

**WEST VIRGINIA LEGISLATURE**  
**EIGHTIETH LEGISLATURE**  
**REGULAR SESSION, 2011**

—●—  
**ENROLLED**

**Senate Bill No. 507**

(BY SENATORS KESSLER (ACTING PRESIDENT),  
UNGER, BROWNING, FOSTER, PLYMALE,  
STOLLINGS, KLEMPA AND WILLIAMS)

[PASSED FEBRUARY 25, 2011; IN EFFECT 90 DAYS FROM PASSAGE.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2011 MAR -9 PM 4:51

FILED

SB 507

FILED

2011 MAR -9 PM 4: 52

OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

**ENROLLED**

**Senate Bill No. 507**

(BY SENATORS KESSLER (ACTING PRESIDENT), UNGER, BROWNING, FOSTER,  
PLYMALE, STOLLINGS, KLEMPA AND WILLIAMS)

[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.

53 (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.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
Acting President of the Senate

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

The within *is approved* this the *17*  
*March*  
Day of ....., 2011.

*[Signature]*  
.....  
Governor



PRESENTED TO THE GOVERNOR

MAR 03 2011

Time 2:45 PM