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HOUSE BILL NO. 2607

Offered January 20, 1997

A BILL to amend and reenact § 2.1-504.4 of the Code of Virginia, relating to communication towers.

Patrons—Grayson; Senator: Bolling

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:**1. That § 2.1-504.4 of the Code of Virginia is amended and reenacted as follows:**

§ 2.1-504.4. Conveyance of easements and appurtenances thereto to cable television companies, utility companies, public service companies, political subdivisions by state departments, agencies or institutions; communication towers.

A. Any state department, agency or institution, through its executive head or governing board as the case may be, is authorized to convey to public utility companies, public service corporations or companies, political subdivisions or cable television companies, right-of-way easements over property owned by the Commonwealth and held in its possession and any wires, pipes, conduits, fittings, supports and appurtenances thereto for the transmission of electricity, telephone, cable television, water, gas, steam, or sewage placed on, over or under such property for such consideration as the executive head or governing board of the agency shall deem proper, when such conveyance is deemed to be in the public interest.

B. Any state department, agency or institution having responsibility for a state-owned office building, through its executive head or governing board as the case may be, shall be authorized to lease space to a credit union in such building for the purpose of providing credit union services which are readily accessible to state employees. Any such lease shall be for a term of not more than five years, with annual renewals or new leases permitted thereafter. The department, agency or institution responsible for the building may at its discretion forego all rent or charge less than the fair market value.

C. When it is deemed to be in the public interest, and subject to guidelines promulgated by the Department of General Services, property owned by the Commonwealth may be sold or leased or other interests or rights therein granted or conveyed to political subdivisions or persons providing communication or information services for the purpose of erecting, operating, using or maintaining communication towers, antennas, or other radio distribution devices. If any tower proposed for erection on property owned by the Commonwealth is to be used solely by private persons providing communication or information services, and there is no immediate use thereof planned or anticipated by any department, agency or institution of the Commonwealth or political subdivision, the guidelines shall provide a means to obtain comments from the local governing body where the property is located. *However, if a tower is proposed for erection on property owned by the Commonwealth which is adjacent to an interstate highway, the tower shall conform to all zoning ordinances and other appropriate ordinances of the locality.* The conveyances shall be for such consideration as the Director of the Department of General Services deems appropriate, and may include shared use of such facilities by other political subdivisions or persons providing the same or similar services, and by departments, agencies, or institutions of the Commonwealth.

D. No transaction authorized by this section shall be made without prior written recommendation of the Department of General Services to the Governor, the written approval of the Governor of the transaction itself, and the approval of the Attorney General as to the form of the instruments.

INTRODUCED

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