

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 494

BY SENATORS PLYMALE, STOLLINGS, WOELFEL, BALDWIN,

CAPUTO, LINDSAY, ROMANO, BEACH, AND JEFFRIES

[Originating in the Committee on Finance; reported on

February 16, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §31G-1A-8, relating to creating the Broadband Carrier Neutral and Open
3 Access Infrastructure Development Fund; providing for the administration of the fund,
4 sources of funding for the fund, and the purposes for expenditures from the fund; and
5 authorizing expenditures from the fund from collections and pursuant to legislative
6 appropriations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. OFFICE OF BROADBAND.

§31G-1A-8. Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

1 (a) The Broadband Carrier Neutral and Open Access Infrastructure Development Fund is
2 hereby created in the State Treasury. The fund shall be administered by the Secretary of the
3 Department of Economic Development and shall consist of all moneys made available for the
4 purposes of this article from any source, including, but not limited to, all gifts, grants, bequests or
5 transfers from any source, any moneys that may be appropriated to the fund by the Legislature,
6 and all interest or other return earned from investment of the fund. Expenditures from the fund
7 shall be for the purposes set forth in subsection (b) of this section and are not authorized from
8 collections but are to be made only in accordance with appropriation by the Legislature and in
9 accordance with the provisions of §12-3-1 et seq. of this code and upon the fulfillment of the
10 provisions set forth in §11B-2-1 et seq. of this code: *Provided*, That for the fiscal year ending June
11 30, 2022, expenditures are authorized from collections rather than pursuant to an explicit
12 appropriation by the Legislature. Any balance, including accrued interest and other returns,
13 remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund
14 but shall remain in the fund and be expended as provided by this section.

15 (b) Moneys of the Broadband Carrier Neutral and Open Access Infrastructure
16 Development Fund may only be expended for the following purposes:

17 (1) Expenses for the administration of the Office of Broadband; and

18 (2) Line extension advancement and development projects, including expansion of
19 existing fiber and cable networks: *Provided*, That if a broadband project or extension is funded by
20 100 percent of public money, the project or extension shall be a carrier neutral and open access
21 project.