



Senate Fiscal Agency  
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Senate Bill 51 (as passed by the Senate)  
Sponsor: Senator Erika Geiss  
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 4-21-25

## **RATIONALE**

Executive Order (EO) 2020-163 created the Black Leadership Advisory Council (Council) in the Department of Labor and Economic Opportunity (LEO). According to testimony, the Council has effectively acted in an advisory capacity to the Governor since 2020, and so some have suggested codifying the Council into statute to allow for the continuation of its mission. Among other things, the Council has produced annual policy recommendations for the State. Some believe that while the Council has been operational and effective, without codification, a future EO could terminate the Council.

## **CONTENT**

**The bill would enact the Black Leadership Advisory Council Act to create the Council, prescribe its membership, and generally require it to do the following:**

- **Develop, review, and recommend to the Governor policies and actions designed to eradicate and prevent discrimination and racial inequity in the State, including in the areas of health care, housing, education, employment, economic opportunity, public accommodations, and procurement.**
- **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.**
- **Provide other information or advice or take other actions as requested by the Governor.**

### Membership & Operations

Specifically, the Council would consist of the following voting members:

- The Director of LEO or the Director's designee.
- Subject to the provisions of the bill, 15 members appointed by the Governor.

Every member appointed to the Council would have to represent Black leadership in fields such as economics, law, public policy, education, health and wellness, technology, the environment and environmental justice, agriculture, community safety and preparedness, arts and culture, and media and communications. At least one member appointed to the Council would have to be an immigrant or an individual with expertise in immigration policy, and at least one member appointed would have to be between 18 and 35 years old.

After the first appointments under EO 2020-163, the term of a member of the Council would be three years or until a successor was appointed, whichever was later. If a vacancy occurred, the Governor would have to appoint an individual to fill the vacancy for the balance of the term. The Governor could remove a member for incompetence, dereliction of duty,

malfeasance, misfeasance, or nonfeasance in office, or any other good cause. The Governor would have to designate a chairperson of the Council.

The Council would have to elect a vice chairperson from its members and would have to adopt procedures for its operation. The Council would have to meet at the call of the chairperson and at other times established by the adopted procedures. A majority of the members would constitute a quorum for transacting business. A vote in favor by the majority of the voting members of the council serving would be required for any action of the Council. A writing that was prepared, owned, used, possessed, or retained by the Council in performing an official function would be subject to the Freedom of Information Act. A member of the Council would not be entitled to compensation for service on the Council, but the Council could reimburse a member for actual and necessary expenses incurred in serving. A member would have to refer any legal, legislative, and media contacts to LEO.

### Duties

The Council would have to do all the following:

- Develop, review, and recommend to the Governor policies and actions designed to eradicate and prevent discrimination and racial inequity in the State, including in the areas of health care, housing, education, employment, economic opportunity, public accommodations, and procurement.
- Identify State laws, or gaps in State law, that created or perpetuated 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 the State and seek to remedy structural inequalities in the 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.

The Council could 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.
- 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.

Additionally, as the Director deemed advisable and necessary, and subject to appropriation, the Council could do the following:

- Make and enter contracts necessary or incidental to the exercise of the powers of the Council.
- Hire and retain contractors, subcontractors, advisors, consultants, and agents.

- As appropriate, accept donations of labor, services, or anything else of value from any public or private agency or person, which would have to be received and used in accordance with applicable law.

The Department would have to provide staff to enable the Council to carry out its powers and duties. The Council would have 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

### **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

The bill is a reintroduction of Senate Bill 840 of the 2023-2024 Legislative Session. Senate Bill 840 passed the Senate and was placed on the order of Third Reading in the House but received no further action.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Codifying the Council is essential to ensure its permanence and effectiveness in recognizing gaps, barriers, and racial inequities affecting the State's over 1.3 million Black residents.<sup>1</sup> According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, the State's largest minority group should be provided a statutory platform to influence policy that can dismantle structural inequities created by past laws and practices like Federal redlining maps, local discriminatory housing practices, and inequitable access to education and employment. Additionally, testimony also indicates that in Black-majority cities and towns in Michigan the median income is approximately \$27,000 less than the statewide average and average rates of poverty and unemployment are higher. The U.S. Census Bureau and American Community Survey 2019-2023 estimates that Black or African American households in the State have a median household income of \$44,133 which is the lowest median income of identified racial categories.<sup>2</sup> Many of these systematic issues were partly enabled by past governments and the Council is necessary to make recommendations and hold State government accountable in pursuit of solutions.

#### **Supporting Argument**

The State has precedence for codifying commissions for other minority group representation, such as the Hispanic/Latino Commission and the Asian Pacific American Affairs Commission. Codifying the Council would ensure that Black leaders and community voices have an equitable and permanent platform like other minority-representing commissions.

#### **Opposing Argument**

The Council should not be codified as its appointees do not adequately represent the Black community's diverse range of political views. Some believe that the Council is currently too partisan and its membership does not reflect the necessary spectrum of voices and perspectives on issues affecting the community it intends to serve.

**Response:** According to testimony, the Council represents the broad diaspora of the State's Black community that were considered significant in reducing disparities for Black Michiganders. For example, it includes committees like the African diaspora committee, the

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<sup>1</sup> "Resident Population of Michigan in 2023, by Race and Ethnicity." Statista, <https://www.statista.com/statistics/588915/michigan-population-ethnicity-race/> Retrieved 4-8-25.

<sup>2</sup> "Michigan Median Household Income by Race." Neilsberg Research, <https://www.neilsberg.com/insights/michigan-median-household-income-by-race/> Retrieved 4-8-25.

arts and cultural committee, the business leaders committee, the community safety committee, the educational committee, and the health committee.

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bill would increase costs to LEO and have no fiscal impact on local units of government. The Department would experience additional costs for staff to support the Council. Advisory councils can be supported with one to three full-time equivalent positions and \$150,000 to \$400,000 depending on the level of support that is needed. The bill would require LEO to provide the Council with the staff necessary to support the Council. This means if additional appropriations were not provided to LEO, then LEO would have to move staff and appropriations from other areas of LEO.

Fiscal Analyst: Cory Savino, PhD

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.