

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 506**

BY SENATORS TAYLOR, SMITH (MR. PRESIDENT),

THORNE, AND RUCKER

[Reported January 28, 2026, 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  
2 to permitting county commissions to lease, rent, or permit the use of county-owned  
3 wireless towers or any portions thereof to any entity or entities meeting certain criteria,  
4 with equipment and systems meeting minimum requirements, and for purposes not  
5 prohibited; prohibiting county commissions from levying charges for use of county-owned  
6 wireless towers or any portions thereof by public safety operations, the West Virginia  
7 Division of Highways, or any other state agencies provided the same requirements are  
8 met as for other applicants; mandating county commissions conduct due diligence before  
9 permitting use of county-owned wireless towers; and providing that county commissions  
10 that conduct due diligence may not be held liable for injuries or damages for entities failing  
11 to meet minimum requirements.

*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  
2 use 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 the provisions of subsection (a) of this section, the county commission  
7 of each county is authorized to lease, rent, or permit the use of county-owned wireless towers,  
8 including, but not limited to, those subject to §11-15-30, §24-6-2, and §24-6-6b of this code, or  
9 any portions thereof to any entity or entities: *Provided, That:*

10 (1) No entity or entities leasing, renting, or permitting the use of county-owned wireless  
11 towers or any portions thereof may be directly or indirectly associated with any person or entity  
12 connected to:

13 (A) The list of persons determined to be foreign adversaries by the Secretary of Commerce  
14 of the United States under 15 C.F.R. 791.4;

15 (B) The terrorist exclusion list compiled by the Secretary of State of the United States in  
16 consultation with the Attorney General of the United States under 8 U.S.C. 1182;

17 (C) The list of countries determined by the Secretary of State of the United States that  
18 have repeatedly provided support for acts of international terrorism under 50 U.S.C. 4813(c) and  
19 22 U.S.C. 2780(d);

20 (D) The list of individual and entities designated by, or in accordance with Executive Order  
21 13224, issued by the President of the United States on September 23, 2021, or Executive Order  
22 13268, issued by the President of the United States on July 2, 2002; and

23 (2) Any entity or entities leasing, renting, or permitting the use of county-owned wireless  
24 towers or any portions thereof shall be prohibited from engaging in unconstitutional surveillance  
25 activities or other actions that would pose a likely risk of violating the constitutional rights and  
26 liberties of citizens; and

27 (3) Any entity or entities leasing, renting, or permitting the use of county-owned wireless  
28 towers or any portions thereof shall utilize non-compromised cellular and/or cyber security  
29 defense measures to protect both private and public utilization and shall utilize no technology or  
30 system that could threaten critical infrastructure, including, but not limited to, voting and election  
31 management systems, and if any technology does connect to voting or election management  
32 related systems, such technology may not incorporate hardware or software that is designed,  
33 produced, owned, or licensed by an entity that is owned, operated, or majority-controlled by a  
34 foreign company or a domestic company registered in another country, including a domesticated  
35 foreign corporation, or by a person who is not a United States citizen or is produced, in whole or  
36 in part, including software, hardware, equipment, and any other accessories, in a foreign country;  
37 and

38       (4) County commissions may permit any of the following state, county, or local entities to  
39       use tower space but may not impose a charge for doing so: (A) Public safety operations, including  
40       911, law enforcement, ambulance, rescue, and firefighting; (B) the West Virginia Department of  
41       Highways; and (C) any other state agencies so long as the permitted uses meet all the  
42       requirements set forth in §7-1-3k(b)(1), (2), and (3) of this code; and

43       (5) Before permitting any entity or entities, including, but not limited to, nonprofit  
44       organizations, to use tower space, county commissions shall conduct reasonable due diligence  
45       to ascertain compliance of the entity or entities with the requirements set forth in §7-1-3k(b)(1),  
46       (2), and (3) of this code. County commissions that perform such due diligence may not be held  
47       liable for any damages, claims, or injuries resulting from an entity's or entities' violation of the  
48       requirements of §7-1-3k(b)(1), (2), or (3) of this code.

49       (c) Each county commission is authorized to charge and collect fees for uses of county  
50 properties pursuant to this section. In addition, each county commission is empowered to  
51 promulgate rules and regulations in order to carry out the provisions of this section within the  
52 county.

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

58       (e) If a panel is appointed pursuant to this section, each member shall be a resident of the  
59 county in which the panel sits. A majority of the panel shall constitute a quorum for the transaction  
60 of business, and all matters shall be decided by the majority vote of those members present at a  
61 meeting. Each panel is authorized to select from among its members one secretary, who shall  
62 keep a record of all proceedings, and one chairman. A member may be entitled to reimbursement

63 for all reasonable and necessary expenses actually incurred in the performance of his or her  
64 duties.