

E N G R O S S E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4613

(BY DELEGATES BOGGS, T. CAMPBELL, VARNER,
CANN AND D. CAMPBELL)

(Originating in the Committee on Finance)
[February 24, 2012]

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

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 section, designated §31-15A-9a, to read as follows:

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

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

1 (a) There is hereby created a thirteen member advisory
2 committee to review, study and report on whether to
3 authorize the West Virginia Infrastructure and Jobs
4 Development Council to provide grants or loans, or to
5 authorize to issue broadband middle mile revenue bonds
6 when there are sufficient revenues for the issuance of those
7 bonds to provide funding for grants or loans, to facilitate the
8 development, expansion, and implementation of broadband
9 middle mile projects throughout West Virginia as well as to
10 provide recommendations for any legislation required to meet
11 the advisory committee's recommendations on whether or not
12 such loans, grants or bond issuances should be authorized.

13 (b) The advisory committee shall consist of:

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

16 (2) The Secretary of the Department of Commerce, or his
17 or her designee;

18 (3) The Secretary of the Department of Administration,
19 or his or her designee, who shall serve as secretary, shall keep
20 records of the advisory committees proceedings, and shall be
21 responsible for preparation of the committee's reports; and

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

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

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

26 (B) A representative of an incumbent local exchange carrier;

27 (C) A representative of a cable provider that also provides
28 internet services;

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

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

32 (6) In addition to the nine voting members of the
33 committee, the President of the Senate shall name two
34 senators from the West Virginia Senate and the Speaker of

35 the House shall name two delegates from the West Virginia
36 House of Delegates, each to serve in the capacity of an ex
37 officio, nonvoting advisory member of the committee.

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

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

46 (d) The Governor or his or her designee shall appoint one
47 of the other committee members to serve as vice chair. In the
48 absence of the Governor or his or her designee, the vice chair
49 shall serve as chair.

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

54 (f) Members of the committee are not compensated for
55 services performed as members, but receive reasonable and
56 necessary expenses actually incurred in the performance of
57 their duties in a manner consistent with guidelines of the
58 travel management office of the Department of
59 Administration.

60 (g) The provisions of this section shall expire January 9,
61 2013.