

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3077**

**FISCAL  
NOTE**

BY DELEGATES HANSHAW (MR. SPEAKER) AND JENNINGS

[Introduced March 11, 2021; Referred to the  
Committee on Veterans' Affairs and Homeland  
Security then the Judiciary]

1 A BILL to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating  
2 to permitting the National Guard to 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 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 §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 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 (13) Purchase or contract under an established US General Services Administration

48 purchase programs, such as the General Services Administration Global Supply, catalogue,  
49 marketplace or any other state or federal contract, platform or program for the purchase of  
50 uniforms, safety equipment, personal protection equipment, firearms, supplies, materials or for  
51 Education Textbooks, Instructional Materials, Digital Content Resources, Instructional  
52 Technology, Hardware, Software, Telecommunications, and Technical Services without  
53 application of the provisions of article 5A-3, section 1 or 3 of this code.

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

NOTE: The purpose of this bill is to permit the use of establishing federal marketplace programs for the purchases of supplies.

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