

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2161**

4 (By Delegates Moore, Guthrie, Lawrence and Marshall)

5
6 (Originating in the Committee on Finance)

7 [February 8, 2011]

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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

1 Governor the Herbert Henderson Office of Minority Affairs. The
2 office shall:

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

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

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

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

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

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

17 (b) The office shall report to the Governor and the Joint
18 Committee on Government and Finance in January 2012 and each year
19 thereafter. The report may include, but is not limited to,
20 findings and recommendations regarding:

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

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

1 regional, cultural and ethnic sensitivity;

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

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

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

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

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

18 **§5-26-2. Minority Affairs Fund created; purpose.**

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

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