

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 478

BY SENATORS WELD AND ROMANO

[Passed April 10, 2021; in effect 90 days from passage (July 9, 2021)]

1 AN ACT to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating
2 to permitting the use of established federal or state contracts.

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 of the West Virginia National
4 Guard.

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 §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 §29-6A-1 *et seq.* of this code;

44 (12) Have the ability to secure all other bonding, insurance, or other liability protections
45 necessary for its employees to fulfill their duties and responsibilities; and

46 (13) Purchase or contract under an established United States General Services
47 Administration purchase programs, such as the General Services Administration Global Supply,
48 catalogue, marketplace, or any other state or federal contract, platform, or program for the
49 purchase of uniforms, safety equipment, personal protection equipment, firearms, supplies,
50 materials, or for education textbooks, instructional materials, digital content resources,
51 instructional technology, hardware, software, telecommunications, and technical services without
52 application of the provisions of §5A-3-1 *et seq.* of this code: *Provided*, That nothing in this section
53 would limit or prevent the State Auditor from performing an audit on any purchases made pursuant
54 to this subdivision.

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

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 90 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

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Day of, 2021.

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Governor