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# JEDE AMENDMENTS

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**SB 684 (Hueso): Amended Senate April 5, 2021**  
**Submitted by: Toni Symonds, JEDE Committee Staff**

**Proposed Amendments (version 2):**

1. Eliminate the repeal of the Office of the Binational Border Health.
2. Specify that public voting members and nonvoting members of the Binational Border Commission serve at the pleasure of their appointing authority.
3. Add a conflict of interest procedure.
4. Prohibit any single donor from donating more than 20% of the value of any single project or event of the commission.
5. Require a notice be provided to the Legislature of donations, federal grants, or other funds being deposited in the California-Mexico Border Relations Account.
6. Require prior approval of travel expenses of Binational Border Commission members.
7. Streamline the specificity of the list of overall duties of the Binational Border Commission.

SECTION 1. Chapter 2 (commencing with Section 99520) of Title 20 of the Government Code is repealed.

**SEC. 2.** Chapter 2 (commencing with Section 99520) is added to Title 20 of the Government Code, to read:

**CHAPTER 2.** California Border Commission

**99520.** The Legislature finds and declares all of the following:

- (a) As the fifth largest economy in the world, California has positioned itself as a global leader. Our close proximity and shared values with Mexico have resulted in a high degree of economic, social, and cultural interdependence. Our shared border poses a unique set of challenges and opportunities that affect one of the most economically successful regions in the world.
- (b) The border region was particularly hard hit by the COVID-19 pandemic, whose impacts were exacerbated by longstanding inequities, including high unemployment, limited access to services, and underinvestment.
- (c) California's border is one of the busiest border crossings in the world, a top goods entry point, and a vibrant shared resource.
- (d) Building a 21st century border economy will be vital to California's economic recovery from the COVID-19 pandemic.
- (e) Given the importance of California's border region and the distinct nature of the challenges faced in the region, it is appropriate and necessary for the state to have a public stakeholder commission capable of developing policy proposals and recommendations to address issues pertaining to the California-Mexico border region. Among other issues, a stakeholder commission could examine the following:
  - (1) Strategies for improving the quality of life in the border region and addressing the impact of the COVID-19 pandemic.
  - (2) Methods for improving coordination between state, federal, local, and Mexican officials.

- (3) Recommendations for how the state should support increasing migrant and refugee populations at the border.
- (4) Approaches to improve water quality, including ways to address pollution due to contamination of the Calexico New River and the Tijuana River Valley.
- (5) Strategies for improving air quality in the border region.
- (6) Ways to increase access to services, and address public health inequities.
- (7) Initiatives to increase trade and commerce, including ones targeted at supporting a cross-border workforce, cross-border tourist economy, and building more resilient cross-border supply chains.
- (8) Strategies for enhancing educational outcomes, including, but not limited to, understanding the scope of educational problems experienced by transborder students.
- (9) Recommendations to address transportation issues including, but not limited to, recommendations as to how to improve trade corridors and reduce border wait times.

**99521.** For purposes of this chapter:

- (a) "Account" means the California-Mexico Border Relations Account established pursuant to Section 99523.
- (b) "Border" means the line of demarcation between California and Mexico.
- (c) "Border county" means the County of Imperial or the County of San Diego.
- (d) "Commission" means the California Border Commission established by Section 99522.
- (e) "Commission of the Californias" means the commission established pursuant to the memorandum of understanding entered into by this state and the Mexican states of Baja California and Baja California Sur on December 4, 2019.
- (f) "Transborder students" means students that have spent part of their educational careers in both California and Mexico, including both students who are United States citizens attempting to integrate into schools in Mexico and students who are Mexican citizens attempting to integrate into schools in the United States.

**99522.** (a) There is hereby established in state government the California Border Commission to serve as a public stakeholder body on cultural, economic, and environmental issues relating to California's Border Region.

(b) The commission shall be comprised of 11 members, as follows:

(1) The commission shall include the following nine **public** members as voting members:

(A) Six representatives of the public **who live and work in the border counties** ~~from the state at large~~. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint two of these members, one from each of the border counties.

(B) Three representatives of the public from the state at large. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint one of these members.

(2) The commission shall include the following two members as nonvoting members:

(A) A member of the **California State** Senate, **who shall be appointed by and serve at the pleasure of the Senate Committee on Rules**.

