

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 28, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1960

Introduced by Assembly Member Nava

February 13, 2008

An act to amend Section 8670.64 of the Government Code, *to amend Section 25515 of the Health and Safety Code*, and to amend Sections 3009, 3200, 3201, 3202, 3236.5, 3401, 3402, 3403, and 3419 of, to add Section ~~3014.5~~ *3010* to, and to add Article 4.4 (commencing with Section 3270) to Chapter 1 of Division 3 of, the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1960, as amended, Nava. Public resources: oil production facilities and oil spills.

(1) Existing law generally regulates the drilling, operation, maintenance, and abandonment of oil and gas wells. Existing law authorizes the State Oil and Gas Supervisor or district deputy to order the plugging and abandonment of a well that has been deserted, and specifies the circumstances in which a rebuttable presumption of desertion arises. A violation of these provisions of law is a crime. A violation of existing law and regulations regulating the drilling,

operation, maintenance, and abandonment of oil and gas wells is punishable by a maximum civil penalty of \$5,000.

Existing law regulates the disposition of oil and gas wells, and imposes a charge upon a person operating or owning an interest with respect to production from an oil or gas well based on the production of oil or gas from the well for the support and maintenance of the Division of Oil, Gas, and Geothermal Resources.

This bill would require the Division of Oil, Gas, and Geothermal Resources to prescribe, by regulation, minimum facility maintenance standards for ~~oil~~ production facilities, ~~including oil wells as defined~~. The bill would require a person proposing to construct, maintain, alter, or decommission ~~an oil~~ a production facility to comply with these standards. The bill would require the division to inspect ~~an oil~~ a production facility to ensure compliance with the standards and would authorize the division to charge ~~a fee on the oil~~ production facility operator *a fee* in an amount sufficient to reimburse the division for the costs of implementing these requirements. The supervisor would be authorized to issue a cease and desist order to ~~an oil~~ a production facility operator if the supervisor determines that the ~~oil~~ production facility is operated in violation of the prescribed standards. The division would be authorized to impose a life-of-well or ~~life-of-facility~~ *life-of-production facility* bond requirement on ~~an oil~~ a production facility operator that has a history of violating regulations related to ~~an oil~~ a production facility or has outstanding liabilities to the state. Because a violation of these provisions is a crime, this bill would impose a state-mandated local program. The bill would increase the maximum civil penalty for a violation of laws and regulations related to oil and gas wells to \$25,000.

This bill would also extend the regulations related to the disposition of oil and gas wells and the imposition of the charge to persons operating or owning an interest in the production from defined ~~oil and gas~~ production facilities ~~located in an oilfield~~.

(2) The Lempert-Keene-Seastrand Oil Spill Prevention Act requires a person responsible for a discharge or a threatened discharge of oil in marine waters to immediately report the discharge to the Office of Emergency Services. A person who fails to notify the Office of Emergency Services, upon conviction, is subject to a fine of not less than \$2,500 or more than \$250,000 for a first violation and a fine of not less than \$5,000 or more than \$500,000 for a 2nd or subsequent violation, or by imprisonment in a county jail for not more than one

year, or by both the fine and imprisonment. That act also imposes specified minimum criminal fines for specified violations.

This bill would provide that a person who knowingly makes a false or misleading marine oil spill report to the Office of Emergency Services, upon conviction, is subject to ~~a the above-described fine of not more than \$1,000,000 or imprisonment, or both that fine and imprisonment.~~ By creating a new crime, this bill would impose a state-mandated local program. The bill would eliminate the specified minimum criminal fines.

