

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1410

Introduced by Committee on Jobs, Economic Development, and the Economy (V. Manuel Pérez (Chair), Beall, Block, and Grove, Hueso, and Morrell)

March 10, 2011

An act to add the heading of Chapter 1 (commencing with Section 99500) to, to add Chapter 2 (commencing with Section 99520) and Chapter 3 (commencing with Section 99530) to, Title 20 of, and to repeal Chapter 8 (commencing with 8700) and Chapter 8.1 (commencing with 8710) of Division 1 of Title 2 of, the Government Code, and to amend Section 71103.5 of the Public Resources Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1410, as amended, Committee on Jobs, Economic Development, and the Economy. State government: international relations.

Existing law requires the California-Mexico Border Relations 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. Existing law also authorizes the Office of California-Mexico Affairs to develop better relations with Mexico by coordinating with state agencies to foster economic cooperation.

This bill would repeal, and recast those provisions relating to the California-Mexico Border Relations Council. This bill would repeal, and recast those provisions relating to the Office of California-Mexico Affairs.

This bill would also make various conforming changes.

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

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8 (commencing with Section 8700) of
2 Division 1 of Title 2 of the Government Code is repealed.

3 SEC. 2. Chapter 8.1 (commencing with Section 8710) of
4 Division 1 of Title 2 of the Government Code is repealed.

5 SEC. 3. The heading of Chapter 1 (commencing with Section
6 99500) is added to Title 20 of the Government Code, to read:

7
8 CHAPTER 1. GENERAL PROVISIONS
9

10 SEC. 4. Chapter 2 (commencing with Section 99520) is added
11 to Title 20 of the Government Code, to read:

12
13 CHAPTER 2. OFFICE OF CALIFORNIA-MEXICO AFFAIRS
14

15 99520. The Legislature finds and declares the following:

16 (a) The United States and Mexican economies have become
17 increasingly integrated, particularly since the 1994 adoption of the
18 North American Free Trade Agreement, or NAFTA.

19 (b) This integration has brought both California and Mexico
20 opportunities and challenges in the areas of economic development,
21 labor relations, and environmental protection.

22 (c) The California Office of the Southwest Border Regional
23 Conference (formerly commission) was established as part of a
24 joint American border states effort to further and develop favorable
25 relations with the six Mexican border states.

26 (d) The efforts of the California office of the conference continue
27 to be an essential part of California's interaction with Mexico.

28 (e) It is important for the state and for the nation that state
29 agencies continue to address important United States-Mexico
30 issues.

31 (f) The Office of California-Mexico Affairs provides a focal
32 point in state government to serve as a clearinghouse for
33 information and assistance to other state agencies that are involved
34 with Mexico.

1 (g) *The purpose of this act is to reorganize various code*
2 *sections. These changes are nonsubstantive and technical in nature.*

3 99521. The following definitions shall govern the construction
4 of this chapter:

5 (a) “Conference” means the Southwest Border Regional
6 Conference.

7 (b) “Office” means the Office of California-Mexico Affairs.

8 99522. (a) There is in state government an Office of
9 California-Mexico Affairs. Within this office the operations of the
10 California Office of the Southwest Border Regional Conference
11 shall be continued.

12 (b) The office succeeds to and is vested with all the duties,
13 powers, purposes, and responsibilities vested in the California
14 office of the conference and previously vested in the Commission
15 of the Californias.

16 (c) The office shall have possession and control of all records,
17 papers, offices, equipment, supplies, moneys, funds, appropriations,
18 land, and other property, real or personal, held for the benefit or
19 use of the California office of the conference, or previously held
20 for the benefit or use of the commission, in the performance of the
21 duties, powers, purposes, responsibilities, and jurisdiction of the
22 California office of the conference or the commission.

23 99523. The members of the Southwest Border Regional
24 Conference shall be the Governors of the four American border
25 states. The California member of the conference is the Governor
26 of California or his designee.

27 99524. The office shall further and develop favorable relations
28 with the State of Baja California, the State of Baja California Sur,
29 other Mexican states bordering on the United States, and the
30 remaining states and territories of the Republic of Mexico
31 necessary for the completion of the office’s tasks. The office shall
32 cooperate with similar organizations and agencies situated within
33 California, the United States, or Mexico, to further economic
34 development, improve working conditions and living standards,
35 and foster the protection and improvement of the environment in
36 Mexico and California. The office shall avail itself of the services
37 of the San Diego State University, which is engaged in educational,
38 cultural, and research activities with Mexico. The office shall be
39 responsible for carrying out the ongoing responsibilities of the
40 Southwest Border Regional Conference.

