

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 315

(SENATOR WELLS, *ORIGINAL SPONSOR*)

[PASSED MARCH 8, 2014; IN EFFECT FROM PASSAGE.]

E N R O L L E D

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Senate Bill No. 315

(SENATOR WELLS, *original sponsor*)

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

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

Be it enacted by the Legislature of West Virginia:

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

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

§15-1J-3. Definitions.

1 As used in this article, unless the content clearly indicates
2 otherwise:

3 (a) “Authority” means the West Virginia Military
4 Authority.

5 (b) “BRIM” means the West Virginia Board of Risk
6 Management.

7 (c) “Guard” means West Virginia National Guard,
8 including its army and air components.

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

13 (e) “PEIA” means Public Employees Insurance Act.

14 (f) “PERS” means Public Employees Retirement System.

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

1 (a) The West Virginia Military Authority is hereby
2 established to administer national security, homeland security
3 and other military-related or -sponsored programs.

4 (b) The authority will be administered by the Adjutant
5 General and the Adjutant General’s department.

6 (c) Funds provided by the federal government and any
7 state funds authorized by appropriation of the Legislature
8 used as a required match to secure federal funding for
9 programs administered by the authority pursuant to this

10 section shall be administered by the Adjutant General subject
11 to the provisions of article eleven, chapter four of this code.

12 (d) Except as otherwise prohibited by statute, the
13 authority, as a governmental instrumentality exercising public
14 powers of the state, shall have and may exercise all powers
15 necessary or appropriate to carry out the purpose of this
16 article, including the authority to:

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

19 (2) Contract on behalf of the guard with the federal
20 government, its instrumentalities and agencies, any state,
21 territory or the District of Columbia and its agencies and
22 instrumentalities, municipalities, foreign governments, public
23 bodies, private corporations, partnerships, associations and
24 individuals;

25 (3) Use funds administered by the authority pursuant to
26 subsection (c) of this section for the maintenance,
27 construction or reconstruction of capital repair and
28 replacement items as necessary and approved by the
29 authority;

30 (4) Accept and use funds from the federal government, its
31 instrumentalities and agencies, any state, territory or the
32 District of Columbia and its agencies and instrumentalities,
33 municipalities, foreign governments, public bodies, private
34 corporations, partnerships, associations and individuals for
35 the purposes of national security, homeland security and
36 other military-related or -sponsored programs;

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

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

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

47 (8) Cooperate with economic development agencies in
48 efforts to promote the expansion of industrial, commercial
49 and manufacturing in the state;

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

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

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

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 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, 2014.

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Governor