

AMENDED IN SENATE MAY 16, 2024
AMENDED IN SENATE APRIL 11, 2024
AMENDED IN SENATE APRIL 3, 2024
AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1403

Introduced by Senator Bradford

(Coauthors: ~~Senators Cortese~~ Cortese, Smallwood-Cuevas, and Wahab)

(Coauthors: Assembly Members Bonta, Bryan, Gipson, Holden, Jackson, Jones-Sawyer, Kalra, McCarty, McKinnor, Weber, and Wilson)

February 16, 2024

An act to *amend Section 11041 of, and to add Part 14 (commencing with Section 16000) to Division 3 of Title 2* ~~of of~~, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1403, as amended, Bradford. California American Freedmen Affairs Agency.

Former law, until July 1, 2023, established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force).

Former law required the Task Force, among other things, to identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies, as specified, and to recommend the form of compensation that should be awarded, the instrumentalities through

which it should be awarded, and who should be eligible for this compensation.

This bill would establish the California American Freedmen Affairs Agency in state government, under the control of the secretary, who would be appointed by the ~~Governor~~. *Governor and confirmed by the Senate*. The bill would require the agency to implement the recommendations of the Task Force, as approved by the Legislature and the Governor. The bill would require the agency, as part of its duties, to determine how an individual's status as a descendant would be confirmed. The bill would also require proof of an individual's descendant status to be a qualifying ~~criteria~~ *criterion* for benefits authorized by the state for descendants. To accomplish these goals, the bill would require the agency to be comprised of a Genealogy Office and an Office of Legal Affairs.

The bill would further require the agency to oversee and monitor existing state agencies and departments tasked with engaging in direct implementation of the policies that fall within the scope of the existing state ~~agencies~~ *agencies'* and departments' authority, including policies related to reparations.

Existing law prohibits a state agency, with certain exceptions, from employing any in-house counsel to act on behalf of the state agency or its employees in any judicial or administrative adjudicative proceeding in which the agency is interested, or is a party as a result of office or official duties, or contracting with outside counsel for any purpose.

This bill would exempt the California American Freedmen Affairs Agency from the above-described prohibition.

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. Section 11041 of the Government Code is
- 2 amended to read:
- 3 11041. (a) Section 11042 does not apply to the Regents of the
- 4 University of California, the Trustees of the California State
- 5 University, Legal Division of the Department of Transportation,
- 6 Division of Labor Standards Enforcement of the Department of
- 7 Industrial Relations, Workers' Compensation Appeals Board,
- 8 Public Utilities Commission, State Compensation Insurance Fund,
- 9 Legislative Counsel Bureau, Inheritance Tax Department, Secretary

1 of State, State Lands Commission, Alcoholic Beverage Control
2 Appeals Board (except when the board affirms the decision of the
3 Department of Alcoholic Beverage Control), Department of
4 Cannabis Control (except in proceedings in state or federal court),
5 State Department of Education, Department of Financial Protection
6 and Innovation, *California American Freedmen Affairs Agency*,
7 and Treasurer with respect to bonds, nor to any other state agency
8 which, by law enacted after Chapter 213 of the Statutes of 1933,
9 is authorized to employ legal counsel.

10 (b) The Trustees of the California State University shall pay the
11 cost of employing legal counsel from their existing resources.

12 ~~SECTION 1.~~

13 *SEC. 2.* Part 14 (commencing with Section 16000) is added to
14 Division 3 of Title 2 of the Government Code, to read:

15
16 PART 14. CALIFORNIA AMERICAN-FREEDMAN
17 FREEDMEN AFFAIRS AGENCY

18
19 CHAPTER 1. DEFINITIONS

20
21 16000. For purposes of this part:

22 (a) “Agency” means the California American—Freedman
23 *Freedmen Affairs Agency*.

24 (b) “Descendants” means descendants of an African American
25 chattel enslaved person in the United States, or descendants of a
26 free Black person living in the United States prior to the end of
27 the 19th century.

28 (c) “Secretary” means the Secretary of the California American
29 ~~Freedman~~ *Freedmen Affairs Agency*.

30 (d) “Task force” means the Task Force to Study and Develop
31 Reparation Proposals for African Americans, with a Special
32 Consideration for African Americans Who are Descendants of
33 Persons Enslaved in the United States as established under former
34 Section 8301.1.

35
36 CHAPTER 2. GENERAL

37
38 16001. (a) The California American—Freedman *Freedmen*
39 *Affairs Agency* is hereby established in state government. The

1 agency shall be under the direct control of a secretary who shall
2 be responsible to the Governor.

3 (b) ~~The Governor shall appoint the secretary of the agency who~~
4 *The secretary of the agency shall be appointed by the Governor*
5 *and confirmed by the Senate, and shall perform all duties, exercise*
6 *all powers, assume and discharge all responsibilities, and carry*
7 *out and effect all purposes vested by law in the office.*

8 (c) The salary of the secretary shall be fixed pursuant to Section
9 12001.

10
11 CHAPTER 3. POWERS AND DUTIES
12

13 16002. The agency shall implement the recommendations of
14 the task force, as approved by the Legislature and the Governor.
15 As part of its duties, the agency shall determine how an individual's
16 status as a descendant shall be confirmed. Proof of an individual's
17 descendent status shall be a qualifying criteria for benefits
18 authorized by the state for descendants. To accomplish these goals,
19 the agency shall include both of the following offices:

20 (a) A Genealogy Office to support potential reparations
21 claimants by ~~providing access to expert~~ *establishing a process for*
22 *conducting or verifying* genealogical research to confirm
23 reparations eligibility and *to provide* expedited assistance with the
24 reparations claims process.

25 (b) An Office of Legal Affairs to provide legal advice, counsel,
26 and services to the agency and its officials, and to ensure that the
27 agency's programs are administered in accordance with applicable
28 legislative authority. The office shall also advise the head of the
29 agency on legislative, legal, and regulatory initiatives and serve
30 as an external liaison on legal matters with other state agencies
31 and other entities.

32 16003. The agency shall oversee and monitor existing state
33 agencies and departments tasked with engaging in direct
34 implementation of the policies that fall within the scope of the
35 existing state agencies and departments' authority, including
36 policies related to reparations.

1
2 REVISIONS:
3 ~~Heading—Line 2.~~
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