

ASSEMBLY BILL

No. 2889

Introduced by Committee on Health

February 29, 2016

An act to amend Section 11019 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2889, as introduced, Committee on Health. State government.

Existing law authorizes specified state departments and authorities, upon determination that an advance payment is essential for the effective implementation of a program, to advance to a community-based private nonprofit agency with which it has contracted for the delivery of services, funds not exceeding 25% of the annual allocation to be made to the agency during the fiscal year. Existing law requires these departments and authorities to develop a plan to establish control procedures for advance payments. Existing law requires a plan to be approved by the Department of Finance and to include a procedure for determining whether an advance payment is essential for the effective implementation of a program.

This bill would include the State Department of Public Health in the list of specified state departments and authorities.

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 11019 of the Government Code is
2 amended to read:

1 11019. (a) Any department or authority specified in subdivision
2 (b) may, upon determining that an advance payment is essential
3 for the effective implementation of a program within the provisions
4 of this section, and to the extent funds are available, advance to a
5 community-based private nonprofit agency with which it has
6 contracted, pursuant to federal law and related state law, for the
7 delivery of services, not to exceed 25 percent of the annual
8 allocation to be made pursuant to the contract and those laws during
9 the fiscal year to the private nonprofit agency. Advances in excess
10 of 25 percent may be made on contracts financed by a federal
11 program when the advances are not prohibited by federal
12 guidelines. Advance payments may be provided for services to be
13 performed under any contract with a total annual contract amount
14 of four hundred thousand dollars (\$400,000) or less. This amount
15 shall be increased by 5 percent, as determined by the Department
16 of Finance, for each year commencing with 1989. Advance
17 payments may also be made with respect to any contract that the
18 Department of Finance determines has been entered into with any
19 community-based private nonprofit agency with modest reserves
20 and potential cashflow problems. No advance payment shall be
21 granted if the total annual contract exceeds four hundred thousand
22 dollars (\$400,000), without the prior approval of the Department
23 of Finance.

24 The specific departments and authority mentioned in subdivision
25 (b) shall develop a plan to establish control procedures for advance
26 payments. Each plan shall include a procedure whereby the
27 department or authority determines whether or not an advance
28 payment is essential for the effective implementation of a particular
29 program being funded. Each plan shall be approved by the
30 Department of Finance.

31 (b) Subdivision (a) shall apply to the Emergency Medical
32 Services Authority, the California Department of Aging, the State
33 Department of Developmental Services, the State Department of
34 Alcohol and Drug Programs, the Department of Corrections and
35 Rehabilitation, including the Division of Juvenile Justice, the
36 Department of Community Services and Development, the
37 Employment Development Department, the State Department of
38 Health Care Services, *the State Department of Public Health*, the
39 State Department of State Hospitals, the Department of
40 Rehabilitation, the State Department of Social Services, the

1 Department of Child Support Services, the State Department of
2 Education, the area boards on developmental disabilities, the State
3 Council on Developmental Disabilities, the Office of Statewide
4 Health Planning and Development, and the California
5 Environmental Protection Agency, including all boards and
6 departments contained therein.

7 Subdivision (a) shall also apply to the California Health and
8 Human Services Agency, which may make advance payments,
9 pursuant to the requirements of that subdivision, to multipurpose
10 senior services projects as established in Chapter 8 (commencing
11 with Section 9560) of Division 8.5 of the Welfare and Institutions
12 Code.

13 Subdivision (a) shall also apply to the Natural Resources Agency,
14 including all boards and departments contained in that agency,
15 which may make advance payments pursuant to the requirements
16 of that subdivision with respect to grants and contracts awarded
17 to certified local community conservation corps.

18 (c) A county may, upon determining that an advance payment
19 is essential for the effective implementation of a program within
20 the provisions of this section, and to the extent funds are available,
21 and not more frequently than once each fiscal year, advance to a
22 community-based private nonprofit agency with which it has
23 contracted, pursuant to any applicable federal or state law, for the
24 delivery of services, not to exceed 25 percent of the annual
25 allocation to be made pursuant to the contract and those laws,
26 during the fiscal year to the private nonprofit agency.

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