

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2787

By Delegates Hott, Riley, Green, Kelly, Barnhart, Hall,
Fehrenbacher, Browning, Chiarelli, Street, and Lucas

[Introduced February 21, 2025; referred to 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; and prohibiting county commissions
4 from levying charges for use of county-owners wireless towers or any portions thereof by
5 public safety operations, the West Virginia Department of Highways, or any other state
6 agencies.

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), the county commission of each county is authorized to
7 lease, rent, or permit the use of county-owned wireless towers or any portions thereof to any entity
8 or entities: *Provided*, That county commissions may permit any of the following entities to use
9 tower space but may not impose a charge for doing so: (1) public safety operations, including 911,
10 law enforcement, ambulance, rescue, and firefighting, (2) the West Virginia Department of
11 Highways, and (3) any other state agencies.

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

16 (d) The allocation of county properties for use by organizations shall be controlled either by
17 the county commission or, optionally, by a panel which may be appointed by the commission for

18 this purpose. Any panel appointed pursuant to this section shall consist of not less than three nor
19 more ~~that~~ than five members who shall serve at the will and pleasure of the commission. All
20 decisions of a panel, if one is appointed, shall be subject to review by the county commission.

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

NOTE: The purpose of this bill is to permit county commissions to lease, rent, or permit the use of a county owned wireless tower or any portions thereof, with exceptions.

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