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An act to add Section 39603.1 to the Health and Safety Code, relating to the State Air Resources Board.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 39603.1 is added to the Health and Safety Code, to read:
39603.1. (a) Notwithstanding any other law, the state board may provide advance payments to grantees of a grant program or project if the state board determines all of the following:

(1) The advance payments are necessary to meet the purposes of the grant program or project.

(2) The use of the advance funds is adequately regulated by grant or budgetary controls.

(3) The request for application or the request for proposals contains the terms and conditions under which an advance payment may be received consistent with this section.

(4) The grantee is either a small district or the grantee meets all of the following criteria:

(A) Has no outstanding financial audit findings related to any of the moneys eligible for advance payment and is in good standing with the Franchise Tax Board and Internal Revenue Service.

(B) Agrees to revert all unused moneys to the state if they are not liquidated within the timeline specified in the grant agreement.

(C) (i) Submits a spending plan to the state board for review prior to receiving the advance payment.

(ii) The spending plan shall include project schedules, timelines, milestones, and the grantee's fund balance for all state grant programs.

(iii) The state board shall consider the available fund balance when determining the amount of the advance payment.

(D) Reports to the state board any material changes to the spending plan within 30 days.

(E) Agrees to not provide advance payment to any other entity.

(5) In the event of the nonperformance of a grantee, the state board shall require the full recovery of the unspent moneys. A grantee shall provide a money transfer confirmation within 45 days upon the receipt of a notice from the state board.

(b) The state board, in consultation with the Department of Finance, shall adopt a regulation implementing this section to ensure the moneys are used properly.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: State Air Resources Board: grant programs and projects: advance payments.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would authorize the state board to provide advance payments to grantees of a grant program or project if the state board determines specified conditions are met. The bill would require the state board, in consultation with the Department of Finance, to adopt a regulation implementing that advance payment program.

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

