

ASSEMBLY BILL

No. 1062

Introduced by Assembly Member Bonta

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1062, as introduced, Bonta. Environmental Justice Small Grant Program.

Existing law establishes the Environmental Justice Small Grant Program under the jurisdiction of the California Environmental Protection Agency, and prescribes specific criteria and procedures for the implementation of the program. Existing law requires that grants be awarded on a competitive basis for projects that are based in communities with the most significant exposure to pollution, and limits grants to be used for specified purposes relating to, among other things, resolving environmental problems, promoting coordination among public agencies and stakeholders, developing guidance on environmental risks, and facilitating and encouraging community understanding and decisionmaking that affects the environment of a community.

This bill would additionally include the implementation, including planning, engineering, significant infrastructure improvements, and constructing, of physical projects that improve the environment or the environmental health of the community, or that address a specific environmental justice need, among the purposes for which a grant may be awarded.

Existing law provides that the maximum amount of a grant shall not exceed \$50,000, and authorizes the Secretary for Environmental Protection to expend up to \$1,500,000 per year for the grant program.

This bill would require each board, department, office, or other entity within the agency, except as provided, to expend an amount equal to not less than 1% of its annual operating budget for the award of grants pursuant to the 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. Section 71116 of the Public Resources Code is
2 amended to read:

3 71116. (a) The Environmental Justice Small Grant Program
4 is hereby established under the jurisdiction of the California
5 Environmental Protection Agency. The California Environmental
6 Protection Agency shall adopt regulations for the implementation
7 of this section. These regulations shall include, but need not be
8 limited to, all of the following:

9 (1) Specific criteria and procedures for the implementation of
10 the program.

11 (2) A requirement that each grant recipient submit a written
12 report to the agency documenting its expenditures of the grant
13 funds and the results of the funded project.

14 (3) Provisions promoting the equitable distribution of grant
15 funds in a variety of areas throughout the state, with the goal of
16 making grants available to organizations that will attempt to
17 address environmental justice issues.

18 (b) The purpose of the program is to provide grants to eligible
19 community groups, including, but not limited to, community-based,
20 grassroots nonprofit organizations that are located in areas
21 adversely affected by environmental pollution and hazards and
22 that are involved in work to address environmental justice issues.

23 (c) (1) Both of the following are eligible to receive moneys
24 from the fund:

25 (A) A nonprofit entity.

26 (B) A federally recognized tribal government.

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

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

6 (B) Is not organized primarily for profit.

7 (C) Uses its net proceeds to maintain, improve, or expand, or
8 any combination thereof, its operations.

9 (D) Is a tax-exempt organization under Section 501(c)(3) of the
10 federal Internal Revenue Code, or is able to provide evidence to
11 the agency that the state recognizes the organization as a nonprofit
12 entity.

13 (3) For the purposes of this section, “nonprofit entity”
14 specifically excludes an organization that is a tax-exempt
15 organization under Section 501(c)(4) of the federal Internal
16 Revenue Code.

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

18 (e) Grant recipients shall use the grant award to fund only the
19 project described in the recipient’s application. Recipients shall
20 not use the grant funding to shift moneys from existing or proposed
21 projects to activities for which grant funding is prohibited under
22 subdivision (g).

23 (f) Grants shall be awarded on a competitive basis for projects
24 that are based in communities with the most significant exposure
25 to pollution. Grants shall be limited to any of the following
26 purposes and no other:

27 (1) Resolve environmental problems through distribution of
28 information.

29 (2) Identify improvements in communication and coordination
30 among agencies and stakeholders in order to address the most
31 significant exposure to pollution.

32 (3) Expand the understanding of a community about the
33 environmental issues that affect their community.

34 (4) Develop guidance on the relative significance of various
35 environmental risks.

36 (5) Promote community involvement in the decisionmaking
37 process that affects the environment of the community.

38 (6) Present environmental data for the purposes of enhancing
39 community understanding of environmental information systems
40 and environmental information.

1 (7) *Implement, including planning, engineering, significant*
 2 *infrastructure improvements, and constructing, physical projects*
 3 *that improve the environment or the environmental health of the*
 4 *community, or that address a specific environmental justice need*
 5 *in the community.*

6 (g) (1) The agency shall not award grants for, and grant funding
 7 shall not be used for, any of the following:

8 (A) Other state grant programs.

9 (B) Lobbying or advocacy activities relating to any federal,
 10 state, regional, or local legislative, quasi-legislative, adjudicatory,
 11 or quasi-judicial proceeding involving development or adoption
 12 of statutes, guidelines, rules, regulations, plans or any other
 13 governmental proposal, or involving decisions concerning siting,
 14 permitting, licensing, or any other governmental action.

15 (C) Litigation, administrative challenges, enforcement action,
 16 or any type of adjudicatory proceeding.

17 (D) Funding of a lawsuit against any governmental entity.

18 (E) Funding of a lawsuit against a business or a project owned
 19 by a business.

20 (F) Matching state or federal funding.

21 (G) Performance of any technical assessment for purposes of
 22 opposing or contradicting a technical assessment prepared by a
 23 public agency.

24 (2) An organization’s use of funds from a grant awarded under
 25 this section to educate a community regarding an environmental
 26 justice issue or a governmental process does not preclude that
 27 organization from subsequent lobbying or advocacy concerning
 28 that same issue or governmental process, as long as the lobbying
 29 or advocacy is not funded by a grant awarded under this section.

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

33 (i) The maximum amount of a grant provided pursuant to this
 34 section may not exceed fifty thousand dollars (\$50,000).

35 (j) For the purposes of this section, “environmental justice” has
 36 the same meaning as defined in Section 65040.12 of the
 37 Government Code.

38 (k) The Secretary for Environmental Protection may expend up
 39 to one million five hundred thousand dollars (\$1,500,000) per year
 40 for the purposes of this section.

1 (l) Board, departments, and offices within the California
2 Environmental Protection Agency may allocate funds from various
3 special funds, settlements, and penalties to implement this program.

4 (m) (1) *Each board, department, office, or other entity within*
5 *the California Environmental Protection Agency shall expend an*
6 *amount equal to not less than 1 percent of its annual operating*
7 *budget for grants awarded pursuant to this section.*

8 (2) *This subdivision does not apply to a certified local program*
9 *agency, a local or regional air pollution control district, or a*
10 *regional water quality control board.*