

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4527

BY DELEGATE CRISS AND HOUSEHOLDER

[Introduced January 24, 2020; Referred to the
Committee on Finance]

1 A BILL to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, and to
 2 amend said code by creating a special revenue account of the State Treasury designated
 3 the Military Authority Fund to be administered by the Adjutant General for all nonfederal
 4 government entity revenues and expenses received by the West Virginia Military Authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1J. THE WEST VIRGINIA MILITARY AUTHORITY ACT.

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

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

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

5 (c) Funds provided by the federal government and any state funds authorized by
 6 appropriation of the Legislature used as a required match to secure federal funding for programs
 7 administered by the authority pursuant to this section shall be administered by the Adjutant
 8 General subject to the provisions of ~~article eleven, chapter four~~ §4-11-1 et seq. of this code.

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

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

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

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

20 necessary and approved by the authority;

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

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

28 (6) Contract on behalf of the guard with the federal government, its instrumentalities and
29 agencies, any state, territory or the District of Columbia and its agencies and instrumentalities,
30 municipalities, foreign governments, public bodies, private corporations, partnerships,
31 associations and individuals for specialized technical services at a rate commensurate with
32 industry standards as determined by the Adjutant General to support specific activities related to
33 national security, homeland security and other military-related programs;

34 (7) Hire employees at an appropriate salary equivalent to a competitive wage rate;

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

38 (9) Cooperate with economic development agencies in efforts to promote the expansion
39 of industrial, commercial and manufacturing in the state;

40 (10) Develop a human resources division that will administer and manage its employees
41 and receive state matching funds as necessary to ensure maximum federal funds are secured;

42 (11) Due to the at-will employment relationship with the authority, its employees may not
43 avail themselves of the state grievance procedure as set forth in ~~article six-a, chapter twenty-nine~~
44 §29-6A-1 et seq. of this code; and

45 (12) Have the ability to secure all other bonding, insurance or other liability protections

46 necessary for its employees to fulfill their duties and responsibilities.

47 (e) There is hereby created in the State Treasury a special revenue account designated
48 the Military Authority Fund which shall be administered by the Adjutant General. All revenues
49 received from nonfederal government entities shall be deposited into the special revenue account
50 and may be used by the Adjutant General in accordance with the provisions of this article.

NOTE: The purpose of this bill is to create a special revenue account of the State Treasury, designated as the Military Authority Fund that shall be administered by the Adjutant General for nonfederal government entity revenues and expenses received by the West Virginia Military Authority.

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