

1 **ENROLLED**

2 **Senate Bill No. 603**

3 (BY SENATORS WELLS, YOST, BARNES, EDGELL, GREEN, BOLEY, JENKINS, LAIRD,
4 WILLIAMS, UNGER AND KLEMPA)

5 _____
6 [Passed March 10, 2012; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §15-1H-2 and §15-1H-4 of the Code of
11 West Virginia, 1931, as amended, all relating to morale,
12 welfare and recreation facilities; authorizing morale, welfare
13 and recreation facilities within the state; authorizing the
14 establishment of an entity to operate morale, welfare and
15 recreation facilities within the state; and providing for use
16 of proceeds derived from operation of morale, welfare and
17 recreation facilities.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §15-1H-2 and §15-1H-4 of the Code of West Virginia, 1931,
20 as amended, be amended and reenacted, all to read as follows:

21 **ARTICLE 1H. MORALE, WELFARE AND RECREATION FACILITIES.**

22 **§15-1H-2. Morale, welfare and recreation facilities;**

1 **nonappropriated fund instrumentalities.**

2 (a) The Adjutant General is authorized to establish morale,
3 welfare and recreation facilities within the state as in his or her
4 judgment may be necessary and proper for military purposes.

5 (b) Notwithstanding any other provision of this code to the
6 contrary, the Adjutant General is authorized to establish a
7 nonappropriated fund instrumentality for the purpose of operating
8 the morale, welfare and recreation facilities.

9 (c) A nonappropriated fund instrumentality established under
10 this section may:

11 (1) Contract for goods and services;

12 (2) Hire employees under terms and conditions as it may
13 negotiate, subject only to applicable state and federal labor laws;

14 (3) Establish a system of bookkeeping, accounting and auditing
15 procedures for the proper handling of funds derived from its
16 operations; and

17 (4) Perform any other action necessary to establish a board,
18 corporation or other entity for the purpose of operating the
19 morale, welfare and recreation facilities.

20 (d) A nonappropriated fund instrumentality established under
21 this section is solely responsible for its operations. No debt of
22 the nonappropriated fund instrumentality is a debt of the state.
23 No action of the nonappropriated fund instrumentality is an action

1 of the state, nor does it obligate the state in any manner.

2 **§15-1H-4. Use of funds.**

3 All proceeds derived from the operation of the morale, welfare
4 and recreation facilities within the state shall, after the payment
5 of operating expenses, notwithstanding any provision of this code
6 to the contrary, be used exclusively to benefit any morale, welfare
7 and recreation facilities established pursuant to this section.