parking lot.

(5) "Unit of the state park system" means an area specified in Section 5002. "Unit of the state park system" does not include an adjacent parking lot.

(b) A person shall not smoke a cigar, cigarette, or other tobacco-related product on a state coastal beach or in a unit of the state park system.

(c) A person who violates this section is guilty of an infraction

F2.24

and shall be punished by a fine of two hundred fifty dollars (\$250).

(d) The Department of Parks and Recreation or another relevant state agency or department may develop and post signs at a state coastal beach and a unit of the state park system to provide notice of the smoking prohibition set forth in subdivision (b). New signs shall be posted only when existing signs are replaced by the state.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.