WEST VIRGINIA CODE CHAPTER 15 ARTICLE 1A

WV Legislature

§15-1A-1. Department generally.

The Adjutant General's department shall be a part of the executive branch of the government charged with the organization, administration, operation and training, supply and discipline of the military forces of the state. The Adjutant General shall be the executive head of the Adjutant General's department, and shall employ such clerical force and assistants as may be required for the fulfillment of his duties.

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§15-1A-1a. Employee participation in group insurance programs; payroll deductions; custodian of funds.

The Adjutant General is hereby authorized and empowered to negotiate for, secure and adopt for all employees of the Adjutant General's department, whether civilian or military and whether paid with state or federal funds, a policy or policies of group insurance written by a carrier or carriers chartered under the laws of this state or the laws of any other state and duly licensed to do business in this state and covering life; health; hospital care; surgical or medical diagnosis, care and treatment; drugs and medicines; remedial care; other medical supplies and services; or any other combination of these; and any other policy or policies under group insurance which in the discretion of the Adjutant General bear a reasonable relationship to the foregoing coverages. All premiums and other costs of participation for any such group insurance shall be paid solely by such employees. Whenever such employees shall indicate in writing that they have subscribed to any of the aforesaid insurance plans on a group basis, the Adjutant General is hereby authorized and empowered to approve periodic premium deductions from the salary payments due such employees as specified in a written assignment furnished the Adjutant General by each such employee subscribing to a group insurance plan, which deductions shall be made by the Auditor of the State of West Virginia.

Upon proper requisition of the Adjutant General, the Auditor shall periodically issue a warrant, payable as specified in the requisition, for the total deductions from the salaries of employees participating in any such group insurance plan. To promote efficiency and economy in making deductions and issuing warrants as provided herein, the Auditor is authorized to promulgate rules and regulations specifying the form and the time and manner of presentation of requisitions issued pursuant to this section. When a participating employee shall retire from his employment, he may, if he so elects, and the insurance carrier or carriers agree, remain a member of the group plan by continuing to pay the premium for the coverage involved.

The State Treasurer shall be custodian of the funds under the aforesaid group insurance plans, and disbursements from the funds to pay all premiums shall be made only upon warrants signed by the State Auditor and the state Treasurer.

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§15-1A-2. Appointment; qualifications; bond.

The Adjutant General shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years. He or she shall have the rank of major general, or such other rank as is recognized by federal authority. No person may be appointed Adjutant General unless he or she has had at least six years' commissioned service and attained field grade or higher rank in the organized militia of this or some other state or in the Armed Forces of the United States, or in all combined. The Governor shall require the Adjutant General to furnish bond as required by law, which bond shall be filed with the Auditor of the state.

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§15-1A-3. Duties.

(a) The Adjutant General shall be chief of staff to the Governor and commanding general of the organized militia. He or she shall direct the planning and employment of the military forces of the state in carrying out their state mission, establish unified command of state forces whenever jointly engaged, coordinate the military affairs with the civil defense of the state and organize and coordinate the activities of all civil agencies including local and state police in event of declaration of a limited emergency by the Governor pursuant to §15-1D-1 *et seq.* of this code. In time of emergency or disaster, the Adjutant General shall coordinate his or her activities with those of the Office of Emergency Services provided for by §15-5-1 *et seq.* of this code. He or she shall be custodian of all military records of the state and shall keep the same indexed and available for ready reference. He or she shall keep an itemized account of all moneys received and dispensed from all sources and shall make an annual report to the Governor on the condition of the organized militia, receipts and expenditures and such other matters relating to the military forces of the state and the Adjutant General's department as he or she shall deem expedient.

(b) The Adjutant General shall be responsible for the organization, administration, training, and supply of the organized militia and shall cause to be procured, prepared, and issued to the organizations of the organized militia all necessary books and blanks for reports, records, returns, and general administration, and shall, at the expense of the state, cause the military laws, military code and rules and regulations in force to be printed, bound in proper form and distributed, one copy to each commissioned officer, and one each to all the circuit, intermediate and criminal court judges, sheriffs and justices of the peace in the state requiring them and shall procure and supply all necessary textbooks of drill and instruction. He or she shall keep in his or her office an accurate account of all state and United States property issued to the state. He or she shall keep on file in his or her office all official bonds required by this chapter, the reports and returns of troops and military forces of the state and all other writings and papers which are required to be transmitted to and preserved at the general headquarters of the organized militia.

(c) The Adjutant General shall keep records of all service personnel from the State of West Virginia, commissioned or enlisted, in any of the wars of the United States and of individual claims of citizens of West Virginia for service rendered in such wars. He or she shall assist all persons residing in this state having claims against the United States for pension, bounty, or back pay or such claims as have arisen out of, or by reason of, service in any of said wars. To this end he or she shall cooperate with the agents or attorneys of such claimants, furnish to claimants only all necessary certificates or certified abstracts from, or copies of, records or documents in his or her office and shall seek in all practicable ways to secure speedy and just action in all claims now pending or which may hereafter be filed: *Provided,* That any and all of the above services shall be rendered without charge to the claimant. He or she shall establish and maintain as a part of his or her office a bureau of records of the services of the West Virginia troops during such wars and shall keep arranged in proper and convenient form all records and papers pertaining thereto.

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(d) Notwithstanding any other provision of this code to the contrary, the Adjutant General shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties.

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§15-1A-3a. Purchase of automobile liability insurance.

The Adjutant General shall purchase, out of any funds appropriated by the Legislature for such purpose, an adequate public liability insurance covering all members of the organized militia while operating any land motor vehicle possessed or maintained by the organized militia: Provided, That no policy or contract of public liability insurance providing coverage for public liability shall be purchased as provided herein, unless it shall contain a provision or endorsement whereby the company issuing such policy waives, or agrees not to assert as a defense to any claim covered by the terms of such policy, the defense of governmental immunity. In any action against the Adjutant General, his officers, agents or employees, in which there is in effect liability insurance coverage in an amount equal to or greater than the amount sued for, the attorney for such Adjutant General, the attorney for such insurance carrier, or any other attorney who may appear on behalf of the Adjutant General, his agents, officers or employees shall not set up the defense of governmental immunity in any such action. Notwithstanding any other provision of this section, under no circumstances whatever shall the jury in any such action be advised directly or indirectly of the existence of any such insurance or of the amount thereof.

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§15-1A-4. Assistant adjutants general and other authorized general officers.

The Governor shall appoint an assistant Adjutant General for air and an assistant Adjutant General for army, each with the rank of brigadier general, or any other rank recognized by federal authority, who shall be the deputy commander of the air National Guard and the deputy commander of the army National Guard, respectively. The Adjutant General may appoint an assistant Adjutant General for the West Virginia National Guard, and any other general officer positions that are federally authorized by tables of distribution and allowance, modified tables of organization and equipment, and joint manning documents, each with the rank of brigadier general, or any other rank recognized by federal authority. The Adjutant General may also appoint an assistant Adjutant General with the rank of colonel or any other rank recognized by the federal authority, who shall be the executive officer and administrative assistant to assist the Adjutant General in the administration of the Adjutant General's department (or department of military affairs). The assistant Adjutant General serving as the executive officer and the administrative assistant may also be the deputy commander of the army or air National Guard. The assistant adjutants general shall be upon appointment, federally recognized officers of the air National Guard and the army National Guard, respectively.

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