(B) A member of the **California State** Assembly, **who shall be appointed by and serve at the pleasure of the Speaker of the Assembly**.

(c) (1) A public member appointed to the commission pursuant to paragraph (1) of subdivision (b) shall serve for a term of four years and shall continue in office until the expiration of their term and the subsequent appointment of a successor.

(2) In appointing a public member, the appointing authority shall make every effort to ensure that there is representation of residents throughout the border region on the commission.

**(3) Notwithstanding subparagraph (1), a public member may be removed by their respective appointing body.**

(d) With prior approval of the chair, each ~~Each~~ public member of the commission shall be entitled to receive their actual necessary traveling expenses while on official business of the commission.

(e) (1) The commission shall annually select from its membership a chair and a vice chair.

(2) The commission and the chair, on behalf of the commission, may establish committees or ad hoc groups to examine issues, as assigned.

(f) (1) A majority of the voting members of the commission shall constitute a quorum for the transaction of business.

(2) Any member that misses three out of five meetings shall be discharged from the commission without prejudice and may be reappointed not less than one calendar year later.

(3) Notwithstanding the requirement in paragraph (1), the commission may meet absent a quorum to take public testimony if that testimony is taped, transcribed, or otherwise summarized in a manner making its content available for review at a later date. No other business of the commission may be undertaken at a meeting held pursuant to this paragraph.

(4) (A) A member shall not take part in a discussion in which they have a conflict of interest, as specified for members of advisory boards in Chapter 7 (commencing with Section 87100) of Title 9.

(B) A member of the commission, upon identifying a conflict of interest or a potential conflict of interest regarding a matter before the commission, immediately before consideration of the matter, shall do all of the following:

(i) Provide written notice to the chairperson of the conflict of interest or potential conflict of interest.

(ii) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest.

(iii) Recuse themselves from discussing and voting on the matter.

(iv) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded.

(g) (1) The commission shall hold not less than three meetings per calendar year.

(2) Meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission, in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2). The commission shall make an effort to hold a majority of its meetings within 100 miles of the border.

(h) The commission shall invite representatives of interested Mexican governments, including the State of Baja California, the State of Baja California Sur, ~~or~~ and any other local, state, ~~or~~ and federal government of Mexico to attend meetings of the commission.

~~(i) Each member of the commission shall do all of the following:~~

~~(1) Attend meetings of the commission.~~

~~(2) Participate in developing and implementing the projects of the commission.~~

~~(3) Serve on committees.~~

~~(4) Represent the commission when requested by public invitation.~~

~~(5) Work with the Legislature and the Governor's office to advocate for the commission's legislative and policy priorities.—~~

**99523.** (a) The California-Mexico Border Relations Account is hereby established in the Special Deposit Fund (Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2) within the State Treasury. Upon appropriation by the Legislature, moneys in the account shall be available to the commission for purposes of this chapter.

**(b) Accept any federal funds granted, by act of Congress or by executive order, for any purpose of this chapter.**

(c) There shall be deposited in the account the following:

(1) All federal funds received pursuant to subdivision **(b)** ~~(e)~~ of Section 99524.

(2) All moneys received by gift, donation, grant, or bequest pursuant to subdivision (f) of Section 99524.

(3) Any other moneys appropriated or made available for purposes of this chapter.

**(d) Accept any gifts, donations, grants, or bequests for any purpose of this chapter. No single donor shall donate more than 20% of the value of any single project or event of the commission.**

**(e) Apply for grants from public and private entities and conduct fundraising activities to support the work of the commission, consistent with the purposes of this chapter.**

**(f) The commission shall provide notice of the receipt of funds pursuant to subdivisions (e), (f), and (g) of Section 99524 within 20 calendar days to the Assembly Committee on Jobs, Economic Development, and the Economy, the Senate Committee of Business Professions and Economic Development, and the Joint Budget Committee. The notice shall include the amount of funds received, the name and contact information of the source of funding, and a general description of any conditions or requirements associated with the funding.**

~~99524. In carrying out its powers and duties under this chapter, the commission may do any of the following:~~

~~(a) Employ administrative, technical, and other personnel as may be necessary for the performance of its powers and duties under this chapter.~~

~~(b) Hold hearings, make and sign any agreements, and do or perform any acts that may be necessary, desirable, or proper to carry out the purposes of this chapter.~~

