

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 879

By Senator Rucker

[Introduced February 9, 2026; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §4-13A-2, §5-26-2, and §18-31-3 of the Code of West Virginia, 1931,
 2 as amended; to amend the code by adding a new section, designated §5A-1-13; and to
 3 repeal §5-26-1 and §5-26-3, relating to the elimination of the Herbert Henderson Office on
 4 Minority Affairs; removing of the Director of the Herbert Henderson Office on Minority
 5 Affairs from the West Virginia Semiquincentennial Commission; terminating the Minority
 6 Affairs Fund and transferring its remaining funds to the Entrepreneurship and Innovation
 7 Investment Fund; removing the Director of the Herbert Henderson Office on Minority
 8 Affairs from the West Virginia Hope Scholarship Board and substituting a new appointed
 9 member to the board; directing the Department of Administration to rename Building 3 of
 10 the State Capitol Complex in memory of Herbert H. Henderson; and directing the Division
 11 of General Services and Department of Tourism to collaborate in developing appropriate
 12 signs and plaques for the newly named building.

Be it enacted by the Legislature of West Virginia:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 13A. WEST VIRGINIA SEMIQUINCENTENNIAL COMMISSION AND FUND.

§4-13A-2. Membership; terms; filling vacancies; election of chair and vice chair.

- 1 (a) The Governor shall appoint 10 members as follows:
- 2 (1) Three academic historians;
- 3 (2) Five citizen members, no more than one of whom may be from any one state senatorial
 4 district;
- 5 (3) A member of the National Society of the Sons of the American Revolution;
- 6 (4) A member of the National Society of the Daughters of the American Revolution;
- 7 (b) The following shall serve as ex-officio voting members;
- 8 (1) The State Superintendent of Schools, or a designee;
- 9 (2) The Cabinet Secretary of Commerce, or a designee;

- 10 (3) The Cabinet Secretary of Economic Development, or a designee;
- 11 (4) The Curator of the Department of Arts, Culture, and History, or a designee;
- 12 (5) The Secretary of the Department of Tourism, or a designee;
- 13 ~~(6) The Executive Director of the Herbert Henderson Minority Affairs Office, or a designee;~~
- 14 ~~(7) The West Virginia State Archivist;~~
- 15 ~~(8)(7) The Director of the West Virginia State Museums;~~
- 16 ~~(9)(8) One member of the House of Delegates, to be appointed by the Speaker of the~~
 17 ~~House of Delegates, who shall serve as an ex officio nonvoting member of the commission; and~~
- 18 ~~(10)(9) One member of the State Senate, to be appointed by the President of the Senate,~~
 19 ~~who shall serve as an ex officio nonvoting member of the commission;~~
- 20 ~~(11)(10) Members of the United States Senate from the State of West Virginia, or their~~
 21 ~~designees shall serve as ex officio nonvoting members of the commission; and~~
- 22 ~~(12)(11) Members of the United States House of Representatives from the State of West~~
 23 ~~Virginia, or their designees shall serve as ex officio nonvoting members of the commission;~~
- 24 (c) All appointed members shall serve at the will and pleasure of the Governor;
- 25 (d) Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled
 26 in the same manner as the original appointments.
- 27 (e) The curator of the West Virginia Department of Arts, Culture and History shall serve as
 28 the chair of the commission. The commission shall elect a vice chair and secretary from among its
 29 members.

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 26. HERBERT HENDERSON OFFICE ON MINORITY AFFAIRS.

§5-26-1. Herbert Henderson Office of Minority Affairs; duties and responsibilities.

1 [Repealed.]

§5-26-2. Minority Affairs Fund created; ~~purpose~~ transferred to Entrepreneurship and Innovation Investment Fund.

1 There is continued in the State Treasury a On July 1, 2026, any remaining balance in the
2 Special Revenue Fund in the State Treasury ~~to be known as the "Minority Affairs Fund,"~~ is hereby
3 transferred to the Entrepreneurship and Innovation Investment Fund established in §5B-2-16 of
4 this code and the "Minority Affairs Fund" is hereby terminated. ~~shall consist of all gifts, grants,~~
5 ~~bequests, transfers, appropriations or other donations or payments received by the Herbert~~
6 ~~Henderson Office of Minority Affairs from any governmental entity or unit or any person, firm,~~
7 ~~foundation or corporation for the purposes of this article and all interest or other return earned from~~
8 ~~investment of the fund. Expenditures from the fund shall be made by the Executive Director of the~~
9 ~~Herbert Henderson Office of Minority Affairs to provide matching funds to obtain federal funds for~~
10 ~~the delivery of programs and services to minorities in this state, to award grants, loans and loan~~
11 ~~guaranties for minority affairs programs and activities and for performance of the duties of the~~
12 ~~office prescribed in this article. Expenditures from the fund shall be for the purposes set forth in this~~
13 ~~article and are not authorized from collections but are to be made only in accordance with~~
14 ~~appropriation by the Legislature and in accordance with the provisions of article three, chapter~~
15 ~~twelve of this code and upon the fulfillment of the provisions of article two, chapter eleven-b of this~~
16 ~~code~~

§5-26-3. Establishment of a community-based pilot project.

