



Senate Fiscal Agency
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Senate Bill 840 (as introduced 4-23-24)

Sponsor: Senator Erika Geiss

Committee: Regulatory Affairs

Date Completed: 6-4-24

CONTENT

The bill would enact the Black Leadership Advisory Council Act to create the Black Leadership Advisory 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.**

Executive Order 2020-163 created the Black Leadership Advisory Council within the Department of Labor and Economic Opportunity (LEO) in 2020. The bill would enact the Council into statute.

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, 16 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 Executive Order 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 the Council's 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 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 ensured 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.

Legislative Analyst: Nathan Leaman

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 Black Leadership Advisory Council. Advisory councils can be supported with 1 to 3 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 would mean 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.