

COMMITTEE SUBSTITUTE

FOR

H. B. 4015

(BY DELEGATES MOORE, GUTHRIE, LAWRENCE, MARSHALL,
STEPHENS AND CAPUTO)

(Originating in the Committee on Finance)
[February 13, 2012]

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
9 state policy as to the delivery of programs and services to
10 minorities;

11 (4) Make recommendations in areas of policy and allocation
12 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 state.

19 (b) The office shall report to the Governor and the Joint
20 Committee on Government and Finance in January 2013, and
21 each year thereafter. The report may include, but is not
22 limited to, findings and recommendations regarding:

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

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

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

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

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

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

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

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

1 There is created in the State Treasury a Special Revenue
2 Fund to be known as the “Minority Affairs Fund,” which

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