

ENROLLED

Senate Bill No. 603

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

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

AN ACT to amend and reenact §15-1H-2 and §15-1H-4 of the Code of West Virginia, 1931, as amended, all relating to morale, welfare and recreation facilities; authorizing morale, welfare and recreation facilities within the state; authorizing the establishment of an entity to operate morale, welfare and recreation facilities within the state; and providing for use of proceeds derived from operation of morale, welfare and recreation facilities.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1H. MORALE, WELFARE AND RECREATION FACILITIES.

§15-1H-2. Morale, welfare and recreation facilities; nonappropriated fund instrumentalities.

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

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

9 (c) A nonappropriated fund instrumentality established
10 under 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
14 laws;

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

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

21 (d) A nonappropriated fund instrumentality established
22 under this section is solely responsible for its operations. No
23 debt of the nonappropriated fund instrumentality is a debt
24 of the state. No action of the nonappropriated fund instru-
25 mentality is an action of the state, nor does it obligate the
26 state in any manner.

§15-1H-4. Use of funds.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor