

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 667

FISCAL NOTE

BY SENATORS PLYMALE, STOLLINGS, BALDWIN, LINDSAY,

AND CAPUTO

[Introduced February 17, 2022; referred
to the Committee on Finance]

1 A BILL to amend and reenact §31G-1A-7 of the Code of West Virginia, 1931, as amended, relating
 2 generally to the broadband development fund; relating to creating the Broadband Middle
 3 Mile Fund; providing for the administration of the fund, sources of funding for the fund, and
 4 the purposes for expenditures from the fund; authorizing expenditures from the fund from
 5 collections and pursuant to legislative appropriations; and requiring that any broadband
 6 project funded solely by public money be an open access project.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. OFFICE OF BROADBAND.

§31G-1A-7. Broadband Development Fund.

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

15 (b) ~~Moneys~~ Moneys of the Broadband Development Fund may only be expended for the
 16 following purposes:

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

18 (2) Line extension advancement and development projects, including expansion of
19 existing fiber and cable networks;

20 (3) Major broadband project strategies, including new networks or major expansions of
21 existing networks;

22 (4) GigReady incentive projects, including a state incentive for ISP and local governments
23 and organizations to pool some of their federal American Rescue Plan Act allocations or other
24 local funding;

25 And

26 (5) Wireless Internet Networks, including expansions or upgrades of existing fixed wireless
27 networks.

28 (c) Except funds expended for the administration of the Office of Broadband, ~~moneys~~
29 moneys of the Broadband Development Fund may only be expended for projects authorized by
30 subsection (b) of this section that have been certified to the Joint Committee on Government and
31 Finance by the Director of the Office of Broadband or the Secretary of the Department of
32 Economic Development prior to making the expenditures.

33 (d) There is hereby created in the State Treasury a fund known as the Broadband Middle
34 Mile Fund. The fund shall be administered by and under the control of the Office of Broadband.
35 Expenditures from the fund shall be for the purposes set forth in this section and are to be made
36 only in accordance with appropriation by the Legislature and in accordance with the provisions of
37 article two, chapter eleven-b of this code.

38 (1) The fund shall consist of moneys appropriated by the Legislature. The amount
39 appropriated shall be transferred to the fund to be used solely for the purposes provided by this
40 section.

41 (2) Expenditures from the fund shall be for the purposes of constructing middle mile fiber
42 broadband to unserved and unfunded areas on the broadband availability map as so designated
43 by the Office of Broadband and pursuant to this code: *Provided*, That if a broadband project is

44 funded solely with public money, the project shall be an open access project.

NOTE: The purpose of this bill is to create the Broadband Middle Mile Fund, establish funding and authorized expenditures, and require any broadband project funded solely by public money be an open access project.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.