

BLACK LEADERSHIP ADVISORY COUNCIL ACT

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Senate Bill 840 (S-1) as passed by the Senate

Sponsor: Sen. Erika Geiss

House Committee: [Placed on second reading]

Senate Committee: Regulatory Affairs

Complete to 12-11-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 840 would create a new act, the Black Leadership Advisory Council Act, to put into law the provisions of Executive Order 163 of 2020,¹ which created the Black Leadership Advisory Council (BLAC) as an advisory body within the Department of Labor and Economic Opportunity (LEO).² The provisions of the bill are generally identical to those of the executive order, except for the following:

- The bill would reduce the size of the council from 17 members to 16 members.
- The bill would specifically allow the governor to remove a member for good cause.
- The bill would expressly require the council to exercise its powers and duties independently of LEO, except for budget, procurement, and management functions, which would have to be performed under the direction and supervision of the director of LEO.

Council members and procedures

The council consists of the following voting members:

- The director of LEO or the director's designee from within the department.
- 16 members appointed by the governor,³ who must represent Black leadership in fields such as economics, law, public policy, education, health and wellness, technology, the environment (including environmental justice) and agriculture, community safety and preparedness, arts and culture, and media and communications. In addition, at least one of the appointed members must be an immigrant or an individual with expertise in immigration policy, and at least one of the appointed members must be between 18 and 35 years old.

Except for the staggered initial appointments under the executive order, members serve on the council for three-year terms or until a successor is appointed, whichever is later. If a vacancy occurs on the council, the governor must appoint an individual to fill the vacancy for the balance of the term. Council members are not entitled to compensation for serving on the council, but could be reimbursed for actual and necessary expenses incurred in doing so.⁴

The governor must designate a chairperson of the council, and the council may elect a vice chairperson from its members. The council must adopt procedures for its operation. The council is subject to the Freedom of Information Act (FOIA).

¹ <https://www.michigan.gov/whitmer/news/state-orders-and-directives/2020/08/05/executive-order-2020-163>

² <https://www.michigan.gov/leo/boards-comms-councils/black-leadership-council>

³ The bill would reduce this number to 15. It is unclear how this would affect the existing board.

⁴ The executive order specifies that this reimbursement is subject to available funding.

The council must meet at the call of the chairperson and at other times established under the procedures it adopts. A majority of the members constitute a quorum for transacting business, and a vote in favor by the majority of members serving is required for any council action.

LEO must provide staff to enable the council to carry out its powers and duties. The council must exercise its powers and duties independently of LEO, except for budget, procurement, and management functions, which must be performed under the direction and supervision of the director of LEO.⁵

As the director of LEO considers advisable and necessary, and subject to appropriation, the council may make and enter into contracts necessary or incidental to the exercise of its powers and hire and retain contractors, subcontractors, advisors, consultants, and agents.

In addition, the council may, as appropriate, accept donations of labor, services, or anything else of value from any public or private agency or person, which must be received and used in accordance with applicable law.

A member of the council must refer any legal, legislative, and media contacts to LEO.

The governor may remove a member of the council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.⁶

Council powers and duties

The council is *required* to do all of the following:

- Develop, review, and recommend to the governor policies and actions designed to eradicate and prevent discrimination and racial inequity in this state, including in health care, housing, education, employment, economic opportunity, public accommodations, and procurement.
- Identify state laws, or gaps in state law, that create or perpetuate inequities, with the goal of promoting economic growth and wealth equity for the Black community.
- Collaborate with the governor's office and the Black community to promote legislation and regulations that ensure equitable treatment of all individuals in Michigan and seek to remedy structural inequalities in this state.
- Serve as a resource for community groups on issues, programs, sources of funding, and compliance requirements in state government to benefit and advance the interests of the Black community.
- Promote the cultural arts in the Black community through coordinated efforts, advocacy, and collaboration with state government.
- Provide other information or advice or take other actions as requested by the governor.
- Submit an annual report to the governor on the council's activities and recommendations.⁷

⁵ This provision is in the bill but not the executive order.

⁶ This provision is in the bill but not the executive order.

⁷ The 2024 report: <https://www.michigan.gov/leo/-/media/Project/Websites/leo/Documents/BLAC/2024-BLAC-Recommendations.pdf>

The council is *allowed* to do any of the following:

- As necessary, establish advisory workgroups composed of individuals or entities that participate in council activities or other members of the public to assist the council in performing its duties.
- Adopt, reject, or modify a recommendation of an advisory workgroup described above.
- As appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public.
- Consult with outside experts to perform its duties, including experts in the private sector, organized labor, government agencies, and institutions of higher education.

FISCAL IMPACT:

Senate Bill 840 would not have a fiscal impact on any units of state or local government. The bill would codify the Black Leadership Advisory Council, which is already supported by appropriations for the Department of Labor and Economic Opportunity (LEO). LEO indicated that any new costs related to the bill would be negligible.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.