(3) Existing law requires a person who handles hazardous materials, upon discovery, to immediately report a release or a threatened release of a hazardous substance to the Office of Emergency Services. *A person who fails to provide the report, upon conviction, is subject to a specified fine or imprisonment, or both that fine and imprisonment.*

This bill would subject, upon conviction, a person who knowingly makes a false or misleading report on an oil spill in waters of the state other than marine waters to the Office of Emergency Services to a fine of not more than ~~\$50,000~~ \$25,000. By creating a new crime, this bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 8670.64 of the Government Code is
- 2 amended to read:
- 3 8670.64. (a) A person who commits any of the following acts,
- 4 shall, upon conviction, be punished by imprisonment in a county
- 5 jail for not more than one year or by imprisonment in the state
- 6 prison:
- 7 (1) Except as provided in Section 8670.27, knowingly fails to
- 8 follow the direction or orders of the administrator in connection
- 9 with an oil spill.
- 10 (2) Knowingly fails to notify the Coast Guard that a vessel is
- 11 disabled within one hour of the disability and the vessel, while

1 disabled, causes a discharge of oil which enters marine waters.
2 For the purposes of this paragraph, "vessel" means a vessel, as
3 defined in Section 21 of the Harbors and Navigation Code, of 300
4 gross registered tons or more.

5 (3) Knowingly engages in or causes the discharge or spill of oil
6 into marine waters, or a person who reasonably should have known
7 that he or she was engaging in or causing the discharge or spill of
8 oil into marine waters, unless the discharge is authorized by the
9 United States, the state, or another agency with appropriate
10 jurisdiction.

11 (4) Knowingly fails to begin cleanup, abatement, or removal of
12 spilled oil as required in Section 8670.25.

13 (b) The court shall also impose upon a person convicted of
14 violating subdivision (a), a fine of not *less than five thousand*
15 *dollars (\$5,000) or more than five hundred thousand dollars*
16 *(\$500,000) for each violation. For purposes of this subdivision,*
17 *each day or partial day that a violation occurs is a separate*
18 *violation.*

19 (c) (1) A person who knowingly does any of the acts specified
20 in paragraph (2) shall, upon conviction, be punished by a fine of
21 *not less than two thousand five hundred dollars (\$2,500) or more*
22 *than two hundred fifty thousand dollars (\$250,000), or by*
23 *imprisonment in a county jail for not more than one year, or by*
24 *both the fine and imprisonment. Each day or partial day that a*
25 *violation occurs is a separate violation. If the conviction is for a*
26 *second or subsequent violation of this subdivision, the person shall*
27 *be punished by imprisonment in the state prison or in a county jail*
28 *for not more than one year, or by a fine of not less than five*
29 *thousand dollars (\$5,000) or more than five hundred thousand*
30 *dollars (\$500,000), or by both the fine and imprisonment:*

31 (2) The acts subject to this subdivision are all of the following:

32 (A) Failing to notify the Office of Emergency Services in
33 violation of Section 8670.25.5.

34 (B) *Knowingly making a false or misleading marine oil spill*
35 *report to the Office of Emergency Services.*

36 ~~(B)~~

37 (C) Continuing operations for which an oil spill contingency
38 plan is required without an oil spill contingency plan approved
39 pursuant to Article 5 (commencing with Section 8670.28).

40 ~~(C)~~

1 (D) Except as provided in Section 8670.27, knowingly failing
2 to follow the material provisions of an applicable oil spill
3 contingency plan.

4 ~~(d) (1) A person who knowingly makes a false or misleading~~
5 ~~marine oil spill report to the Office of Emergency Services shall,~~
6 ~~upon conviction, be punished by a fine of not more than one million~~
7 ~~dollars (\$1,000,000).~~

8 ~~(2) A person who knowingly makes a false or misleading report~~
9 ~~on an oil spill occurring in waters of the state other than marine~~
10 ~~waters shall, upon conviction, be punished by a fine of not more~~
11 ~~than fifty thousand dollars (\$50,000).~~

12 *SEC. 2. Section 25515 of the Health and Safety Code is*
13 *amended to read:*

14 25515. ~~Any~~(a) A person or business who violates Section
15 25507 shall, upon conviction, be punished by a fine of not more
16 than twenty-five thousand dollars (\$25,000) for each day of
17 violation, or by imprisonment in the county jail for not more than
18 one year, or by both the fine and imprisonment. If the conviction
19 is for a violation committed after a first conviction under this
20 section, the person shall be punished by a fine of not less than two
21 thousand dollars (\$2,000) or more than fifty thousand dollars
22 (\$50,000) per day of violation, or by imprisonment in the state
23 prison for 16, 20, or 24 months or in the county jail for not more
24 than one year, or by both the fine and imprisonment. Furthermore,
25 if the violation results in, or significantly contributes to, an
26 emergency, including a fire, to which the county or city is required
27 to respond, the person shall also be assessed the full cost of the
28 county or city emergency response, as well as the cost of cleaning
29 up and disposing of the hazardous materials.

