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SENATE BILL NO. 351

Offered January 8, 2020

Prefiled January 6, 2020

A *BILL to amend and reenact § 15.2-1500 of the Code of Virginia, relating to authority of localities to provide broadband service.*

Patron—Lucas

Referred to Committee on Local Government**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-1500 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1500. Organization of local government.**

A. Every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary and the employment of the officers and other employees needed to carry out the functions of government.

B. ~~Except as provided in~~ *Notwithstanding the provisions of § 15.2-2160 or, Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, or any other provision of law, general or special, any locality shall may* establish any department, office, board, commission, agency, or other governmental division or entity ~~which that~~ has authority to offer telecommunications equipment, infrastructure, other than pole or tower attachments including antennas or conduit occupancy, or services, other than intragovernmental radio dispatch or paging systems shared by adjoining localities, for sale or lease to any person or entity other than (i) such locality's departments, offices, boards, commissions, agencies or other governmental divisions or entities or (ii) an adjoining locality's departments, offices, boards, commissions, agencies or other governmental divisions or entities, so long as any charges for such telecommunications equipment, infrastructure and services do not exceed the cost to the providing locality of providing such equipment, infrastructure or, *Internet access, broadband, information, and data transmission* services. However, any town ~~which that~~ is located adjacent to Exit 17 on Interstate 81 and which offered telecommunications services to the public on January 1, 1998, is hereby authorized to continue to offer such telecommunications services, but shall not acquire by eminent domain the facilities or other property of any telephone company or cable operator. ~~Any locality may sell any telecommunications infrastructure, including related equipment, which such locality has constructed, and such locality may receive from the purchaser or purchasers, as full or partial consideration for the sale of such infrastructure, communications services to be used solely for internal use of the locality. The locality shall not be involved in any way in the promotion or marketing of services provided by any purchaser.~~

C. A locality, electric commission or board, industrial development authority, or economic development authority, may lease dark fiber. For purposes of this section, "dark fiber" means fiber optic cable that is not lighted by lasers or other electronic equipment. The locality, electric commission or board, industrial development authority, or economic development authority, shall not be involved in the promotion or marketing of the lessee as the provider of the services.

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