1 99525. The Governor shall appoint a director of the office. The
2 director may appoint and employ any personnel that he or she
3 deems necessary to carry out the functions of the office. The office
4 may incur all necessary expenses to effectuate its purposes and
5 may accept grants from federal and state agencies. The office may
6 also accept funds from private organizations or individuals in order
7 to assist the office in the accomplishment of its functions as set
8 forth in this chapter.

9 99526. Members and employees of the office may travel outside
10 of California and may hold hearings and conduct investigations
11 within and outside of the state whenever necessary to carry out
12 the duties set forth in this chapter. Members and employees may
13 acquire any available information from any governmental agency
14 within the United States or Mexico necessary for the completion
15 of their tasks.

16 99527. The office shall be responsible for the establishment
17 of committees in those topic areas deemed necessary by the
18 director. Recommendations of the committees shall not be binding
19 on the Governor or the Legislature but shall only be advisory in
20 nature.

21 SEC. 5. Chapter 3 (commencing with Section 99530) is added
22 to Title 20 of the Government Code, to read:

23
24 CHAPTER 3. CALIFORNIA-MEXICO BORDER RELATIONS COUNCIL
25

26 99530. The following definitions shall apply to this chapter:

27 (a) "Border" means the line of demarcation between California
28 and Mexico.

29 (b) "Council" means the California-Mexico Border Relations
30 Council.

31 (c) "Public agency" means a city, county, city and county,
32 district, or the state or any agency or department of the state.

33 99531. (a) The California-Mexico Border Relations Council
34 is hereby established in state government. The council shall consist
35 of the Natural Secretary of the Resources Agency, the Secretary
36 for Environmental Protection, the Secretary of Health and Human
37 Services, the Secretary of Business, Transportation and Housing,
38 the Secretary of Food and Agriculture, and the Director of
39 Emergency Services.

1 (b) The Secretary for Environmental Protection shall chair the
2 council.

3 99532. The council shall do all of the following:

4 (a) Coordinate activities of state agencies that are related to
5 cross-border programs, initiatives, projects, and partnerships that
6 exist within state government, to improve the effectiveness of state
7 and local efforts that are of concern between California and
8 Mexico.

9 (b) Establish policies to coordinate the collection and sharing
10 of data related to cross-border issues between and among agencies.

11 (c) Identify and recommend to the Legislature changes in law
12 needed to achieve the goals of this section.

13 99533. Beginning January 1, 2008, the council shall submit a
14 report to the Legislature on the council's activities annually.

15 SEC. 6. Section 71103.5 of the Public Resources Code is
16 amended to read:

17 71103.5. (a) The Legislature finds and declares all of the
18 following:

19 (1) The New River poses an imminent and severe threat to the
20 public health of residents of Calexico, California, and adjacent
21 communities in Imperial County. Since the 1940s, the New River
22 has been recognized as a significant pollution and human health
23 problem, primarily because of extremely high concentrations of
24 fecal coliform bacteria.

25 (2) While there have been recent measurable water quality
26 improvements as a result of sewage infrastructure projects
27 implemented and completed during the last 10 years in Mexicali,
28 Mexico, the residual and projected pollution in the New River
29 coming from Mexico remains a significant threat to public health
30 and the environment.

31 (3) Current bacteria levels in the New River are several orders
32 of magnitude above the state standards for bacteria. Based on these
33 levels and the historic levels of pollution, the waterway is believed
34 to carry pathogens that cause tuberculosis, encephalitis, polio,
35 cholera, hepatitis, and typhoid. The waterway also carries other
36 contaminants in concentrations that are in violation of federal,
37 state, and Mexican water quality standards by several hundredfold.

38 (4) The New River is listed as an impaired river by the United
39 States Environmental Protection Agency due to low dissolved
40 oxygen (DO) and the presence of chlordane, chlorpyrifos, copper,

1 dichloro-diphenyl-trichloroethane (DDT), diazinon, dieldrin,
2 mercury, nutrients, pathogens, polychlorinated biphenyls (PCBs),
3 sediment, selenium, toxaphene, toxicity, trash, and volatile organic
4 compounds (VOCs).

5 (5) The New River is a major contributor of pollution to the
6 Salton Sea, and failure to address water quality problems in the
7 New River are impeding the ability of the state to implement laws
8 and programs designed to restore and protect this important
9 environmental and wildlife habitat resource.

10 (6) The New River condition in the border area is also an
11 aesthetic nuisance for Calexico residents and has historically
12 inhibited the city's socioeconomic well-being and growth.

