

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENGROSSED

Committee Substitute

for

Committee Substitute

for

House Bill 2787

By Delegates Hott, Riley, Green, Kelly, Barnhart, Hall,
Fehrenbacher, Browning, Chiarelli, Street, and Lucas
[Reported March 25, 20205, from the Committee on
Government Organization]

1 A BILL to amend and reenact §7-1-3k of the Code of West Virginia, 1931, as amended; relating to
2 permitting county commissions to lease, rent, or permit the use of county-owned wireless
3 towers or any portions thereof to any entity or entities meeting certain criteria, with
4 equipment and systems meeting minimum requirements, and for purposes not prohibited;
5 and prohibiting county commissions from levying charges for use of county-owners
6 wireless towers or any portions thereof by public safety operations, the West Virginia
7 Department of Highways, or any other state agencies provided the same requirements are
8 met as for other applicants.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3k. Authority to lease, rent or permit the use of county property.

1 (a) The county commission of each county is authorized to lease, rent, or to permit the use
2 of county-owned buildings, lands and other properties or any portion thereof by nonprofit
3 organizations. Authorized uses pursuant to this section shall include the granting of meeting
4 places, service outlets and operational headquarters for organizations established within the
5 county.

6 (b) Notwithstanding subsection (a) of this section, the county commission of each county is
7 authorized to lease, rent, or permit the use of county-owned wireless towers or any portions
8 thereof to any entity or entities: *Provided*, That county commissions may permit any of the
9 following entities to use tower space but may not impose a charge for doing so:

10 (1) public safety operations, including 911, law enforcement, ambulance, rescue, and
11 firefighting.

12 (2) the West Virginia Department of Highways, and

13 (3) any other state agencies.

14 (c) Each county commission is authorized to charge and collect fees for uses of county
15 properties pursuant to this section. In addition, each county commission is empowered to

16 promulgate rules and regulations in order to carry out the provisions of this section within the
17 county.

18 (d) The allocation of county properties for use by organizations shall be controlled either by
19 the county commission or, optionally, by a panel which may be appointed by the commission for
20 this purpose. Any panel appointed pursuant to this section shall consist of not less than three nor
21 more ~~that~~ than five members who shall serve at the will and pleasure of the commission. All
22 decisions of a panel, if one is appointed, shall be subject to review by the county commission.

23 (e) If a panel is appointed pursuant to this section, each member shall be a resident of the
24 county in which the panel sits. A majority of the panel shall constitute a quorum for the transaction
25 of business, and all matters shall be decided by the majority vote of those members present at a
26 meeting. Each panel is authorized to select from among its members one secretary, who shall
27 keep a record of all proceedings, and one chairman. A member may be entitled to reimbursement
28 for all reasonable and necessary expenses actually incurred in the performance of his or her
29 duties.