

AMENDED IN SENATE APRIL 5, 2021

SENATE BILL

No. 684

Introduced by Senator Hueso

**(Coauthors: Senators Bradford, Hertzberg, and Jones Jones, and
Wilk)**

(Coauthors: Assembly Members Eduardo Garcia, Rodriguez, and
Villapudua)

February 19, 2021

An act to ~~repeal and add~~ *repeal, add, and repeal* Chapter 2 (commencing with Section 99520) of Title 20 of the Government Code, and to repeal Part 3 (commencing with Section 475) of Division 1 of the Health and Safety Code, relating to California-Mexico border relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 684, as amended, Hueso. California Border Commission.

Existing law establishes the Office of California-Mexico Affairs to further and develop favorable relations with the State of Baja California, the State of Baja California Sur, and other Mexican states, as provided. Existing law generally sets forth the duties and authority of that office with respect to California-Mexico relations.

This bill would ~~establish~~ *establish, until January 1, 2029*, the California Border Commission, consisting of 9 voting and 2 nonvoting members, as specified. The bill would require the commission to, among other things, develop policy proposals and provide recommendations as to issues pertaining to the border between California and Mexico, as specified, and to advise the Legislature and the Governor on matters of particular concern to this state in relation to border issues and matters with Mexico. The bill would expressly authorize the commission to

develop and inform the Legislature of its position on pending legislative proposals, to make other legislative recommendations, and to state its position and viewpoint on issues developed in the performance of its duties and responsibilities. The bill would establish the California-Mexico Border Relations Account in the Special Deposit Fund within the State Treasury to receive specified moneys received by the commission and, upon appropriation, make the moneys in the account available to the commission for these purposes.

Existing law establishes the California-Mexico Border Relations Council and requires the council to, among other things, coordinate activities of state agencies that are related to cross-border programs, initiatives, projects, and partnerships that exist within state government, and to improve the effectiveness of state and local efforts that are of concern to California and Mexico.

Existing law also requires the State Department of Health Care Services to establish a permanent Office of Binational Border Health to facilitate cooperation between health officials and health professionals in California and Mexico, as specified, and requires that office to convene a voluntary community advisory group of representatives of border community-based stakeholders to develop a strategic plan with short-term, intermediate, and long-range goals and implementation actions, as provided.

This bill would repeal those provisions establishing the California-Mexico Border Relations Council and the Office of Binational Border Health. The bill would provide that the California Border Commission is successor to, and is vested with, the duties, powers, and responsibilities vested in those entities, as described above, and provide for the transfer of the civil service employees, property, funds, debts, and liabilities of those entities to the commission. The bill would require the commission to submit any report required to be submitted by the California-Mexico Border Relations Council or the Office of Binational Border Health as a single report, as provided.

This bill would repeal these provisions on January 1, 2029.

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

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

3
4 CHAPTER 2. CALIFORNIA BORDER COMMISSION
5

6 99520. The Legislature finds and declares all of the following:

7 (a) As the fifth largest economy in the world, California has
8 positioned itself as a global leader. Our close proximity and shared
9 values with Mexico have resulted in a high degree of economic,
10 social, and cultural interdependence. Our shared border poses a
11 unique set of challenges and opportunities that affect one of the
12 most economically successful regions in the world.

13 (b) The border region was particularly hard hit by the COVID-19
14 pandemic, whose impacts were exacerbated by longstanding
15 inequities, including high unemployment, limited access to
16 services, and underinvestment.

17 (c) California's border is one of the busiest border crossings in
18 the world, a top goods entry point, and a vibrant shared resource.

19 (d) Building a 21st century border economy will be vital to
20 California's economic recovery from the COVID-19 pandemic.

21 (e) Given the importance of California's border region and the
22 distinct nature of the challenges faced in the region, it is appropriate
23 and necessary for the state to have a public stakeholder commission
24 capable of developing policy proposals and recommendations to
25 address issues pertaining to the California-Mexico border region.
26 Among other issues, a stakeholder commission could examine the
27 following:

28 (1) Strategies for improving the quality of life in the border
29 region and addressing the impact of the COVID-19 pandemic.

30 (2) Methods for improving coordination between state, federal,
31 local, and Mexican officials.

32 (3) Recommendations for how the state should support
33 increasing migrant and refugee populations at the border.

34 (4) Approaches to improve water quality, including ways to
35 address pollution due to contamination of the Calexico New River
36 and the Tijuana River Valley.

37 (5) Strategies for improving air quality in the border region.

38 (6) Ways to increase access to services, and address public
39 health inequities.

1 (7) Initiatives to increase trade and commerce, including ones
2 targeted at supporting a cross-border workforce, cross-border
3 tourist economy, and building more resilient cross-border supply
4 chains.

