

HB 4637

FILED
2008 MAR 31 PM 4:56
OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4637**

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]



Passed March 8, 2008

In Effect Ninety Days from Passage

ENROLLED

FILED

2008 MAR 31 PM 4:56

COMMITTEE SUBSTITUTE

FOR

OFFICE OF THE CLERK
SECRETARY OF STATE

H. B. 4637

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-10, §31-15C-11, §31-15C-12, §31-15C-13 and §31-15-14, all relating to the deployment of broadband to the remaining unserved areas of the state; setting forth legislative findings and purpose; providing definitions; establishing the Broadband Deployment Council; establishing procedures for the council, and providing for administrative support; prescribing the powers, duties and responsibilities of the council generally; creating the Broadband Development Fund; categorizing areas of the state according to broadband access; authorizing the retention of an outside expert consultant or consultants to assist in categorization and other functions; providing for the stimulation of demand through public outreach and education; providing funding guidelines; granting emergency rulemaking

authority; establishing project requirements for funding assistance; describing the procedures for submitting applications and reviewing applications; requiring public notice; requiring the submission of written reports by certain state agencies or officers; placing limits on liability for membership or participation in the council; protecting confidentiality of trade secrets and proprietary business information; creating the misdemeanor offense of making any unauthorized disclosure of confidential information and establishing the penalties therefor; and providing for the expiration of the council.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-10, §31-15C-11, §31-15C-12, §31-15C-13 and §31-15C-14, all to read as follows:

ARTICLE 15C. Broadband Deployment.

§31-15C-1. Legislative findings and purpose.

1 The Legislature finds as follows:

2 (1) That it is a primary goal of the Governor, the
3 Legislature and the citizens of this state, by the year two
4 thousand ten, to make every municipality, community, and
5 rural area in this state, border to border, accessible to internet
6 communications through the expansion, extension and
7 general availability of broadband services and technology.

8 (2) That although market-driven deployment has
9 extended broadband access to most of West Virginia's cities,
10 towns, and other concentrated population areas, some areas
11 of the state, mostly rural, remain unserved.

12 (3) That based upon the same network principles that
13 providers of telephony services have faced since the
14 inception of the telecommunications industry, rising fixed
15 costs and technological limitations prohibit broadband
16 networks from being extended into rural areas where the
17 level of demand in sparsely populated areas may not justify
18 the required costs of construction.

19 (4) That the unique topography and demography of this
20 state that hinders the provision of broadband access to rural
21 areas of the state specifically disadvantages the elderly and
22 low-income households that are the least likely to own
23 computers or subscribe to internet service. In light of these
24 topographical and demographic challenges, any attempt to fill
25 the gaps in West Virginia's broadband availability must be
26 organized according to the levels of demand in the various
27 unserved areas to which service is sought to be extended.

28 (5) That, in particular, fair and equitable access to
29 twenty-first century technology that will maximize the
30 functionality of educational resources and educational
31 facilities that are conducive to enabling our children to be
32 exposed to and to receive the best of future teaching and
33 learning is absolutely essential to this state. A quality
34 educational system of the twenty-first century should have
35 access to the best technology tools and processes.
36 Administrators should have, among other things, the
37 electronic resources to monitor student performance, to
38 manage data, and to communicate effectively. In the
39 classroom, every teacher in every school should be provided
40 with online access to educational technology resources and
41 the ability to deliver content standard and objectives to the
42 students of West Virginia. Schools of the twenty-first
43 century require facilities that accommodate changing
44 technologies and twenty-first century instructional processes.

45 (6) Accordingly, it is the purpose of the Legislature to
46 provide for the development of plans, processes and
47 procedures to be employed and dedicated to extending
48 broadband access to West Virginians, and to their families,
49 by stimulating demand for those services and for encouraging
50 and facilitating the construction of the necessary
51 infrastructure to meet their needs and demands.

