

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4015

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



Passed March 10, 2012

To Take Effect Ninety Days From Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4015

(BY DELEGATES MOORE, GUTHRIE, LAWRENCE,
MARSHALL, STEPHENS AND CAPUTO)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-26-1 and §5-26-2, all relating to the creation of the Herbert Henderson Office of Minority Affairs within the Governor's office; establishing the powers and duties of the office; providing for an executive director; requiring annual reports to the Governor and the Joint Committee on Government and Finance; and creating a Minority Affairs Fund.

Be it enacted by the Legislature of West Virginia:

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

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

**§5-26-1. Herbert Henderson Office of Minority Affairs created;
duties and responsibilities.**

1 (a) There is hereby created the Herbert Henderson Office
2 of Minority Affairs within the office of the Governor. The
3 office shall be charged with the following responsibilities and
4 duties:

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

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

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

12 (4) Make recommendations in areas of policy and
13 allocation of resources;

14 (5) Apply for grants, and accept gifts from private and
15 public sources for research to improve and enhance minority
16 affairs;

17 (6) Integrate and coordinate state grant and loan programs
18 established specifically for minority related issues;

19 (7) Award grants, loans and loan guaranties for minority
20 affairs programs and activities in this state if such funds are
21 available from grants or gifts from public or private sources;

22 (8) Identify other state and local agencies and programs
23 that provide services or assistance to minorities;

24 (9) Establish the appropriate program linkages with
25 related federal, state and local agencies and programs
26 including, but not limited to, the Office of Minority Health
27 located within the Department of Health and Human
28 Resources and the Economic Development Authority
29 established pursuant to article fifteen, chapter 31 of this
30 Code; and

31 (10) Provide recommendations to the Governor and the
32 Legislature regarding the most appropriate means to provide
33 programs and services to support minority groups in the state.

34 (b) On or before the first day of January of each year, the
35 office shall submit a report to the Governor and the Joint
36 Committee on Government and Finance. The report may
37 include, but is not limited to, findings and recommendations
38 regarding:

39 (1) The extent to which programs and services for
40 minorities are available in the state, and to which funding for
41 providing those programs and services is available;

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

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

49 (4) Identifications of governmental and private agencies,
50 offices, departments or other entities in existence or

51 recommended for creation that would, alone or in concert,
52 most effectively improve the delivery of programs and
53 services to minority groups throughout the state;

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

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

58 (c) The Governor shall appoint an executive director of
59 the office to carry out its functions, and shall provide funding
60 and offices for those purposes. The executive director shall
61 serve at the will and pleasure of the Governor.

62 (d) The executive director may hire one administrative
63 assistant to assist in carrying out the functions of the office.

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

1 There is hereby created in the State Treasury a Special
2 Revenue Fund to be known as the “Minority Affairs Fund,”
3 which shall consist of all gifts, grants, bequests, transfers,
4 appropriations or other donations or payments received by
5 the Herbert Henderson Office of Minority Affairs from any
6 governmental entity or unit or any person, firm, foundation
7 or corporation for the purposes of this article and all interest
8 or other return earned from investment of the fund.
9 Expenditures from the fund shall be made by the Executive
10 Director of the Herbert Henderson Office of Minority Affairs
11 to provide matching funds to obtain federal funds for the
12 delivery of programs and services to minorities in this state,
13 to award grants, loans and loan guaranties for minority affairs
14 programs and activities and for performance of the duties of
15 the office prescribed in this article. Expenditures from the
16 fund shall be for the purposes set forth in this article and are

17 not authorized from collections but are to be made only in
18 accordance with appropriation by the Legislature and in
19 accordance with the provisions of article two, chapter twelve
20 of this code and upon the fulfillment of the provisions of
21 article two, chapter eleven-b of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor