

1 **ENGROSSED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4613**

5 (By Delegates Boggs, T. Campbell, Varner, Cann and D. Campbell)

6 (Originating in the Committee on Finance)

7 [February 24, 2012]

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9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §31-15A-9a,
12 relating to creating an advisory committee to advise the
13 Joint Committee on Government and Finance on broadband
14 middle mile project matters.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §31-15A-9a, to read as
18 follows:

19 **ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT**
20 **COUNCIL.**

21 **§31-15A-9a. Advisory committee on broadband middle mile matters.**

22 (a) There is hereby created a thirteen member advisory
23 committee to review, study and report on whether to authorize the
24 West Virginia Infrastructure and Jobs Development Council to
25 provide grants or loans, or to authorize to issue broadband middle

1 mile revenue bonds when there are sufficient revenues for the
2 issuance of those bonds to provide funding for grants or loans, to
3 facilitate the development, expansion, and implementation of
4 broadband middle mile projects throughout West Virginia as well as
5 to provide recommendations for any legislation required to meet the
6 advisory committee's recommendations on whether or not such loans,
7 grants or bond issuances should be authorized.

8 (b) The advisory committee shall consist of:

9 (1) The Governor or his or her designee, who shall serve as
10 chair;

11 (2) The Secretary of the Department of Commerce, or his or her
12 designee;

13 (3) The Secretary of the Department of Administration, or his
14 or her designee, who shall serve as secretary, shall keep records
15 of the advisory committees proceedings, and shall be responsible
16 for preparation of the committees reports; and

17 (4) The chairman of the Infrastructure and Jobs Development
18 Council, or his or her designee;

19 (5) Five members selected by the Governor as follows:

20 (A) A representative of a competitive local exchange carrier;

21 (B) A representative of a incumbent local exchange carrier;

22 (C) A representative of a cable provider that also provides
23 internet services;

24 (D) A representative of the largest labor organization
25 representing telecommunications workers in this state; and

26 (E) A member who represents rural communities; and

1 (6) In addition to the nine voting members of the committee,
2 the President of the Senate shall name two senators from the West
3 Virginia Senate and the Speaker of the House shall name two
4 delegates from the West Virginia House of Delegates, each to serve
5 in the capacity of an ex officio, nonvoting advisory member of the
6 committee.

7 (c) (1) The advisory committee shall meet, beginning in March,
8 2012, and shall report on its progress to the Joint Committee on
9 Government and Finance when requested.

10 (3) On or before September 1, 2012, the advisory committee
11 shall file a final report with the Joint Committee on Government
12 and Finance setting forth the findings of its study and its
13 recommendations for any legislation required to meet the advisory
14 committee's recommendations.

15 (d) The Governor or his or her designee shall appoint one of
16 the other committee members to serve as vice chair. In the absence
17 of the Governor or his or her designee, the vice chair shall serve
18 as chair.

19 (e) Five voting members of the committee constitute a quorum
20 and the affirmative vote of at least the majority of those members
21 present is necessary for any action taken by vote of the committee.

22 (f) Members of the committee are not compensated for services
23 performed as members, but receive reasonable and necessary expenses
24 actually incurred in the performance of their duties in a manner
25 consistent with guidelines of the travel management office of the
26 Department of Administration.

1 (g) The provisions of this section shall expire January 9,
2 2013.

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