52 (7) In implementing this initiative, progress by market
53 forces and industry is to be respected, and the Legislature
54 intends that governmental assistance and funding is to be
55 used only in those areas without broadband service and not
56 to duplicate or displace broadband service in areas already
57 served or where industry feasibly can be expected to offer
58 services in the reasonably foreseeable future.

§31-15C-2. Definitions.

1 (a) For the purposes of this article,

2 (1) "Broadband" or "broadband service" means any
3 service providing advanced telecommunications capability
4 with either a downstream data rate or upstream data rate of at
5 least 200 kilobits per second, that does not require the end-
6 user to dial up a connection that has the capacity to always be
7 on, and for which the transmission speeds are based on
8 regular available bandwidth rates, not sporadic or burstable
9 rates, with a minimum downstream-to-upstream data ratio of
10 10:1 for services with a downstream data rate of up to five
11 megabits per second, and with a minimum upstream data rate
12 of 500 kilobits per second for services with a downstream
13 data rate of five megabits per second or greater.

14 (2) "Broadband deployment project" means either (A) a
15 project to provide broadband services to a type 2 and/or type
16 3 unserved area, as defined in section six of this article; or

17 (B) a project to undertake activities to promote demand for
18 broadband services and broadband applications.

19 (3) "Downstream data rate" means the transmission speed
20 from the service provider source to the end-user.

21 (4) "Upstream data rate" means the transmission speed
22 from the end-user to the service provider source.

23 (5) "Unserved area" means a community that has no
24 access to broadband service.

25 (b) The definition of the term "broadband," the
26 designation of areas that are "unserved", and the level of
27 service required to qualify for funding of state programs and
28 projects, are based on the Federal Communications
29 Commission's current definition of broadband, which is
30 stated in terms of the number of Kilobits (Kbps) per second,
31 either upstream or downstream. It is the intention of the
32 Legislature that the definition of broadband in this article and
33 the level of service requirements for state funding be
34 promptly updated by future Legislatures to conform with any
35 revisions enacted by Congress or any rule or regulation
36 promulgated by the Federal Communications Commission or
37 other federal agencies involved with deploying and
38 enhancing broadband services.

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

1 (a) The Broadband Deployment Council is hereby
2 established. The council is a governmental instrumentality of
3 the state. The exercise by the council of the powers conferred
4 by this article and the carrying out of its purpose and duties
5 shall be considered and held to be, and are hereby determined
6 to be, essential governmental functions and for a public

7 purpose. The council is created under the Department of
8 Commerce for administrative, personnel and technical
9 support services 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
15 designee;

16 (4) The Director of Homeland Security and Emergency
17 Management or his or her designee; and

18 (5) Seven public members that serve at the will and
19 pleasure of the Governor and are appointed by the Governor
20 with the advice and consent of the Senate, as follows:

21 (i) One member representing employees of
22 communications and cable providers, who shall be a member
23 or representative of a union representing communications
24 workers;

25 (ii) One member representing telecommunications
26 providers who provide broadband services in this state;

27 (iii) One member representing cable operators who
28 provide broadband services in this state;

29 (iv) One member representing broadband equipment or
30 device manufacturers;

31 (v) One member representing higher education or
32 secondary education; and

33 (vi) Two members representing the general public who
34 are residents of the state: *Provided*, That one member
35 represent rural communities: *Provided, however*, That both
36 members may not reside in the same congressional district.

37 (6) In addition to the eleven voting members of the
38 council, the President of the Senate shall name two senators
39 from the West Virginia Senate and the Speaker of the House
40 shall name two delegates from the West Virginia House of
41 Delegates, each to serve in the capacity of an ex officio, non-
42 voting advisory member of the council.

43 (c) The Governor or his or her designee shall chair the
44 council and appoint one of the other council members to
45 serve as vice chair. In the absence of the Governor or his or
46 her designee, the vice chair shall serve as chair. The council
47 shall appoint a secretary-treasurer who need not be a member
48 of the council and who, among other tasks or functions
49 designated by the council, shall keep records of its
50 proceedings.

51 (d) The council may appoint committees or
52 subcommittees to investigate and make recommendations to
53 the full council. Members of these committees or
54 subcommittees need not be members of the council.

