

SB 521

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



# ENROLLED

SENATE BILL NO. 521

(By Senators PREZIOSO AND EDGELL )



PASSED MARCH 11, 1999

In Effect NINETY DAYS FROM Passage

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SENATE

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### Senate Bill No. 521

(BY SENATORS PREZIOSO AND EDGELL)

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[Passed March 11, 1999; in effect ninety days from passage.]

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AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-h, relating to authorizing the adjutant general to establish morale, welfare and recreation facilities at Camp Dawson; authorizing the establishment of an enterprise; exempting sales of goods at the facilities from the consumer sales tax; authorizing the promulgation of regulations; limiting the use of the facilities to specific groups; and limiting the use of proceeds to Camp Dawson improvements.

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

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-h, to read as follows:

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

**§15-1H-1. Definitions.**

1 As used in this article:

2 (1) "Camp Dawson" means the state military reservation  
3 located near Kingwood, Preston County, West Virginia,  
4 and any training areas, ranges or facilities located on or  
5 about the reservation used for military purposes.

6 (2) "Morale, welfare and recreation facility" means any  
7 post exchange, canteen, barber shop, fitness center, snack  
8 bar, transient housing, billeting operation, laundry or  
9 similar facility, the purpose of which is to enhance the  
10 morale and welfare of military personnel.

11 (3) "Nonappropriated fund instrumentality" means an  
12 enterprise operated exclusively with funds derived from  
13 sales or user fees, which receives no legislative appropria-  
14 tions for its operations.

15 (4) "Nonappropriated fund employee" means an em-  
16 ployee of a nonappropriated fund instrumentality, who is  
17 not an employee of the state.

**§15-1H-2. Morale, welfare and recreation facilities upon Camp  
Dawson; nonappropriated fund instrumentalities.**

1 (a) The adjutant general is authorized to establish  
2 morale, welfare and recreation facilities upon Camp  
3 Dawson as in his or her judgment may be necessary and  
4 proper for military purposes.

5 (b) Notwithstanding any other provision of this code to  
6 the contrary, the adjutant general is authorized to estab-  
7 lish a nonappropriated fund instrumentality for the  
8 purpose of operating the morale, welfare and recreation  
9 facilities.

10 (c) A nonappropriated fund instrumentality established  
11 under this section may:

12 (1) Contract for goods and services;

13 (2) Hire employees under terms and conditions as it may  
14 negotiate, subject only to applicable state and federal  
15 labor laws; and

16 (3) Establish a system of bookkeeping, accounting and  
17 auditing procedures for the proper handling of funds  
18 derived from its operations.

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

**§15-1H-3. Regulations.**

1 The adjutant general shall promulgate regulations for  
2 the operation of morale, welfare and recreation facilities  
3 and any nonappropriated fund instrumentality established  
4 under this article.

**§15-1H-4. Use of funds.**

1 All proceeds derived from the operation of the morale,  
2 welfare and recreation facilities on Camp Dawson shall,  
3 after the payment of operating expenses, notwithstanding  
4 any provision of this code to the contrary, be used exclu-  
5 sively for the improvement of Camp Dawson.

**§15-1H-5. Sales to be tax exempt.**

1 Any sales of goods made by a canteen or snack bar  
2 facility on a state reservation or state training facility  
3 under the jurisdiction of the adjutant general are exempt  
4 from the payment of state consumers sales taxes pursuant  
5 to the provisions of article fifteen, chapter eleven of this  
6 code.

**§15-1H-6. Limitation on sales.**

1 Use of the morale, welfare and recreation facilities  
2 provided for in this article are limited to:  
3 (1) Active and reserve component members of the armed  
4 forces of the United States;  
5 (2) Persons retired from the armed forces of the United  
6 States;  
7 (3) Dependents of service members or retirees;  
8 (4) Civilian employees of the department of defense; and  
9 (5) Employees of the adjutant general's department.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Wally Brown*  
.....  
Chairman Senate Committee

*Joe F. Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.)

*Harrell Elkins*  
.....  
Clerk of the Senate

*Ray W. Smith*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approval* this the *25th*  
Day of *March*, 1990

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:15 am