

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 315**

(SENATOR WELLS, *ORIGINAL SPONSOR*)

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

SB 315

**FILED**

2014 MAR 24 P 4: 02

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

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**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 <sup>and Insurance</sup>  
6 Management. <sub>Line</sub>

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.

*Rocky F. Furrman*  
.....  
Member ~~Chairman~~ Senate Committee

*James Wells*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Joseph M. Minard*  
.....  
Clerk of the Senate

*Bryan D. Sizemore*  
.....  
Clerk of the House of Delegates

*Jeffrey R. Blaine*  
.....  
President of the Senate

*Robert M. Timmons*  
.....  
Speaker of the House of Delegates

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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FILED

The within *is approved* ..... this  
the *24th* Day of *March* ....., 2014.

*Earl Ray Tomblin*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2014

Time 2:50 pm