

**Senate Bill No. 214**

(By Senators Foster, Jenkins, Prezioso, Yost, Wells, McCabe, Stollings Plymale, Laird, Minard, Klempa and Kessler (Acting President))

[Introduced January 19, 2011; referred to the Committee on Government Organization; and then to the Committee on Finance.]

**Interim Bill**

**FISCAL NOTE**

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**

1                   **Affairs.**

2           (a) There is created and established in the office of the  
3 Governor the Herbert Henderson Office of Minority Affairs. The  
4 office shall:

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 minorities;

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

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

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

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

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

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

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

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

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

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

21 **§5-26-2. Minority Affairs Fund created; purpose.**

22 (a) There is created in the State Treasury a special revenue  
23 fund to be known as the "Minority Affairs Fund" which shall consist  
24 of all gifts, grants, bequests, transfers, appropriations or other  
25 donations or payments received by the Herbert Henderson Office of

1 Minority Affairs from any governmental entity or unit or any  
2 person, firm, foundation or corporation for the purposes of this  
3 article and all interest or other return earned from investment of  
4 the fund. Expenditures from the fund shall be made by the  
5 Executive Director of the Herbert Henderson Office of Minority  
6 Affairs to provide matching funds to obtain federal funds for the  
7 delivery of programs and services to minorities in this state, to  
8 award grants, loans and loan guaranties for minority affairs  
9 programs and activities and for performance of the duties of the  
10 office prescribed in this article. Expenditures from the fund  
11 shall be for the purposes set forth in this article and are not  
12 authorized from collections but are to be made only in accordance  
13 with appropriation by the Legislature and in accordance with the  
14 provisions of article three, chapter twelve of this code and upon  
15 the fulfillment of the provisions of article two, chapter eleven-b  
16 of this code.

NOTE: The purpose of this bill is to create The Herbert Henderson Office of Minority Affairs.

This article is new; therefore, strike-throughs and underscoring have been omitted.

This bill was recommended for introduction and passage during the 2011 Regular Session of the Legislature by the Select Committee on Minority Issues.