55 (e) Six voting members of the council shall constitute a
56 quorum and the affirmative vote of at least the majority of
57 those members present shall be necessary for any action
58 taken by vote of the council.

59 (f) The council is part-time. Public members appointed
60 by the Governor may pursue and engage in another business
61 or occupation or gainful employment. Any person employed
62 by, owning an interest in, or otherwise associated with a
63 broadband deployment project, project sponsor or project
64 participant may serve as a council member and shall not be

65 disqualified from serving as a council member because of a
66 conflict of interest prohibited under section five, article two,
67 chapter six-b of this code and shall not be subject to
68 prosecution for violation of said section when the violation is
69 created solely as a result of his or her relationship with the
70 broadband deployment project, project sponsor or project
71 participant: *Provided*, That the member recuses himself or
72 herself from board participation regarding the conflicting
73 issue in the manner set forth in legislative rules promulgated
74 by the West Virginia Ethics Commission.

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

§31-15C-4. Powers and duties of the council generally.

1 (a) In addition to the powers set forth elsewhere in this
2 article, the council is hereby granted, has and may exercise
3 all powers necessary or appropriate to carry out and
4 effectuate the purpose and intent of this article. The council
5 shall have the power and capacity to:

6 (1) Provide consultation services to project sponsors in
7 connection with the planning, acquisition, improvement,
8 construction or development of any broadband deployment
9 project;

10 (2) To make and execute contracts, commitments and
11 other agreements necessary or convenient for the exercise of
12 its powers, including but not limited to the hiring of

13 consultants to assist in the mapping of the state,
14 categorization of areas within the state, and evaluation of
15 project applications: *Provided*, That the provisions of article
16 three, chapter five-a of this code do not apply to the
17 agreements and contracts executed under the provisions of
18 this article;

19 (3) Acquire by gift or purchase, hold or dispose of real
20 property and personal property in the exercise of its powers
21 and performance of its duties as set forth in this article;

22 (4) Receive and dispense funds appropriated for its use
23 by the Legislature or other funding sources or solicit, apply
24 for and receive any funds, property or services from any
25 person, governmental agency or organization to carry out its
26 statutory duties; and

27 (5) Perform any and all other activities in furtherance of
28 its purpose.

29 (b) The council shall exercise its powers and authority to
30 bring broadband service to unserved areas. The council may
31 not duplicate or displace broadband service in areas already
32 served or where private industry feasibly can be expected to
33 offer services in the reasonably foreseeable future.

§31-15C-5. Creation of the Broadband Deployment Fund.

1 All moneys collected by the council, which may, in
2 addition to appropriations, include gifts, bequests or
3 donations, shall be deposited in a special revenue account in
4 the State Treasury known as the Broadband Deployment
5 Fund. The fund shall be administered by and under the
6 control of the council. Expenditures from the fund shall be
7 for the purposes set forth in this article and are not authorized
8 from collections but are to be made only in accordance with
9 appropriation by the Legislature and in accordance with the

10 provisions of article two, chapter eleven-b of this code:
11 *Provided*, That for the fiscal year ending the thirtieth day of
12 June, two thousand nine, expenditures are authorized from
13 collections rather than pursuant to appropriations by the
14 Legislature.

§31-15C-6. Categorization of areas within state for broadband deployment purposes.

1 Based on its analysis of mapping, broadband demand,
2 and other relevant data, the council shall designate unserved
3 areas of the state as being one of three distinct types. These
4 types are as follows:

5 (1) Type 1 unserved area: an area in which broadband
6 may be deployed by service providers in an economically
7 feasible manner;

8 (2) Type 2 unserved area: an unserved area in which
9 broadband may be deployed by broadband service providers
10 and other entities in an economically feasible manner,
11 provided some form of public moneys is made available; and

12 (3) Type 3 unserved area: an unserved area in which, at
13 present, cable or wireline broadband cannot be deployed in
14 an economically feasible manner and an intermodal approach
15 employing other technologies, such as satellite and wireless,
16 is required to provide that area with high-speed internet
17 access.