30 (b) *Notwithstanding subdivision (a), a person who knowingly*
31 *makes a false or misleading report on an oil spill occurring in*
32 *waters of the state other than marine waters shall, upon conviction,*
33 *be punished by a fine of not more than twenty-five thousand dollars*
34 *(\$25,000).*

35 ~~SEC. 2.~~

36 *SEC. 3. Section 3009 of the Public Resources Code is amended*
37 *to read:*

38 3009. "Operator" means a person who, by virtue of ownership,
39 or under the authority of a lease or any other agreement, has the

1 right to drill, operate, maintain, or control a well or oil and gas
2 production facility located in an oilfield.

3 ~~SEC. 3.~~

4 ~~SEC. 4.~~ Section ~~3014.5~~ 3010 is added to the Public Resources
5 Code, to read:

6 ~~3014.5. "Oil and gas production facility" includes tanks, flow~~

7 3010. "*Production facility*" means any equipment attendant
8 to oil and gas production or injection operations including tanks,
9 flow lines, headers, gathering lines, wellheads, heater treaters,
10 pumps, valves, compressors, *injection equipment*, and pipelines
11 that are not under the jurisdiction of the State Fire Marshal pursuant
12 to Section 51010 of the Government Code, ~~and any other facilities~~
13 ~~or equipment that the State Oil and Gas Supervisor determines~~
14 ~~warrant oversight for the purposes of protecting and conserving~~
15 ~~natural resources, the environment, and the public..~~

16 ~~SEC. 4.~~

17 ~~SEC. 5.~~ Section 3200 of the Public Resources Code is amended
18 to read:

19 3200. An owner or operator of a well or ~~oil and gas~~ production
20 facility ~~located in an oilfield~~ shall designate an agent, giving his
21 or her address, who resides in this state, to receive and accept
22 service of all orders, notices, and processes of the supervisor or a
23 court of law. Every person so appointing an agent shall, within
24 five days after the termination of the agency, notify the supervisor,
25 in writing, of the termination, and unless operations are
26 discontinued, shall appoint a new agent.

27 ~~SEC. 5.~~

28 ~~SEC. 6.~~ Section 3201 of the Public Resources Code is amended
29 to read:

30 3201. The operator of a well or ~~oil and gas~~ production facility
31 ~~located in an oilfield~~ shall notify the supervisor or the district
32 deputy, in writing, in such form as the supervisor or the district
33 deputy may direct, of the sale, assignment, transfer, conveyance,
34 exchange, or other disposition of the well *or production facility*
35 by the operator of the well or ~~oil and gas~~ production facility ~~located~~
36 ~~in an oilfield~~ as soon as is reasonably possible, but in no event
37 later than the date that the sale, assignment, transfer, conveyance,
38 exchange, or other disposition becomes final. The operator shall
39 not be relieved of responsibility for the well *or production facility*
40 until the supervisor or the district deputy acknowledges the sale,

1 assignment, transfer, conveyance, exchange, or other disposition,
2 in writing, and the person acquiring the well *or production facility*
3 is in compliance with Section 3202. The operator's notice shall
4 contain all of the following:

5 (a) The name and address of the person to whom the well or ~~oil~~
6 ~~and gas~~ production facility ~~located in an oilfield~~ was or will be
7 sold, assigned, transferred, conveyed, exchanged, or otherwise
8 disposed.

9 (b) The name and location of the well or ~~oil and gas~~ production
10 facility ~~located in an oilfield~~, and a description of the land upon
11 which the well *or production facility* is situated.

12 (c) The date that the sale, assignment, transfer, conveyance,
13 exchange, or other disposition becomes final.

14 (d) The date when possession was or will be relinquished by
15 the operator as a result of that disposition.

