WEST VIRGINIA LEGISLATURE

EIGHTIETH LEGISLATURE REGULAR SESSION, 2011

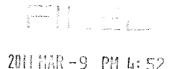
ENROLLED

Senate Bill No. 507

2011 MAR -9 PM 4: 51

(By Senators Kessler (Acting President), Unger, Browning, Foster, Plymale, Stollings, Klempa and Williams)

[Passed February 25, 2011; in effect 90 days from passage.]



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[Passed February 25, 2011; in effect 90 days from passage.]

AN ACT to amend and reenact §31-15C-3 and §31-15C-14 of the Code of West Virginia, 1931, as amended, all relating to the continuation of the Broadband Deployment Council.

Be it enacted by the Legislature of West Virginia:

That §31-15C-3 and §31-15C-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 15C. Broadband Deployment.

§31-15C-3. Broadband Deployment Council established; members of council; administrative support.

- 1 (a) The Broadband Deployment Council is continued. The
- 2 council is a governmental instrumentality of the state. The
- 3 exercise by the council of the powers conferred by this
- 4 article and the carrying out of its purpose and duties are
- 5 considered and held to be, and are hereby determined to be,
- 6 essential governmental functions and for a public purpose.
- 7 The council is created under the Department of Commerce
- **8** for administrative, personnel and technical support services
- 9 only.

- 10 (b) The council shall consist of eleven voting members,
- 11 designated as follows:
- 12 (1) The Governor or his or her designee;
- 13 (2) The Secretary of Commerce or his or her designee;
- 14 (3) The Secretary of Administration or his or her designee;
- 15 (4) The Director of Homeland Security and Emergency
- 16 Management or his or her designee; and
- 17 (5) Seven public members that serve at the will and
- 18 pleasure of the Governor and are appointed by the Governor
- 19 with the advice and consent of the Senate, as follows:
- 20 (i) One member representing employees of communications
- 21 and cable providers who is a member or representative of a
- 22 union representing communications workers;
- 23 (ii) One member representing telecommunications provid-
- 24 ers who provide broadband services in this state;
- 25 (iii) One member representing cable operators who provide
- 26 broadband services in this state;
- 27 (iv) One member representing broadband equipment or
- 28 device manufacturers;
- 29 (v) One member representing higher education or second-
- 30 ary education; and
- 31 (vi) Two members representing the general public who are
- 32 residents of the state, one of whom shall represent rural
- 33 communities, and who may not reside in the same congres-
- 34 sional district.
- 35 (6) In addition to the eleven voting members of the council,
- 36 the President of the Senate shall name two senators from the
- 37 West Virginia Senate and the Speaker of the House shall

- 38 name two delegates from the West Virginia House of Dele-
- 39 gates, each to serve in the capacity of an ex officio, nonvot-
- 40 ing advisory member of the council.
- 41 (c) The Secretary of Commerce or his or her designee shall
- 42 chair the council and appoint one of the other council
- 43 members to serve as vice chair. In the absence of the Secre-
- 44 tary of Commerce or his or her designee, the vice chair shall
- 45 serve as chair. The council shall appoint a secre-
- 46 tary-treasurer who need not be a member of the council and
- 47 who, among other tasks or functions designated by the
- 48 council, shall keep records of its proceedings.
- 49 (d) The council may appoint committees or subcommittees
- 50 to investigate and make recommendations to the full council.
- 51 Members of these committees or subcommittees need not be
- 52 members of the council.
- (e) Six voting members of the council constitutes a quorum
- 54 and the affirmative vote of at least the majority of those
- 55 members present is necessary for any action taken by vote of
- 56 the council.
- 57 (f) The council is part-time. Public members appointed by
- 58 the Governor may pursue and engage in another business or
- 59 occupation or gainful employment. Any person employed by,
- 60 owning an interest in or otherwise associated with a broad-
- 61 band deployment project, project sponsor or project partici-
- 62 pant may serve as a council member and is not disqualified
- 63 from serving as a council member because of a conflict of
- 64 interest prohibited under section five, article two, chapter
- 65 six-b of this code and is not subject to prosecution for
- $\,$ 66 $\,$ violation of said section when the violation is created solely
- 67 as a result of his or her relationship with the broadband
- 68 deployment project, project sponsor or project participant so
- 69 long as the member recuses himself or herself from board
- 70 participation regarding the conflicting issue in the manner
- 71 set forth in legislative rules promulgated by the West
- 72 Virginia Ethics Commission.

- 73 (g) No member of the council who serves by virtue of his or
- 74 her office receives any compensation or reimbursement of
- 75 expenses for serving as a member. The public members and
- 76 members of any committees or subcommittees are entitled to
- 77 be reimbursed for actual and necessary expenses incurred for
- 78 each day or portion thereof engaged in the discharge of his
- 79 or her official duties in a manner consistent with the guide-
- 80 lines of the Travel Management Office of the Department of
- 81 Administration.

§31-15C-14. Expiration of council.

- 1 The council shall continue to exist until December 31,
- 2 2014, unless sooner terminated, continued or reestablished
- 3 pursuant to an act of the Legislature.

| The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. |
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| Chairman House Committee |
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| Originated in the Senate. |
| In effect ninety days from passage. |
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PRESENTED TO THE GOVERNOR

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