

COMMITTEE SUBSTITUTE

FOR

H. B. 2161

(BY DELEGATES MOORE, GUTHRIE, LAWRENCE AND MARSHALL)

(Originating in the Committee on Finance)
[February 8, 2011]

A BILL 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; establishing the powers and duties of the office; providing for an executive director, staff and office; 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. Establishment of Herbert Henderson Office of Minority Affairs.

1 (a) There is created and established in the office of the
2 Governor the Herbert Henderson Office of Minority Affairs.

3 The office shall:

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

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

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

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

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

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

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

24 (1) The extent to which programs and services for
25 minorities are available in the state, and to which funding for
26 providing those programs and services is available;

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

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

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

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

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

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

47 **§5-26-2. Minority Affairs Fund created; purpose.**

48 There is created in the State Treasury a Special Revenue
49 Fund to be known as the “Minority Affairs Fund” which shall

50 consist of all gifts, grants, bequests, transfers, appropriations
51 or other donations or payments received by the Herbert
52 Henderson Office of Minority Affairs from any governmental
53 entity or unit or any person, firm, foundation or corporation
54 for the purposes of this article, and all interest or other return
55 earned from investment of the fund. Expenditures from the
56 fund shall be made by the Executive Director of the Herbert
57 Henderson Office of Minority Affairs to provide matching
58 funds to obtain federal funds for the delivery of programs and
59 services to minorities in this state, to award grants, loans and
60 loan guaranties for minority affairs programs and activities,
61 and for performance of the duties of the office prescribed in
62 this article. Expenditures from the fund shall be for the
63 purposes set forth in this article and are not authorized from
64 collections, but are to be made only in accordance with
65 appropriation by the Legislature and in accordance with the
66 provisions of article two, chapter twelve of this code and
67 upon the fulfillment of the provisions of article two, chapter
68 eleven-b of this code.