

1 **H. B. 4551**

2
3 (By Delegates Iaquina, Swartzmiller,
4 Longstreth, Pethel, Fleischauer, Smith,
5 Stagers, Pasdon, Nelson and Paxton)

6 [By request of the Adjutant General]

7 [Introduced February 16, 2012; referred to the Committee on
8 Veterans' Affairs and Homeland Security then Finance .]

9
10 A BILL to amend and reenact §15-1H-2 and §15-1H-4 of the Code of
11 West Virginia, 1931, as amended, all relating to public
12 safety; and authorizing the Adjutant General to establish an
13 entity to operate morale, welfare and recreation facilities
14 within the state and to use funds for that purpose.

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

16 That §15-1H-2 and §15-1H-4 of the Code of West Virginia, 1931,
17 as amended, be amended and reenacted, all to read as follows:

18 **ARTICLE 1H. MORALE, WELFARE AND RECREATION FACILITIES.**

19 **§15-1H-2. Morale, welfare and recreation facilities;**
20 **nonappropriated fund instrumentalities.**

21 (a) The Adjutant General is authorized to establish morale,
22 welfare and recreation facilities ~~upon Camp Dawson~~ within the state
23 as in his or her judgment may be necessary and proper for military
24 purposes.

1 (b) Notwithstanding any other provision of this code to the
2 contrary, the Adjutant General is authorized to establish a
3 nonappropriated fund instrumentality for the purpose of operating
4 the morale, welfare and recreation facilities.

5 (c) A nonappropriated fund instrumentality established under
6 this section may:

7 (1) Contract for goods and services;

8 (2) Hire employees under terms and conditions as it may
9 negotiate, subject only to applicable state and federal labor laws;
10 ~~and~~

11 (3) Establish a system of bookkeeping, accounting and auditing
12 procedures for the proper handling of funds derived from its
13 operations~~;~~ and

14 (4) Perform any other action necessary to establish a board,
15 corporation or other entity for the purpose of operating the
16 morale, welfare and recreation facilities.

17 (d) A nonappropriated fund instrumentality established under
18 this section is solely responsible for its operations. No debt of
19 the nonappropriated fund instrumentality is a debt of the state.
20 No action of the nonappropriated fund instrumentality is an action
21 of the state, nor does it obligate the state in any manner.

22 **§15-1H-4. Use of funds.**

23 All proceeds derived from the operation of the morale, welfare

1 and recreation facilities on Camp Dawson shall, after the payment
2 of operating expenses, notwithstanding any provision of this code
3 to the contrary, be used exclusively ~~for the improvement of Camp~~
4 ~~Dawson~~ to benefit any morale, welfare and recreation facilities
5 established pursuant to this section.

NOTE: The purpose of this bill is to authorize the Adjutant General to establish an entity to operate morale, welfare and recreation facilities within the state and to use funds for that purpose.

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