§31-15C-7. Retention of outside expert consultant.

1 In order to assist the council with the highly technical
2 task of categorizing the areas of the state and evaluating and
3 prioritizing projects, the council may retain an outside expert
4 consultant or consultants qualified to map the state on the
5 basis of broadband availability, to evaluate, categorize and

6 prioritize projects, to assist in public outreach and education
7 in order to stimulate demand, to advise the council on the
8 granting or denying of funding to projects, and to provide
9 other support and assistance as necessary to accomplish the
10 purposes of this article. The provisions of article three,
11 chapter five-a of this code, shall not apply to the retention of
12 an outside expert consultant pursuant to this section;
13 *Provided*, that the council shall select the expert or experts by
14 a competitive selection process.

§31-15C-8. Stimulation of demand through public outreach and education.

1 In order to implement and carry out the intent of this
2 article, the council may take such actions as it deems
3 necessary or advisable in order to stimulate demand through
4 public outreach and education in unserved areas. The council
5 shall consider the views, if offered, of affected members of
6 the public, including private industry.

§31-15C-9. Development of guidelines and application for funding assistance; emergency rule-making authority.

1 (a) In order to implement and carry out the intent of this
2 article in type 2 and type 3 unserved areas, the council shall
3 promulgate emergency rules pursuant to the provisions of
4 section fifteen, article three, chapter twenty-nine-a of this
5 code to develop comprehensive, uniform guidelines for use
6 by the council in evaluating any request by a project sponsor
7 for funding assistance to plan, acquire, construct, improve or
8 otherwise develop a broadband deployment project in a type
9 2 or type 3 unserved area. The guidelines shall include the
10 following factors: (1) The cost-effectiveness of the project;
11 (2) the economic development benefits of the project; (3) the
12 availability of alternative sources of funding that could help
13 finance the project, including, but not limited to, private

14 grants or federal funding and the efforts undertaken to obtain
15 such funding; (4) if the project requires the construction of a
16 network, the applicant's ability to operate and maintain such
17 network; (5) the degree to which the project advances
18 statewide broadband access and other state broadband
19 planning goals; (6) the proposed technologies, bandwidths,
20 upstream data rates and downstream data rates; (7) the
21 estimated date the project would commence and be
22 completed; (8) how the proposed project compares to
23 alternative proposals for the same unserved area with regard
24 to the number of people served, the amount of financial
25 assistance sought, and the long-term viability of the proposed
26 project; and (9) any other consideration the council deems
27 pertinent.

28 b) Under no circumstances may the council's guidelines
29 allow for the approval of any project for broadband service
30 that does not include a minimum downstream transmission
31 rate of 600 kilobits per second (Kbps) and a minimum
32 downstream-to-upstream ratio of 8.5:1 for services with a
33 downstream rate of up to five megabits per second (Mbps).
34 In those cases where a project's broadband service's
35 downstream rate is five Mbps or greater, the council's
36 guidelines must require a minimum upstream data rate of 588
37 Kbps and allow information applications and market
38 demands to dictate acceptable downstream-to-upstream data
39 ratios.

40 c) The council shall create an application form that shall
41 be used by all project sponsors requesting funding assistance
42 from the council to plan, acquire, construct, improve or
43 otherwise develop broadband deployment projects in type 2
44 or type 3 unserved areas. The application form shall contain
45 all information required by all state agencies that will be
46 required to issue permits and certificates regarding the
47 project. The application shall require the project sponsor to
48 set forth the proposed location of the project; the type(s) of

49 unserved area(s) the project proposes to address, the
50 estimated total cost of the project; the amount of funding
51 assistance required and the specific uses of the funding; other
52 sources of funding available or potentially available for the
53 project; information demonstrating the need for the project;
54 that the proposed funding of the project is the most
55 economically feasible and viable alternative to completing
56 the project; and such other information as the council
57 considers necessary.

