

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.