13 (7) A coordinated and comprehensive state strategy is needed
14 to deal with the residual and projected pollution so that the New
15 River and associated river channel can be enhanced to a condition
16 that will allow the residents of Calexico and Imperial County to
17 utilize them as recreational and natural assets as contemplated in
18 the California River Parkways Act of 2004 (Chapter 3.8
19 (commencing with Section 5750) of Division 5).

20 (8) In the Budget Act of 2009, as amended by Chapter 1 of the
21 Statutes of 2009 Fourth Extraordinary Session, eight hundred
22 thousand dollars (\$800,000) was appropriated to the City of
23 Calexico for various planning needs necessary to develop a river
24 parkway plan and river improvement project for the New River.
25 The moneys were appropriated in order to secure and serve as
26 matching funds for the four million dollars (\$4,000,000) allocated
27 pursuant to the Safe, Accountable, Flexible, Efficient
28 Transportation Equity Act: A Legacy for Users (Public Law
29 109-59) to the City of Calexico for the development of bicycle
30 paths and public park space adjacent to the New River.

31 (9) The City of Calexico, as the recipient of funding pursuant
32 to the California River Parkways Act of 2004, has agreed to provide
33 necessary financial support to the council for the development of
34 the council's strategic plan.

35 (b) As used in this section, the following terms have the
36 following meanings:

37 (1) "Agency" means the California Environmental Protection
38 Agency.

39 (2) "City" means the City of Calexico, California.

1 (3) “Council” means the California-Mexico Border Relations
2 Council established pursuant to Section 99531 of the Government
3 Code.

4 (4) “County” means the County of Imperial, California.

5 (5) “IBWC” means the International Boundary and Water
6 Commission, United States Section.

7 (6) “New River Improvement Project” or “project” means a
8 project to study, monitor, remediate, and enhance New River water
9 quality in the County of Imperial to protect human health, and
10 develop a river parkway suitable for public use and enjoyment.

11 (c) Pursuant to the authority granted to the council under Section
12 99532 of the Government Code and contingent upon the execution
13 of an agreement with the City of Calexico for the purpose of
14 providing the necessary funding, the council shall develop a
15 strategic plan to guide the implementation of the New River
16 Improvement Project. The strategic plan shall include, but need
17 not be limited to, all of the following elements:

18 (1) Quantification of current and projected New River water
19 quality impairments and their threat to public health.

20 (2) Prioritization of the actions necessary to protect public health
21 and to meet New River water quality objectives and other
22 environmental goals, such as improving the quality of water flows
23 into the Salton Sea.

24 (3) Identification of potential funds for the implementation of
25 the project, and potential lead agencies that would be responsible
26 for environmental review of activities related to the cleanup and
27 restoration of the New River.

28 (4) Identification of the appropriate federal, state, and local
29 agencies with a role in implementing and achieving the New River
30 Improvement Project.

31 (d) (1) To the extent permitted by law, the council may work
32 with appropriate binational, federal, state, local, and
33 nongovernmental organizations on both sides of the
34 California-Mexico border to develop the strategic plan and to fund
35 and establish cooperative water quality monitoring, public health
36 studies, inspection, and technical assistance programs as needed
37 to support, convene, and oversee the project.

38 (2) To further the objectives of this subdivision, the council
39 may convene and oversee a technical advisory committee. The
40 advisory committee shall advise the council regarding the necessary

1 studies and activities to carry out the project, and shall serve at the
2 pleasure of the council. The advisory committee shall include
3 representatives from the following:

- 4 (A) Impacted cities and counties.
- 5 (B) Relevant local, regional, and state agencies and departments.
- 6 (C) Nongovernmental organizations.
- 7 (D) Other stakeholders deemed necessary by the council.

8 (3) The council shall appoint the chair of the committee and
9 may expand the membership and expertise of the committee as it
10 deems necessary.

11 (4) The council may enter into an agreement, including an
12 interagency agreement and memorandum of understanding, with
13 public agencies, including the city, to accept, manage, and expend
14 funds for the implementation of this section.

15 (e) This section does not modify existing roles, responsibilities,
16 or liabilities of the State of California, the City of Calexico,
17 Imperial County, or any other governmental agency, under those
18 laws that regulate, protect, and clean up surface waters entering
19 the United States from Mexico.

20 (f) The New River Improvement Project Account is hereby
21 created in the California Border Environmental and Public Health
22 Protection Fund to receive moneys for activities related to the New
23 River Improvement Project from sources identified in Section
24 71101 and other sources. Upon appropriation by the Legislature,
25 moneys in the account shall be expended to implement the purposes
26 identified in subdivision (c) or Section 71102 that are related to
27 the New River.