

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2878

FISCAL
NOTE

BY DELEGATES YOUNG AND WALKER

[Introduced March 03, 2021; Referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1939, as amended, by adding thereto a new article,
 2 designated as §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, and §5-30-7, all relating to
 3 establishing a task force to study and develop reparations for African Americans; legislative
 4 findings; composition and authority; requiring report to the Legislature; and providing that state
 5 level reparation actions that are undertaken as a result of this article are not a replacement for
 6 any reparations enacted at the federal level.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 30. ESTABLISHING A TASK FORCE TO STUDY AND DEVELOP
 REPARATION PROPOSALS FOR AFRICAN AMERICANS.**

§5-30-1. Legislative findings.

1 The Legislature finds that:

2 (1) Approximately 4,000,000 Africans and their descendants were enslaved in the United
 3 States and colonies that became the United States from 1619 to 1865;

4 (2) The institution of slavery was constitutionally and statutorily sanctioned by the
 5 government of the United States from 1789 through 1865;

6 (3) The slavery that flourished in the United States constituted an immoral and inhumane
 7 deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage, and denied
 8 them the fruits of their own labor;

9 (4) A preponderance of scholarly, legal, community evidentiary documentation and
 10 popular culture markers constitute the basis for inquiry into the ongoing effects of the institution
 11 of slavery and its legacy of persistent systemic structures of discrimination on living African-
 12 Americans and society in the United States; and

13 (5) Following the abolition of slavery the United States government, at the federal, state,
 14 and local level, continued to perpetuate, condone and often profit from practices that continued
 15 to brutalize and disadvantage African-Americans, including share cropping, convict leasing, Jim

16 Crow, redlining, unequal education, and disproportionate treatment at the hands of the criminal
17 justice system; and

18 (6) As a result of the historic and continued discrimination, African-Americans continue to
19 suffer debilitating economic, educational, and health hardships including but not limited to having
20 nearly 1,000,000 black people incarcerated; an unemployment rate more than twice the current
21 white unemployment rate; and an average of less than one-sixth of the wealth of white families,
22 a disparity which has worsened, not improved over time.

§5-30-2. Establishment.

1 The Reparation Proposal Task Force is created to study and develop reparation proposals
2 for African Americans in West Virginia. The State of West Virginia recognizes the need to address
3 the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and
4 the 13 American colonies between 1619 and 1865 and to establish a commission to study and
5 consider a proposal for reparations for the institution of slavery, de facto racial and economic
6 discrimination against African-Americans, and the impact of these forces on living African-
7 Americans.

8 The task force shall do all of the following:

9 (1) Study and develop reparation proposals for African Americans as a result of:

10 (A) The institution of slavery, including both the transatlantic and domestic “trade” that
11 existed from 1565 in colonial Florida and from 1619 to 1865, inclusive, within the other colonies
12 that became the United States, and that included the federal and state governments, that
13 constitutionally and statutorily supported the institution of slavery.

14 (B) The *de jure* and *de facto* discrimination against freed slaves and their descendants
15 from the end of the Civil War to the present, including economic, political, educational, and social
16 discrimination.

17 (C) The lingering negative effects of the institution of slavery and the discrimination
18 described in §5-30-1(a)(5) and §5-30-1(a)(6) of this code on living African Americans and on

19 society in West Virginia and the United States.

20 (D) The manner in which instructional resources and technologies are being used to deny
21 the inhumanity of slavery and the crime against humanity committed against people of African
22 descent in West Virginia and the United States.

23 (E) The direct benefits to societal institutions, public and private, including higher
24 education, corporate, religious, and associational.

25 (2) Recommend appropriate ways to educate the West Virginia public of the task force’s
26 findings.

27 (3) Recommend appropriate remedies in consideration of the task force’s findings on the
28 matters described in this section.

§5-30-3. Composition.

1 (a) The commission shall be composed of eight members who shall be appointed within
2 90 days after the effective date of this article, as follows:

- 3 (1) Four member shall be appointed by the governor;
- 4 (2) One member shall be appointed by the Speaker of the House of Delegates;
- 5 (3) One member shall be appointed by the President of the Senate;
- 6 (4) One member shall be appointed by the minority leader of the House of Delegates; and
- 7 (5) One member shall be appointed by the minority leader of the Senate.

8 (b) The Governor’s appointees shall include all of the following:

- 9 (1) One appointee from the field of academia that has expertise in civil rights; and
- 10 (2) Two appointees from major civil society and reparations organizations that have
11 historically championed the cause of reparatory justice.

12 (c) Not more than four appointees shall be members of the Legislature.

13 (d) Members shall be drawn from diverse backgrounds to represent the interests of
14 communities of color throughout the state, have experience working to implement racial justice
15 reform, and, to the extent possible, represent geographically diverse areas of the state.

16 (e) The term of office for members shall be for the life of the task force. A vacancy in the
17 task force shall not affect the powers of the task force and shall be filled in the same manner that
18 the original appointment was made.

19 (f) The Governor shall call the first meeting of the task force to occur no later than 90 days
20 after passage.

21 (g) Five members of the task force shall constitute a quorum.

22 (h) The task force shall elect a chair and vice chair from among its members. The term of
23 office of each shall be for the life of the task force.

24 (i) The members of the commission shall receive no compensation for their services as
25 members, but shall be reimbursed for their actual and necessary expenses incurred in the
26 performance of their duties.

§5-30-4. Powers.

1 (a) For the purpose of carrying out the provisions of this article, the task force may do all
2 of the following:

3 (1) Hold hearings and sit and act at any time and location in West Virginia.

4 (2) Request the attendance and testimony of witnesses.

5 (3) Request the production of books, records, correspondence, memoranda, papers, and
6 documents.

7 (4) Seek an order from a circuit court compelling testimony or compliance with a subpoena.

8 (b) Any subcommittee or member of the task force may, if authorized by the task force,
9 take any action that the task force is authorized to take pursuant to this section.

10 (c) The task force may acquire directly from the head of any state agency available
11 information that the task force considers useful in the discharge of its duties. All state agencies
12 shall cooperate with the task force with respect to such information and shall furnish all information
13 requested by the task force to the extent permitted by law. The task force shall keep confidential
14 any information received from a state agency that is confidential.

§5-30-5. Administrative Provisions.

1 (a) The task force may appoint and fix the compensation of such personnel as the task
2 force considers appropriate.

3 (b) The task force shall have the administrative, technical, and legal assistance of the
4 State of West Virginia.

5 (c) The task force may procure supplies, services, and property by contract in accordance
6 with applicable laws and rules.

7 (d) The task force may enter into contracts for the purposes of conducting research or
8 surveys, preparing reports, and performing other activities necessary for the discharge of the
9 duties of the task force with state departments, agencies, and other instrumentalities, federal
10 departments, agencies, and other instrumentalities, and private entities.

§5-30-6. Report to the Legislature.

1 The commission shall provide regular updates to the Legislature, through the Joint
2 Committee on Government and Finance, and shall complete this study and its recommendations
3 by July 1, 2023. The report shall include at a minimum, recommendations for any necessary
4 legislation, funding recommendations and analysis of the implications and costs associated with
5 findings.

§5-30-7. Reparations.

1 Any state level reparation actions that are undertaken as a result of this article are not a
2 replacement for any reparations enacted at the federal level and shall not be interpreted as such.

NOTE: The purpose of this bill is to establish a task force to study and develop reparations for African Americans and providing that state level reparation actions that are undertaken as a result of this article are not a replacement for any reparations enacted at the federal level.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.