

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4629

BY DELEGATES HANSHAW, HARSHABRGER, BYRD,
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CANESTRARO, LANE, AND ZATEZALO

[Enter References]

1 A BILL to repeal §31G-1-10, of the Code of West Virginia, 1931, as amended; to amend and
 2 reenact §31G-2-1 of said Code; and to repeal §31G-4-1, §31G-4-2, and §31G-4-3 of said
 3 Code; all relating to broadband enhancement and expansion policies generally; repealing
 4 language relating to pilot project for cooperative associations by political subdivisions;
 5 providing that a political subdivision of this state may be a qualified person for the purposes
 6 of forming a cooperative association; and repealing the article setting forth provisions
 7 relating to make ready pole access.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 31G. BROADBAND ENHANCEMENT AND EXPANSION
POLICIES**

ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.

§31G-1-10. Pilot Project for cooperatives by political subdivisions.

1 [Repealed].

ARTICLE 2. COOPERATIVE ASSOCIATIONS.

§31G-2-1. Definitions.

1 As used in this article:

2 (1) "Cooperative association" or "association" means any corporation organized under this
 3 article. Each association shall also comply with the requisite business corporation provisions of
 4 chapter thirty-one-d or thirty-one-f of this code, or the nonprofit corporation provisions of chapter
 5 thirty-one-e of this code.

6 (2) "Internet services" means providing access to, and presence on, the internet and other
 7 services. Data may be transmitted using several technologies, including dial-up, DSL, cable
 8 modem, wireless, or dedicated high-speed interconnects.

9 (3) "Member" means a member of an association without capital stock and a holder of
 10 common stock in an association organized with capital stock.

11 (4) "Qualified person" means a person who is engaged in the use of internet services,

12 either in an individual capacity, as a political subdivision of this state, or as a business.

13 (5) "Qualified activity" means using internet services.

ARTICLE 4. MAKE-READY POLE ACCESS.

§31G-4-1. Definitions.

1 [Repealed].

§31G-4-2. Attachment to third party facilities.

1 [Repealed].

§31G-4-3. Exceptions.

1 [Repealed].

NOTE: The purpose of this bill is to permit political subdivisions to be members of cooperative associations and to repeal certain provisions.

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