16 ~~SEC. 6.~~

17 *SEC. 7.* Section 3202 of the Public Resources Code is amended
18 to read:

19 3202. A person who acquires the right to operate a well or ~~oil~~
20 ~~and gas~~ production facility ~~located in an oilfield~~, whether by
21 purchase, transfer, assignment, conveyance, exchange, or other
22 disposition, shall, as soon as ~~it's~~ *it is* reasonably possible, but not
23 later than the date when the acquisition of the well or ~~oil and gas~~
24 production facility ~~located in an oilfield~~ becomes final, notify the
25 supervisor or the district deputy, in writing, of the person's
26 operation. The acquisition of a well or ~~oil and gas~~ production
27 facility ~~located in an oilfield~~ shall not be recognized as complete
28 by the supervisor or the district deputy until the new operator
29 provides all of the following material:

30 (a) The name and address of the person from whom the well or
31 ~~oil and gas~~ production facility ~~located in an oilfield~~ was acquired.

32 (b) The name and location of the well or ~~oil and gas~~ production
33 facility ~~located in an oilfield~~, and a description of the land upon
34 which the well or ~~oil and gas~~ production facility ~~located in an~~
35 ~~oilfield~~ is situated.

36 (c) The date when the acquisition becomes final.

37 (d) The date when possession was or will be acquired.

38 (e) An indemnity bond for each idle well. The bond shall be in
39 an amount as provided in Section 3204 or 3205. The conditions
40 of the bond shall be the same as the conditions stated in Section

1 3204. An operator that has provided an individual bond required
 2 by this subdivision in an amount as provided in Section 3204 shall
 3 not be required additionally to comply with the requirements of
 4 Section 3206. An operator who has provided a blanket indemnity
 5 bond in the minimum amount required in subdivision (a) or (b) of
 6 Section 3205 shall additionally comply with Section 3206 for any
 7 idle wells not covered by a bond provided under Section 3204.

8 ~~SEC. 7:~~

9 *SEC. 8.* Section 3236.5 of the Public Resources Code is
 10 amended to read:

11 3236.5. (a) A person who violates this chapter or a regulation
 12 implementing this chapter is subject to a civil penalty not to exceed
 13 twenty-five thousand dollars (\$25,000) for each violation. Acts of
 14 God and acts of vandalism beyond the reasonable control of the
 15 operator shall not be considered a violation. The civil penalty shall
 16 be imposed by an order of the supervisor upon a determination
 17 that a violation has been committed by the person charged,
 18 following notice to the person and an opportunity to be heard. The
 19 notice shall be served by personal service or certified mail, and
 20 shall inform the alleged violator of the date, time, and place of the
 21 hearing, the activity that is alleged to be a violation, the statute or
 22 regulation violated, and the hearing and judicial review procedures.
 23 The notice shall be provided at least 30 days before the hearing.
 24 The hearing shall be held before the supervisor or the supervisor's
 25 designee in Sacramento or in the district in which the violation
 26 occurred. The hearing is not required to be conducted pursuant to
 27 Chapter 5 (commencing with Section 11500) of Part 1 of Division
 28 3 of Title 2 of the Government Code. The imposition of a civil
 29 penalty under this section shall be in addition to any other penalty
 30 provided by law for the violation. When establishing the amount
 31 of the civil penalty pursuant to this section, the supervisor shall
 32 consider, in addition to other relevant circumstances, (1) the extent
 33 of harm caused by the violation, (2) the persistence of the violation,
 34 (3) the pervasiveness of the violation, and (4) the number of prior
 35 violations by the same violator.

36 (b) Notwithstanding this chapter, an order of the supervisor
 37 imposing a civil penalty shall not be reviewable pursuant to Article
 38 6 (commencing with Section 3350). A person upon whom a civil
 39 penalty is imposed by a final order of the supervisor may obtain
 40 judicial review of that final order by seeking a writ of mandate

1 pursuant to Section 1094.5 of the Code of Civil Procedure within
 2 30 days of the date of that final order. When the order of the
 3 supervisor has become final, and the penalty has not been paid,
 4 the supervisor may apply to the appropriate superior court for an
 5 order directing payment of the civil penalty. The supervisor may
 6 also seek from the court an order directing that production from
 7 ~~the well operations that are~~ *or use of the production facility that*
 8 *is* the subject of the civil penalty order be discontinued until the
 9 violation has been remedied to the satisfaction of the supervisor
 10 and the civil penalty has been paid.

