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.]
ENROLLED

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(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 council is a governmental instrumentality of the state. The exercise by the council of the powers conferred by this article and the carrying out of its purpose and duties are considered and held to be, and are hereby determined to be, essential governmental functions and for a public purpose.

2 The council is created under the Department of Commerce for administrative, personnel and technical support services only.
(b) The council shall consist of eleven voting members, designated as follows:

(1) The Governor or his or her designee;

(2) The Secretary of Commerce or his or her designee;

(3) The Secretary of Administration or his or her designee;

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

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

(i) One member representing employees of communications and cable providers who is a member or representative of a union representing communications workers;

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

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

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

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

(vi) Two members representing the general public who are residents of the state, one of whom shall represent rural communities, and who may not reside in the same congressional district.

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

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

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

(e) Six voting members of the council constitutes a quorum and the affirmative vote of at least the majority of those members present is necessary for any action taken by vote of the council.

(f) The council is part-time. Public members appointed by the Governor may pursue and engage in another business or occupation or gainful employment. Any person employed by, owning an interest in or otherwise associated with a broadband deployment project, project sponsor or project participant may serve as a council member and is not disqualified from serving as a council member because of a conflict of interest prohibited under section five, article two, chapter six-b of this code and is not subject to prosecution for violation of said section when the violation is created solely as a result of his or her relationship with the broadband deployment project, project sponsor or project participant so long as the member recuses himself or herself from board participation regarding the conflicting issue in the manner set forth in legislative rules promulgated by the West Virginia Ethics Commission.
(g) No member of the council who serves by virtue of his or her office receives any compensation or reimbursement of expenses for serving as a member. The public members and members of any committees or subcommittees are entitled to be reimbursed for actual and necessary expenses incurred for each day or portion thereof engaged in the discharge of his or her official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

§31-15C-14. Expiration of council.

The council shall continue to exist until December 31, 2014, unless sooner terminated, continued or reestablished pursuant to an act of the Legislature.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

The within is approved this the Day of, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 03 2011

Time [Signature]

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