~~(c) Cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of this state to facilitate the proper carrying out of its powers and duties under this chapter.~~

~~(d) Appoint advisers or advisory committees when the commission determines that the experience or expertise of an adviser or advisory committee is needed for any project of the commission.~~

~~(e) Accept any federal funds granted, by act of Congress or by executive order, for any purpose of this chapter.~~

~~(f) Accept any gifts, donations, grants, or bequests for any purpose of this chapter. **No single donor shall donate more than 20% of the value of any single project or event of the commission.**~~

~~(g) Apply for grants from public and private entities and conduct fundraising activities to support the work of the commission, consistent with the purposes of this chapter.—~~

**99525.** The commission shall do all of the following:

(a) Provide opportunities for the public to learn about and contribute to the identification and resolution of key issues facing the border region.

(b) Develop policy proposals and recommendations as to issues pertaining to the California-Mexico border region in coordination with the Commission of the Californias.

(b) Collaborate with **the business, nonprofit, and public sectors in** the State of Baja California and the State of Baja California Sur to address on key issues pertaining to impacting the border region, consistent with this chapter.

(c) Advise **Make recommendations to** the Legislature and the Governor on matters of particular concern to this state in relation to border issues and matters with Mexico.

~~(d) Initiate, promote, and take appropriate steps to inform the public about legislation and proposed legislation intended to improve the relationship between this state and Mexico and improve the quality of life in the border region.~~

- ~~(e) Collect and disseminate information on issues of concern relating to the border and the relationship between this state and Mexico, **and to** educate the public about issues pertaining to the border and between this state and Mexico.~~
- ~~(f) Coordinate and host events and activities throughout this state regarding the commission's programs and activities.~~
- ~~(g) Make recommendations on policies that encourage the coordination and the collection and sharing of data related to cross border issues between and among the various departments, divisions, boards, bureaus, commissions, and other agencies of this state. —~~

**99526.** (a) The commission is expressly authorized to develop positions and inform the Legislature of its position on any legislative proposal pending before the Legislature and to make other legislative recommendations.

(b) The commission is expressly authorized to state its position and viewpoint on issues developed in the performance of its duties and responsibilities as specified in this chapter.

**99527.** (a) The commission is successor to, and is vested with, all of the duties, powers, and responsibilities of the California-Mexico Border Relations Council, pursuant to former Chapter 2 (commencing with Section 99520) of this title, ~~and the Office of Binational Border Health, pursuant to former Part 3 (commencing with Section 475) of Division 1 of the Health and Safety Code,~~ as those provisions read as of the date immediately preceding the effective date of the act adding this section.

(b) All employees serving in state civil service, including temporary employees, who are engaged in the performance of functions transferred to the commission pursuant to this section are transferred to the commission. The status, positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred to the commission.

(c) The commission shall succeed to all of the rights and property of the California-Mexico Border Relations Council ~~and the Office of Binational Border Health.~~ The property of any office, agency, or other entity of state government related to functions transferred to the commission is transferred to the commission. If any doubt arises as to whether that property is required to be transferred, the Department of General Services shall determine whether the property is required to be transferred.

(d) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the commission shall be transferred to the commission for the use and for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to whether any funds are required to be transferred pursuant to this subdivision, the Department of Finance shall determine whether the transfer is required.

(e) The commission is subject to all the debts and liabilities of the California-Mexico Border Relations Council ~~and the Office of Binational Border Health~~ as if the commission had incurred them.

(f) (1) With respect to any report previously required to be prepared and submitted by the California-Mexico Border Relations Council ~~or the Office of Binational Border Health,~~ the commission shall ~~combine the contents~~ **prepare and submit the** required to be included in those reports into a single report that also includes recommendations on the scope of the authority of the commission. ~~The commission shall submit the combined report to each entity to which the California-Mexico Border Relations Council or the Office of Binational Border Health was previously required to submit a report.~~

(2) Any report required to be submitted to the Legislature pursuant to this section shall be submitted in accordance with Section 9795.

**99528.** This chapter shall remain in effect only until January 1, 2029, and as of that date is repealed.

~~**SEC. 3. Part 3 (commencing with Section 475) of Division 1 of the Health and Safety Code, as added by Section 2 of Chapter 765 of the Statutes of 1999, is repealed.**~~