

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4015**

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

7 [Passed March 10, 2012; in effect ninety days from passage.]

8  
9

10 AN ACT 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 within the Governor's office; establishing  
14 the powers and duties of the office; providing for an  
15 executive director; requiring annual reports to the Governor  
16 and the Joint Committee on Government and Finance; and  
17 creating a Minority 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. Herbert Henderson Office of Minority Affairs created;**  
24 **duties and responsibilities.**

25 (a) There is hereby created the Herbert Henderson Office of  
26 Minority Affairs within the office of the Governor. The office

1 shall be charged with the following responsibilities and duties:

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

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

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

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

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

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

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

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

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

25 (10) Provide recommendations to the Governor and the  
26 Legislature regarding the most appropriate means to provide

1 programs and services to support minority groups in the state.

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

6 (1) The extent to which programs and services for minorities  
7 are available in the state, and to which funding for providing  
8 those programs and services is available;

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

13 (3) Recommendations for the coordination of programs and  
14 services to minority groups throughout the state and with those of  
15 other states and the federal government;

16 (4) Identifications of governmental and private agencies,  
17 offices, departments or other entities in existence or recommended  
18 for creation that would, alone or in concert, most effectively  
19 improve the delivery of programs and services to minority groups  
20 throughout the state;

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

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

25 (c) The Governor shall appoint an executive director of the  
26 office to carry out its functions, and shall provide funding and

1 offices for those purposes. The executive director shall serve at  
2 the will and pleasure of the Governor.

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

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

6 There is hereby created in the State Treasury a Special  
7 Revenue Fund to be known as the "Minority Affairs Fund," which  
8 shall consist of all gifts, grants, bequests, transfers,  
9 appropriations or other donations or payments received by the  
10 Herbert Henderson Office of Minority Affairs from any governmental  
11 entity or unit or any person, firm, foundation or corporation for  
12 the purposes of this article and all interest or other return  
13 earned from investment of the fund. Expenditures from the fund  
14 shall be made by the Executive Director of the Herbert Henderson  
15 Office of Minority Affairs to provide matching funds to obtain  
16 federal funds for the delivery of programs and services to  
17 minorities in this state, to award grants, loans and loan  
18 guaranties for minority affairs programs and activities and for  
19 performance of the duties of the office prescribed in this article.  
20 Expenditures from the fund shall be for the purposes set forth in  
21 this article and are not authorized from collections but are to be  
22 made only in accordance with appropriation by the Legislature and  
23 in accordance with the provisions of article two, chapter twelve of  
24 this code and upon the fulfillment of the provisions of article  
two, chapter eleven-b of this code.