5 (8) Strategies for enhancing educational outcomes, including,
6 but not limited to, understanding the scope of educational problems
7 experienced by transborder students.

8 (9) Recommendations to address transportation issues including,
9 but not limited to, recommendations as to how to improve trade
10 corridors and reduce border wait times.

11 99521. For purposes of this chapter:

12 (a) “Account” means the California-Mexico Border Relations
13 Account established pursuant to Section 99523.

14 (b) “Border” means the line of demarcation between California
15 and Mexico.

16 (c) “Border county” means the County of Imperial or the County
17 of San Diego.

18 (d) “Commission” means the California Border Commission
19 established by Section 99522.

20 (e) “Commission of the Californias” means the commission
21 established pursuant to the memorandum of understanding entered
22 into by this state and the Mexican states of Baja California and
23 Baja California Sur on December 4, 2019.

24 (f) “Transborder students” means students that have spent part
25 of their educational careers in both California and Mexico,
26 including both students who are United States citizens attempting
27 to integrate into schools in Mexico and students who are Mexican
28 citizens attempting to integrate into schools in the United States.

29 99522. (a) There is hereby established in state government the
30 California Border Commission to serve as a public stakeholder
31 body on cultural, economic, and environmental issues relating to
32 California’s Border Region.

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

35 (1) The commission shall include the following nine members
36 as voting members:

37 (A) Six representatives of the public from the state at large. The
38 Governor, the Senate Committee on Rules, and the Speaker of the
39 Assembly shall each appoint two of these members, one from each
40 of the border counties.

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

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

6 (A) A member of the Senate.

7 (B) A member of the Assembly.

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

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

15 (d) Each public member of the commission shall be entitled to
16 receive their actual necessary traveling expenses while on official
17 business of the commission.

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

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

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

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

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

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

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

39 (2) Meetings of the commission shall be open and public, and
40 all persons shall be permitted to attend any meetings of the

1 commission, in accordance with the Bagley-Keene Open Meeting
2 Act (Article 9 (commencing with Section 11120) of Chapter 1 of
3 Part 1 of Division 3 of Title 2). The commission shall make an
4 effort to hold a majority of its meetings within 100 miles of the
5 border.

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

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

11 (1) Attend meetings of the commission.

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

14 (3) Serve on committees.

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

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

19 99523. (a) The California-Mexico Border Relations Account
20 is hereby established in the Special Deposit Fund (Article 2
21 (commencing with Section 16370) of Chapter 2 of Part 2 of
22 Division 4 of Title 2) within the State Treasury. Upon appropriation
23 by the Legislature, moneys in the account shall be available to the
24 commission for purposes of this chapter.

25 (b) There shall be deposited in the account the following:

26 (1) All federal funds received pursuant to subdivision (e) of
27 Section 99524.

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

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

32 99524. In carrying out its powers and duties under this chapter,
33 the commission may do any of the following:

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

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

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

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

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

11 (f) Accept any gifts, donations, grants, or bequests for any
12 purpose of this chapter.

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

16 99525. The commission shall do all of the following:

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

20 (b) Collaborate with the State of Baja California and the State
21 of Baja California Sur to address issues pertaining to the border,
22 consistent with this chapter.

23 (c) Advise the Legislature and the Governor on matters of
24 particular concern to this state in relation to border issues and
25 matters with Mexico.

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

30 (e) Collect and disseminate information on issues of concern
31 relating to the border and the relationship between this state and
32 Mexico to educate the public about issues pertaining to the border
33 and between this state and Mexico.

34 (f) Coordinate and host events and activities throughout this
35 state regarding the commission's programs and activities.

36 (g) Make recommendations on policies that encourage the
37 coordination and the collection and sharing of data related to
38 cross-border issues between and among the various departments,
39 divisions, boards, bureaus, commissions, and other agencies of
40 this state.

1 99526. (a) The commission is expressly authorized to develop
2 positions and inform the Legislature of its position on any
3 legislative proposal pending before the Legislature and to make
4 other legislative recommendations.

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

8 99527. (a) The commission is successor to, and is vested with,
9 all of the duties, powers, and responsibilities of the
10 California-Mexico Border Relations Council, pursuant to former
11 Chapter 2 (commencing with Section 99520) of this title, and the
12 Office of Binational Border Health, pursuant to former Part 3
13 (commencing with Section 475) of Division 1 of the Health and
14 Safety Code, as those provisions read as of the date immediately
15 preceding the effective date of the act adding this section.

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

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

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

1 Department of Finance shall determine whether the transfer is
2 required.

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

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

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

20 *99528. This chapter shall remain in effect only until January*
21 *1, 2029, and as of that date is repealed.*

22 SEC. 3. Part 3 (commencing with Section 475) of Division 1
23 of the Health and Safety Code, as added by Section 2 of Chapter
24 765 of the Statutes of 1999, is repealed.

O