**§31-15C-10. Requirements for project funding assistance;
review of project application by council;
competitive applications.**

1 (a) Once the council has categorized unserved areas
2 pursuant to section six of this article, project sponsors may
3 submit applications for funding assistance for projects in
4 those unserved areas. Upon receiving its first completed
5 application for a categorized unserved area, the council shall
6 post notice of such application with the Secretary of State for
7 sixty days so as to allow for competing applications to be
8 submitted to the council. Within thirty days of the close of
9 the aforementioned sixty-day notice period, the council shall
10 review all applications timely received during the sixty-day
11 period and either (i) approve funding for one or more projects
12 after determining that the funding would constitute an
13 appropriate investment of public funds, or (ii) if the council
14 determines that the application does not contain all of the
15 required information or otherwise is incomplete, or that a
16 proposed project is not eligible for funding assistance, or that
17 the proposed project is otherwise not an appropriate or
18 prudent investment of state funds, the council shall deny the
19 project funding request. Prior to approving or denying any
20 funding request, the council may seek the advice of any
21 expert consultant retained pursuant to section seven of this
22 article, but the council is not bound by that advice. The

23 council shall also consider the views, if offered, of affected
24 members of the public, including private industry.

25 (b) To apply for or receive any funding assistance for a
26 broadband deployment project from the council pursuant to
27 subsection (a) of this section, the project sponsor seeking the
28 funding assistance shall submit a completed application to the
29 council on the form prepared for such purpose by the council
30 pursuant to section nine of this article.

31 (c) In reviewing each application, the council may use the
32 engineering, financial and technical expertise of outside
33 consultants in addition to the respective staffs of the
34 government agencies and private-sector entities represented
35 on the council or other government agencies.

36 (d) Notwithstanding any provision of article fifteen-a,
37 chapter thirty-one or any other provision of this code,
38 broadband deployment project proposals submitted to the
39 council for its consideration pursuant to this article and the
40 council's decisions with regard to such projects shall not be
41 subject to review by the West Virginia Infrastructure and
42 Jobs Development Council.

§31-15C-11. Required reporting by state entities.

1 (a) The secretary of administration shall submit a written
2 report to the council by the thirty-first day of October of each
3 year describing in detail the existing broadband infrastructure
4 owned, leased, used, or operated by the state; broadband
5 infrastructure purchased by the state; the demand for the
6 infrastructure in the state; and whether or not that
7 infrastructure is available to the public. If significant changes
8 to any of the information submitted to the council occur, the
9 secretary of administration shall submit a written update the
10 council within sixty days of the change or in the next report,
11 whichever date is sooner.

12 (b) The secretary of administration shall submit a written
13 report to the council by the thirty-first day of October of each
14 year describing in detail the state portal, any state services or
15 programs that are available to the public on the state portal;
16 the amount of usage of the portal; and efforts to create
17 demand for the portal. If significant changes to any of the
18 information submitted to the council occur, the secretary of
19 administration shall submit a written update the council
20 within sixty days of the change or in the next report,
21 whichever date is sooner.

22 (c) The chancellor of the higher education policy
23 commission shall submit a written report to the council by the
24 thirty-first day of October of each year describing in detail
25 the existing broadband infrastructure owned, leased, used,
26 operated, or purchased by all public baccalaureate and
27 graduate institutions in the state; all programs or initiatives
28 designed to increase the usage of broadband and broadband
29 based educational applications in the public baccalaureate
30 and graduate institutions; and all training provided to
31 instructors in the use of broadband and broadband based
32 educational applications, If significant changes to any of the
33 information submitted to the council occur, the chancellor of
34 the higher education policy commission shall submit a
35 written update to the council within sixty days of the change
36 or in the next report, whichever date is sooner.

