

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4015**

4 (By Delegates Moore, Guthrie, Lawrence, Marshall,  
5 Stephens and Caputo)

6 (Originating in the Committee on Finance)

7 [February 13, 2012]

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9  
10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §5-26-1 and §5-26-2,  
12 all relating to the creation of the Herbert Henderson Office  
13 of Minority Affairs; establishing the powers and duties of the  
14 office; providing for an executive director, staff and office;  
15 requiring annual reports to the Governor and the Joint  
16 Committee on Government and Finance; and creating a Minority  
17 Affairs Fund.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended  
20 by adding thereto a new article, designated §5-26-1 and §5-26-2,  
21 all to read as follows:

22 **ARTICLE 26. HERBERT HENDERSON OFFICE OF MINORITY AFFAIRS.**

23 **§5-26-1. Establishment of Herbert Henderson Office of Minority**  
24 **Affairs.**

25 (a) There is created and established in the office of the  
26 Governor the Herbert Henderson Office of Minority Affairs. The

1 office shall:

2 (1) Provide a forum for discussion of issues that affect the  
3 state's minorities;

4 (2) Identify and promote best practices in the provision of  
5 programs and services to minorities;

6 (3) Review information and research that can inform state  
7 policy as to the delivery of programs and services to minorities;

8 (4) Make recommendations in areas of policy and allocation of  
9 resources;

10 (5) Pursuant to appropriation of the Legislature, award  
11 grants, loans and loan guaranties for minority affairs programs and  
12 activities in this state; and

13 (6) Provide recommendations to the Governor and the  
14 Legislature regarding the most appropriate means to provide  
15 programs and services to support minority groups in the state.

16 (b) The office shall report to the Governor and the Joint  
17 Committee on Government and Finance in January 2013, and each year  
18 thereafter. The report may include, but is not limited to, findings  
19 and recommendations regarding:

20 (1) The extent to which programs and services for minorities  
21 are available in the state, and to which funding for providing  
22 those programs and services is available;

23 (2) The most appropriate means for the planning, delivery and  
24 evaluation of existing and needed programs and services for  
25 minority groups in the manner that best promotes diversity and  
26 regional, cultural and ethnic sensitivity;

1       (3) Recommendations for the coordination of programs and  
2 services to minority groups throughout the state and with those of  
3 other states and the federal government;

4       (4) Identifications of governmental and private agencies,  
5 offices, departments or other entities in existence or recommended  
6 for creation that would, alone or in concert, most effectively  
7 improve the delivery of programs and services to minority groups  
8 throughout the state;

9       (5) Recommendations for changes to law that would facilitate  
10 the achievement of the objectives of the office; and

11       (6) Such other matters as the office may determine appropriate  
12 to its purposes.

13       (c) The Governor shall appoint an executive director of the  
14 office to carry out its work and to oversee staff adequate to  
15 fulfill its functions, and shall provide funding and offices for  
16 those purposes.

17 **§5-26-2. Minority Affairs Fund created; purpose.**

18       There is created in the State Treasury a Special Revenue Fund  
19 to be known as the "Minority Affairs Fund," which shall consist of  
20 all gifts, grants, bequests, transfers, appropriations or other  
21 donations or payments received by the Herbert Henderson Office of  
22 Minority Affairs from any governmental entity or unit or any person,  
23 firm, foundation or corporation for the purposes of this article and  
24 all interest or other return earned from investment of the fund.  
25 Expenditures from the fund shall be made by the Executive Director  
26 of the Herbert Henderson Office of Minority Affairs to provide

1 matching funds to obtain federal funds for the delivery of programs  
2 and services to minorities in this state, to award grants, loans and  
3 loan guaranties for minority affairs programs and activities and for  
4 performance of the duties of the office prescribed in this article.  
5 Expenditures from the fund shall be for the purposes set forth in  
6 this article and are not authorized from collections but are to be  
7 made only in accordance with appropriation by the Legislature and in  
8 accordance with the provisions of article two, chapter twelve of  
9 this code and upon the fulfillment of the provisions of article two,  
10 chapter eleven-b of this code.