1 [Repealed.]

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-13. Directing Department of Administration to Designate Building 3 on the State Capitol Complex as the "Herbert H. Henderson Memorial Building."

1 (a) The legislature hereby finds:

2 (1) That Herbert H. Henderson is a West Virginian whose life and legacy is worthy of
3 permanent remembrance in this State;

4 (2) That as a young man, Herbert H. Henderson enrolled in the United States Army,
5 attended West Virginia State College, and captained the college's football team;

6 (3) That he was the first African American student to graduate from George Washington
7 University Law School;

8 (4) That afterward he established a law practice and became a prominent civil rights
9 advocate and accomplished lawyer;

10 (5) That his advocacy and success in the courtroom helped desegregate public
11 universities in this State and ensured that West Virginians received equal access to restaurants
12 and state government facilities regardless of race, color, or sex;

13 (6) That Herbert H. Henderson's legacy should be prominently memorialized by the State
14 of West Virginia on the State Capitol grounds;

15 (7) That the State of West Virginia, through the Department of Administration, owns a
16 number of prominent buildings that are part of the State Capitol Complex that have not been
17 dedicated to the life of another prominent West Virginia;

18 (8) That designating Building 3 to the memory of Herbert H. Henderson is an appropriate
19 way of celebrating and remembering the life and legacy of this great West Virginian.

20 (b) The secretary of the department of administration and the director of general services
21 shall designate and rename Building 3 of the State Capitol Complex as the "Herbert H. Henderson
22 Memorial Building" and in consultation with the secretary of the department of tourism, shall
23 develop appropriate signs and plaques to commemorate the life of Herbert H. Henderson at this
24 location.

CHAPTER 18. EDUCATION.

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-3. West Virginia Hope Scholarship Board; members; terms; compensation; proceedings generally.

1 (a) The West Virginia Hope Scholarship Program shall be administered by the West
2 Virginia Hope Scholarship Board.

3 (b) The board shall consist of nine members and include the following:

4 (1) The State Treasurer, or his or her designee;

5 (2) The State Auditor, or his or her designee;

6 (3) The State Attorney General, or his or her designee;

7 (4) The State Superintendent of Schools, or his or her designee;

8 (5) The Chancellor of Higher Education, or his or her designee; and

9 (6) ~~The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee;~~

10 and

11 ~~(7) Three~~ Four members appointed by the Governor with the advice and consent of the
12 Senate who are parents of Hope Scholarship students, or for the initial appointments of board
13 members following the effective date of this article, parents who intend to apply for the Hope
14 Scholarship on behalf of eligible recipients, to be appointed as follows:

15 (A) Only state residents are eligible for appointment to the board;

16 (B) The parent members shall reside in geographically diverse areas of the state;

17 (C) For appointments made after July 1, 2024, the parent members shall represent parents
18 of students engaged in a diverse range of educational options, such as microschools or other
19 individualized instruction;

20 The Governor shall make appointments necessary to satisfy the requirements of
21 subdivision (7) of this section to staggered terms as determined by the Governor. After the initial

22 staggering of terms, appointed parent board members shall serve for three-year terms and are
23 eligible for reappointment at the expiration of their terms; and

24 (D) If there is a vacancy among appointed members, the vacancy shall be filled by
25 appointment to the unexpired term of a person meeting the requirements of this section by the
26 Governor with the advice and consent of the Senate. Members of the board shall serve until the
27 later of the expiration of the term for which the member was appointed or the appointment of his or
28 her successor.

29 (c) Members of the board shall serve without compensation. The board may reimburse
30 members for all reasonable and necessary expenses, including travel expenses, actually incurred
31 by board members in the conduct of their official duties. Any expense reimbursements shall be
32 made from the West Virginia Hope Scholarship Program Expense Fund at the same rate paid to
33 state employees.

34 (d) The Treasurer is the chairman and presiding officer of the board. The Treasurer may
35 provide office space and staff to the board upon request of the board.

36 (e) The State Superintendent of Schools may provide staff to the board, upon request of
37 the board.

38 (f) A majority of the members of the board constitutes a quorum for the transaction of the
39 business of the board.

40 (g) Members of the board are subject to the ethical standards and financial disclosure
41 requirements of the West Virginia Governmental Ethics Act in §6B-1-1 *et seq.* of this code.

NOTE: The purpose of this bill is to eliminate the Herbert Henderson Office on Minority Affairs, to remove the placement of the director of the Herbert Henderson Office on Minority Affairs from the West Virginia Semiquincentennial Commission and the West Virginia Hope Scholarship Board, to direct the department of administration to designate Building 3 of the State Capitol Complex in memory of Herbert H. Henderson, to terminate the Minority Affairs Fund, and to transfer its remaining funds to the Entrepreneurship and Innovation Investment Fund administered under §5B-2-16 of this Code.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.