11 (c) Any amount collected under this section shall be deposited
 12 in the Oil, Gas, and Geothermal Administrative Fund.

13 ~~SEC. 8.~~

14 *SEC. 9.* Article 4.4 (commencing with Section 3270) is added
 15 to Chapter 1 of Division 3 of the Public Resources Code, to read:

16

17 Article 4.4. Regulation of Oil Production Facilities

18

19 3270. (a) The division shall, by regulation, prescribe minimum
 20 facility maintenance standards ~~for an oil production facility,~~
 21 ~~including, but not limited to, an oil well,~~ *all production facilities*
 22 operating in the state. The regulations shall include, *but are not*
 23 *limited to*, standards for all of the following:

- 24 (1) Leak detection.
- 25 (2) Corrosion prevention and testing.
- 26 (3) Tank inspection and cleaning.
- 27 (4) Valve and gauge maintenance, and secondary containment
- 28 maintenance.

29 (5) Other facility or equipment maintenance that the supervisor
 30 deems important for the ~~proper maintenance of oil production~~
 31 ~~operations in the state~~ *operation of production facilities* and that
 32 the supervisor determines are necessary to prevent damage to life,
 33 ~~threats to~~ health, property, and natural resources; damage to
 34 underground oil and gas deposits from infiltrating water and other
 35 causes; loss of oil, gas, or reservoir energy; and damage to
 36 underground and surface waters suitable for irrigation or domestic
 37 ~~use~~ *purposes* by the infiltration of, or the addition of, detrimental
 38 substances.

39 ~~(b) A person who constructs, maintains, alters, or decommissions~~
 40 ~~an oil well or oil production facility shall comply with the standards~~

1 (b) An operator who constructs, acquires, maintains, or alters
 2 an oil well or a production facility shall comply with the standards
 3 prescribed pursuant to subdivision (a).

4 3270.1. Within three months of the ~~its~~ acquisition of ~~an oil a~~
 5 production facility or *at the time of* the initial production at ~~an oil~~
 6 *its* production facility, the facility operator shall file with the
 7 division ~~an oil a~~ spill contingency plan.

8 3270.2. The division shall inspect ~~an oil production facility~~
 9 *production facilities* to ensure compliance with the standards
 10 prescribed *in the regulations promulgated* pursuant to subdivision
 11 (a) of Section 3270.

12 3270.3. ~~Upon a determination by the supervisor or the~~ *In*
 13 *addition to any other remedy provided by law, the supervisor, upon*
 14 *his or her determination or that of the* district deputy that ~~an oil a~~
 15 production facility is being operated in violation of the standards
 16 prescribed in subdivision (a) of Section 3270, ~~the supervisor~~ may
 17 issue a cease and desist order to ~~an oil a~~ production facility operator
 18 requiring the operator to cease operation until the operator
 19 demonstrates, to the satisfaction of the supervisor, that the violation
 20 has been corrected.

21 3270.4. (a) In addition to the bonding requirements under
 22 Article 4 (commencing with Section 3200), for ~~an oil production~~
 23 *facility* operator with a history of violating this chapter or that has
 24 outstanding liabilities to the state, ~~the division supervisor~~ may
 25 require a life-of-well or ~~life-of-facility~~ *life-of-production facility*
 26 bond in an amount *adequate* to ensure all of the following:

27 (1) The proper plugging and abandonment of ~~the each~~ well by
 28 the state.

29 (2) The safe decommissioning of ~~the oil each~~ production facility.

30 (3) The financing of spill *response* and incident cleanup ~~with~~
 31 *limited costs to the state*.

32 (b) Upon the failure of ~~the oil production facility~~ *an* operator
 33 to properly plug and abandon ~~an oil well, safely decommission an~~
 34 *oil a well, decommission a* production facility, or perform the
 35 appropriate spill *response* and incident cleanup, the supervisor
 36 may ~~expend the bond for those purposes~~ *levy on the bond to obtain*
 37 *money to pay the cost of the work*.

38 (c) ~~The supervisor shall release the bond obligation upon the~~
 39 *satisfactory decommissioning of the oil production facility*.

