

AMENDED IN SENATE JUNE 13, 2002

AMENDED IN ASSEMBLY APRIL 25, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2312

Introduced by Assembly Member Chu
(Coauthors: Assembly Members Cedillo, Firebaugh, Lowenthal,
Pavley, Vargas, and Wayne)

February 21, 2002

An act to add Section 71116 to the Public Resources Code, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 2312, as amended, Chu. Environmental justice: grant program.

Existing law requires the California Environmental Protection Agency to develop policies, and implement and coordinate various activities for boards, departments, and offices within the agency relating to environmental justice.

This bill would create the Environmental Justice Fund in the State Treasury, and would require that moneys in the fund, upon appropriation by the Legislature, be used by the agency for the Environmental Justice Small Grant Program, which the bill would establish. The bill would require the agency to award grants on a competitive basis ~~to community-based, grassroots organizations that are working on local solutions to local environmental problems~~ to nonprofit entities, as defined, and federally recognized tribal governments, in accordance with specified priorities. *The bill would authorize the agency to adopt regulations to implement the grant*

program. The bill would require the agency to review, evaluate, and select grant recipients, and screen grant applications to ensure that they meet the requirements of the bill. *The bill would limit the maximum amount of a grant to \$20,000, and would prohibit an individual from receiving a grant. The bill would require the agency to provide a report to the Legislative by June 30, 2006 on the implementation of the grant program.*

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. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *Many communities with low-income and minority*
4 *populations are subject to disproportionately high and adverse*
5 *human health and environmental effects.*

6 (b) *One of the causes of this historical inequality of*
7 *environmental burdens is the lack of financial and other resources*
8 *in communities with low-income and minority populations to*
9 *obtain technical assistance to participate in complicated state*
10 *permitting, remediation orders, and corrective action processes.*

11 (c) *Without technical assistance, communities with low-income*
12 *and minority populations are at a disadvantage in effectively*
13 *voicing concerns about a project.*

14 (d) *The provision of small grants to community-based*
15 *organizations in communities with low-income and minority*
16 *populations will facilitate greater participation by those*
17 *communities in permitting, remediation orders, and corrective*
18 *action decisions and will reduce the risk that already*
19 *overburdened communities will be subject to additional*
20 *environmental degradations in the future.*

21 SEC. 2. Section 71116 is added to the Public Resources Code,
22 to read:

23 71116. (a) The Environmental Justice Fund, is hereby
24 created in the State Treasury. Upon appropriation by the
25 Legislature, the California Environmental Protection Agency
26 shall expend moneys from the Environmental Justice Fund, for the
27 making of grants pursuant to the Environmental Justice Small
28 Grant Program, which is hereby established. The California



1 Environmental Protection Agency ~~shall~~ may adopt regulations for
2 the implementation of this section.

3 (b) The purpose of the program is to ~~fund grants to provide~~
4 *financial assistance to eligible community groups, including, but*
5 *not limited to, community-based, grass-roots, faith-based, and*
6 *nonprofit organizations located in areas directly affected by*
7 *environmental pollution and hazards, and that are involved in*
8 *work intended to address those environmental justice issues.*
9 ~~Preference for grants~~ *organizations with a focus on*
10 *community-based environmental issues, and federally recognized*
11 *tribal governments that are working on, or that plan to carry out,*
12 *projects that address environmental justice issues.*

13 (c) (1) *Both of the following are eligible to receive moneys*
14 *from the fund.*

15 (A) *A nonprofit entity.*

16 (B) *A federally recognized tribal government.*

17 (2) *For the purposes of this section, “nonprofit entity” means*
18 *any corporation, trust, association, cooperative, or other*
19 *organization that meets all of the following criteria:*

20 (A) *Is operated primarily for scientific, educational, service,*
21 *charitable, or other similar purposes in the public interest.*

22 (B) *Is not organized primarily for profit.*

23 (C) *Uses its net proceeds to maintain, improve, and or expand*
24 *its operations.*

25 (D) *Is a tax-exempt organization under Section 501 (c)(3) of*
26 *the federal Internal Revenue Code, or is able to provide evidence*
27 *to the agency that the state recognizes the organization as a*
28 *nonprofit entity.*

29 (3) *For the purposes of this section, “nonprofit entity”*
30 *specifically excludes an organization that meets both of the*
31 *following criteria:*

32 (A) *Is a tax-exempt organization under Section 501 (c)(4) of the*
33 *federal Internal Revenue Code.*

34 (B) *Engages in lobbying activities.*

35 (d) *Individuals may not receive grant moneys from the fund.*

36 (e) *Preference for grants shall be given to ~~community-based~~*
37 *both of the following:*

38 (1) *Community-based, grassroots organizations that are*
39 *working on local solutions to local environmental problems.*



1 (2) *Projects based in areas most heavily impacted by pollution,*
2 *as determined by whether an area has attained applicable air,*
3 *water, or ground pollution control goals.*

4 ~~(e)~~

5 (f) Grants shall be awarded by the agency on a competitive
6 basis, in accordance with the following priorities:

7 (1) Projects that address public health concerns or issues in
8 minority and low-income communities.

9 (2) Projects that address how environmental information is
10 made available to minority and low-income communities.

11 (3) Projects that promote and strengthen community
12 involvement in the decision-making process that affects the
13 environment of the community.

14 ~~(d)~~

15 (4) *Projects that collect and interpret health and environmental*
16 *data.*

17 (5) *Projects that identify pollution sources.*

18 (6) *Projects that resolve environmental problems through*
19 *dissemination of information.*

20 (7) *Projects that monitor pollution sources and the*
21 *implementation of mitigation measures.*

22 (g) *Grant moneys may not be used as matching funds for any*
23 *of the following:*

24 (1) *Other state grant programs.*

25 (2) *Lobbying purposes.*

26 (3) *Adjudicatory proceedings.*

27 (4) *Funding of a lawsuit against a government entity.*

28 (h) The agency shall review, evaluate, and select grant
29 recipients, and screen grant applications to ensure that they meet
30 the requirements of this section.

31 (i) *The maximum amount of a grant provided pursuant to this*
32 *section may not exceed twenty thousand dollars (\$20,000).*

33 (j) *The agency shall provide a report to the Legislature and*
34 *Governor no later than June 30, 2006, on the implementation of*
35 *the grant program created by this section.*

