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**ENROLLED**

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COMMITTEE SUBSTITUTE

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FOR

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**Senate Bill No. 315**

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(SENATOR WELLS, *original sponsor*)

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7 [Passed March 8, 2014; in effect from passage.]

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12 AN ACT to amend and reenact §15-1J-3 and §15-1J-4 of the Code of  
13 West Virginia, 1931, as amended, all relating to authorizing  
14 the West Virginia Military Authority to administer national  
15 security, homeland security and other military-related or -  
16 sponsored programs; redefining "employee"; expanding with whom  
17 the authority may contract to include any state, territory or  
18 the District of Columbia; and authorizing the authority to  
19 accept and use funds from the federal government, any state  
20 and other specified entities for the purposes of national  
21 security, homeland security and other military-related or -  
22 sponsored programs.

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

24 That §15-1J-3 and §15-1J-4 of the Code of West Virginia, 1931,  
25 as amended, be amended and reenacted, all to read as follows:

1   **ARTICLE 1J. WEST VIRGINIA MILITARY AUTHORITY ACT.**

2   **§15-1J-3. Definitions.**

3         As used in this article, unless the context clearly indicates  
4 otherwise:

5             (a) "Authority" means the West Virginia Military Authority.

6             (b) "BRIM" means the West Virginia Board of Risk and Insurance  
7 Management.

8             (c) "Guard" means West Virginia National Guard, including its  
9 army and air components.

10            (d) "Employee" means any person who, within the at-will  
11 employment relationship, is hired to perform duties related to  
12 national security, homeland security and other military-related or  
13 -sponsored programs.

14            (e) "PEIA" means Public Employees Insurance Act.

15            (f) "PERS" means Public Employees Retirement System.

16   **§15-1J-4. Establishment and general powers of the authority.**

17            (a) The West Virginia Military Authority is hereby established  
18 to administer national security, homeland security and other  
19 military-related or -sponsored programs.           (b) The authority will  
20 be administered by the Adjutant General and the Adjutant General's  
21 department.

22            (c) Funds provided by the federal government and any state  
23 funds authorized by appropriation of the Legislature used as a  
24 required match to secure federal funding for programs administered  
25 by the authority pursuant to this section shall be administered by

1 the Adjutant General subject to the provisions of article eleven,  
2 chapter four of this code.

3         (d) Except as otherwise prohibited by statute, the authority,  
4 as a governmental instrumentality exercising public powers of the  
5 state, shall have and may exercise all powers necessary or  
6 appropriate to carry out the purpose of this article, including the  
7 authority to:

8             (1) Execute cooperative agreements between the guard and the  
9 federal and/or state governments;

10          (2) Contract on behalf of the guard with the federal  
11 government, its instrumentalities and agencies, any state,  
12 territory or the District of Columbia and its agencies and  
13 instrumentalities, municipalities, foreign governments, public  
14 bodies, private corporations, partnerships, associations and  
15 individuals;

16          (3) Use funds administered by the authority pursuant to  
17 subsection (c) of this section for the maintenance, construction or  
18 reconstruction of capital repair and replacement items as necessary  
19 and approved by the authority;

20          (4) Accept and use funds from the federal government, its  
21 instrumentalities and agencies, any state, territory or the  
22 District of Columbia and its agencies and instrumentalities,  
23 municipalities, foreign governments, public bodies, private  
24 corporations, partnerships, associations and individuals for the  
25 purposes of national security, homeland security and other  
26 military-related or -sponsored programs;

1           (5) Procure insurance with state funds through BRIM covering  
2 property and other assets of the authority in amounts and from  
3 insurers that BRIM determines necessary;

4           (6) Hire employees at an appropriate salary equivalent to a  
5 competitive wage rate;

6           (7) Enroll employees in PERS, PEIA and workers' compensation  
7 and unemployment programs, or their equivalents: *Provided*, That the  
8 authority, through the receipt of federal and/or state funds, pays  
9 the required employer contributions;

10          (8) Cooperate with economic development agencies in efforts to  
11 promote the expansion of industrial, commercial and manufacturing  
12 in the state;

13          (9) Develop a human resources division that will administer  
14 and manage its employees and receive state matching funds as  
15 necessary to ensure maximum federal funds are secured;

16          (10) Due to the at-will employment relationship with the  
17 authority, its employees may not avail themselves of the state  
18 grievance procedure as set forth in article six-a, chapter twenty-  
19 nine of this code; and

20          (11) Have the ability to secure all other bonding, insurance  
21 or other liability protections necessary for its employees to  
22 fulfill their duties and responsibilities.