1 (c) *The supervisor may release a life-of-production facility bond*
2 *upon the satisfactory decommissioning of a production facility, or*
3 *when an operator has provided another valid life-of-production*
4 *facility bond.*

5 ~~SEC. 9.~~

6 SEC. 10. Section 3401 of the Public Resources Code is
7 amended to read:

8 3401. The proceeds of charges levied, assessed, and collected
9 pursuant to this article upon the properties of every person
10 operating or owning an interest in the production of a well or oil
11 and gas production facility located in an oilfield shall be used
12 exclusively for the support and maintenance of the division of the
13 department charged with the supervision of oil and gas, or an oil
14 and gas production facility located in an oilfield.

15 ~~SEC. 10.~~

16 SEC. 11. Section 3402 of the Public Resources Code is
17 amended to read:

18 3402. There shall annually be imposed upon the person
19 operating an oil well or oil and gas production facility located in
20 an oilfield in this state, or owning royalty or other interests with
21 respect to the production from the well or oil and gas production
22 facility located in an oilfield, a charge that shall be payable to the
23 Treasurer and that shall be computed at a uniform rate per barrel
24 of oil produced from the well or oil and gas production facility
25 located in an oilfield for the preceding calendar year. The charge
26 shall be apportioned among all of those persons in fractional
27 amounts proportionate to their respective fractional interests with
28 respect to the production of the well or oil and gas production
29 facility located in an oilfield, but the whole of the charge shall be
30 payable by the operator, who shall withhold their respective
31 proportionate shares of the charge from the amounts otherwise
32 payable or deliverable to the owners of royalty or other interests.
33 In the case of a penalty for late payment as provided in Section
34 3420, no apportionment shall be made.

35 ~~SEC. 11.~~

36 SEC. 12. Section 3403 of the Public Resources Code is
37 amended to read:

38 3403. There shall annually be imposed upon the person
39 operating a gas well or oil and gas production facility located in
40 an oilfield in this state, or owning royalty or other interests with

1 respect to the production from the well or oil and gas production
 2 facility located in an oilfield, a charge that shall be payable to the
 3 Treasurer, based upon the amount of gas produced in the preceding
 4 calendar year, other than gas that is used for recycling or otherwise
 5 in oil-producing operations, and that shall be computed at a uniform
 6 rate per ten thousand cubic feet. The charge shall be apportioned
 7 among all of those persons in fractional amounts proportionate to
 8 their respective fractional interests with respect to the production
 9 of the well or oil and gas production facility located in an oilfield,
 10 but the whole of the charge shall be payable by the operator, who
 11 shall withhold the respective proportionate shares of the charge
 12 from the amounts otherwise payable or deliverable to the owners
 13 of royalty or other interests. In the case of a penalty for a late
 14 payment as provided in Section 3420, no apportionment shall be
 15 made.

16 ~~SEC. 12.~~

17 *SEC. 13.* Section 3419 of the Public Resources Code is
 18 amended to read:

19 3419. On or before the first of July the department shall deliver
 20 to the State Controller the record of assessments and charges,
 21 certified to by the director, which certificate shall be substantially
 22 as follows: "I, _____, Director of Conservation, do hereby certify
 23 that between the first of March and the first of July, 20__, I made
 24 diligent inquiry and examination to ascertain all property and
 25 persons, firms, corporations and associations subject to assessment
 26 as required by the provisions of this chapter, providing for the
 27 assessment and collection of charges; that I have faithfully
 28 complied with all the duties imposed upon me by law; that I have
 29 not imposed any unjust or double assessment through malice or
 30 ill will or otherwise; nor allowed any person, firm, corporation, or
 31 association, or property to escape a just assessment or charge
 32 through favor or regard or otherwise." Failure to subscribe the
 33 certificate to the record of assessments and charges, or any
 34 certificate, shall not affect the validity of any assessment or charge.

35 ~~SEC. 13.~~

36 *SEC. 14.* No reimbursement is required by this act pursuant to
 37 Section 6 of Article XIII B of the California Constitution because
 38 the only costs that may be incurred by a local agency or school
 39 district will be incurred because this act creates a new crime or
 40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O