37 (d) The chancellor of the West Virginia Council for
38 Community and Technical College Education shall submit a
39 written report to the council by the thirty-first day of October
40 of each year describing in detail the existing broadband
41 infrastructure owned, leased, used, operated, or purchased by
42 all public baccalaureate and graduate institutions in the state;
43 all programs or initiatives designed to increase the usage of
44 broadband and broadband based educational applications in
45 the public baccalaureate and graduate institutions; and all
46 training provided to instructors in the use of broadband and

47 broadband based educational applications. If significant
48 changes to any of the information submitted to the council
49 occur, the chancellor of the West Virginia council for
50 community and technical college education shall submit a
51 written update the council within sixty days of the change or
52 in the next report, whichever date is sooner.

53 (e) The state superintendent of schools shall submit a
54 written report to the council by the thirty-first day of October
55 of each year describing in detail the existing broadband
56 infrastructure owned, leased, used, operated, or purchased by
57 all state schools; all programs or initiatives designed to
58 increase the usage of broadband and broadband based
59 educational applications in the schools and in Pre-K and early
60 childhood education programs; all training provided to
61 teachers in the use of broadband and broadband based
62 educational applications; the availability of an access to
63 broadband in homes and families with children aged four
64 years to eight years; estimates of the number of families with
65 children aged four years to eight years who are using
66 broadband in the homes; estimates of the ownership of
67 computers in families with children aged four years to eight
68 years; and any unmet demand for broadband infrastructure in
69 state schools. If significant changes to any of the information
70 submitted to the council occur, the state superintendent of
71 schools shall submit a written update to the council within
72 sixty days of the change or in the next report, whichever date
73 is sooner.

74 (f) The chair of the West Virginia healthcare authority
75 shall submit a written report to the council by The thirty-first
76 day of October of each year describing in detail the existing
77 broadband infrastructure owned, leased, used operated, or
78 purchased by all hospitals, medical facilities, clinics, or
79 healthcare providers; all programs, initiatives, or applications
80 utilizing broadband that are promoted by hospitals, medical
81 facilities, clinics, or healthcare providers; and any unmet

82 demand for broadband by hospitals, medical facilities,
83 clinics, or healthcare providers.

§31-15C-12. Limitation of liability.

1 No person is subject to antitrust or unfair competition
2 liability based on membership or participation in the council,
3 which provides an essential governmental function and
4 enjoys state action immunity.

§31-15C-13. Protection of proprietary business information.

1 (a) Broadband deployment information provided to the
2 council or its consultants and other agents, including but not
3 limited to physical plant locations, subscriber levels, and
4 market penetration data, constitutes proprietary business
5 information and, along with any other information that
6 constitutes trade secrets, shall be exempt from disclosure
7 under the provisions of chapter twenty-nine-b of this code:
8 *Provided*, That the information is identified as confidential
9 information when submitted to the council.

10 (b) Trade secrets or proprietary business information
11 obtained by the council from broadband providers and other
12 persons or entities shall be secured and safeguarded by the
13 state. Such information or data shall not be disclosed to the
14 public or to any firm, individual or agency other than
15 officials or authorized employees of the state. Any person
16 who makes any unauthorized disclosure of such confidential
17 information or data is guilty of a misdemeanor and, upon
18 conviction thereof, may be fined not more than five thousand
19 dollars or confined in a correctional facility for not more than
20 one year, or both.

21 (c) The official charged with securing and safeguarding
22 trade secrets and proprietary data for the council is the
23 Secretary of Administration, who is authorized to establish

24 and administer appropriate security measures. The council
25 chair shall designate two additional persons to share the
26 responsibility of securing trade secrets or proprietary
27 information. No person will be allowed access to trade
28 secrets or proprietary information without written approval of
29 a minimum of two of the three authorized persons specified
30 above.

§31-15C-14. Expiration of council.

1 The council shall continue to exist until the thirty-first
2 day of December, two thousand eleven, unless sooner
3 terminated, continued or reestablished pursuant to an Act of
4 the Legislature.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

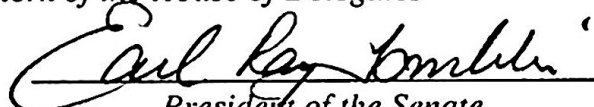
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within-is approved this the 3/8
day of May, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2008

Time 3:07