

# Capitol Contact

## Virginia General Assembly

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Friday, January 27, 2017

## Bill to Curb Local Authority for the Provision of Broadband Services to be Heard on February 2

Legislation to impose significant hurdles and costly limitations for a locality to bring broadband to unserved areas was put off for a week at the request of the patron.

[HB 2108 \(Byron\)](#) was rescheduled for a vote in [House Commerce and Labor Committee](#) on Thursday afternoon, February 2, in House Room D in the General Assembly building.

VACo Members – please contact Delegates on the [House Commerce and Labor Committee](#) today to oppose HB 2108.

Delegate Kathy Byron also introduced [a substitute version](#) for the committee and other interested parties to consider in the intervening period. She said she was working on an amendment with the City of Virginia Beach to remove their opposition to the bill. VACo is not aware of any other locality working directly with the patron on amendments and is opposed to both the original and revised bill.

The redraft contains many elements from the introduced version that will halt many of our members' efforts to deploy broadband to serve schools, businesses and residential areas. The most problematic of these is the removal of FOIA exemptions that is in direct conflict with existing law for establishing private-public partnerships. Such exemptions were adopted by the legislature to give localities the ability to partner with private sector providers in service provisioning. Without them trade secrets and intellectual property will be open to the public and competitors. This will effectively limit the willingness of private internet service providers to explore and potentially partner successfully with localities to provide broadband.

Following up on our recent [Capitol Contact ALERT](#), VACo asks that you continue to contact your legislators in opposition and provide us copies of emails, letters and resolutions. We also note that the bill's hearing coincides with [VACo County Government Day](#). Please be prepared to attend the House Commerce and Labor Committee Meeting in House Room D to show opposition to the problematic bill after VACo County Government Day.

[VACo Members – Share your thoughts on FlagPoll](#).

**VACo Contact:** [Joe Lerch, AICP](#)

## **Wireless Bills to be Voted on Early Next Week; Contact Legislators to Oppose**

[HB 2196 \(Kilgore\)](#) and [SB 1282 \(McDougle\)](#) would gut local zoning authority and require that localities allow wireless facilities in their rights of way and on all locally owned property.

The bills grant special privileges to a single industry at the expense of the local taxpayers. Forced use of public property and right of way without adequate compensation forces taxpayers to subsidize a single industry.

HB 2196 will be voted on in the [House Commerce and Labor Committee](#) on Tuesday afternoon in House Room D. (NOTE: The bill was to have been heard this week in committee but rescheduled at the request of the patron)

SB 1282 will be voted on in the [Senate Commerce and Labor Committee](#) on Monday afternoon in Senate Room B.

### **TALKING POINTS**

- **REQUIRES THAT LOCALITIES OFFER UNFETTERED USE OF ALL LOCAL RIGHT OF WAY AND LOCAL BUILDINGS AND GROUNDS**
  - No other non-public business or utility has this kind of access to local property.
  - Creates a path for franchisees and other businesses to demand access at the same rate to local property as well.
- **APPLIES TO ALL WIRELESS INFRASTRUCTURE INCLUDING 150' TOWERS**

- Severely limits citizen input on siting and restricts permitting processes.
- Rights of way that have buried utilities will be inundated with these unsightly towers.
- FEES/COSTS
  - Permitting fees will not cover the cost of review to the locality.
  - Rental fees for placement on local property are severely limited by the code.

VACo Members – call you legislators today to oppose these problematic bills.

[VACo Members – Share your thoughts on FlagPoll.](#)

## KEY CONTACTS

**House Commerce and Labor Committee:** [Kilgore \(Chairman\)](#), [Byron \(Vice Chair\)](#), [Ware](#), [Hugo](#), [Marshall, D.W.](#), [Cline](#), [Miller](#), [Loupassi](#), [Bell](#), [Robert B.](#), [Habeeb](#), [Villanueva](#), [Farrell](#), [O'Quinn](#), [Yancey](#), [Ransone](#), [Ward](#), [Tyler](#), [Keam](#), [Filler-Corn](#), [Kory](#), [Lindsey](#)

**Senate Commerce and Labor Committee:** [Wagner \(Chairman\)](#), [Saslaw](#), [Norment](#), [Newman](#), [Obenshain](#), [Stuart](#), [Stanley](#), [Cosgrove](#), [Chafin](#), [Dance](#), [Lucas](#), [McDougle](#), [Black](#), [Sturtevant](#), [Spruill](#)

**VACo Contact:** [Joe Lerch, AICP](#)

## Key Dates for 2017 General Assembly Session

- **January 11:** General Assembly convenes at noon. Prefiled legislation must be submitted by 10 a.m.; this is also the last day to file bills dealing with the Virginia Retirement System or legislation creating or continuing a study.
- **January 13:** Budget amendments by General Assembly members must be submitted by 5 p.m.
- **January 20:** All bills must be filed by 3 p.m.
- **February 5:** The Senate Finance and House Appropriations Committees must report their respective budgets.

- **February 7:** Crossover (deadline for legislation to pass its chamber of origin)
- **February 9:** Deadline for each chamber to complete work on its budget
- **February 20:** Deadline for committee action on legislation
- **February 25:** Scheduled adjournment *sine die*
- **April 5:** Reconvened session to consider the Governor's amendments and vetoes

## Governor McAuliffe to speak at VACo County Government Day

This is our day to advocate for counties at the General Assembly. Join us at VACo County Government Day on Thursday, February 2! Registration opens at 11 a.m. and the event kicks off with a boxed lunch at noon. Our keynote speaker will be The Honorable Governor Terry McAuliffe who will address attendees on issues that affect counties.

VACo staff will provide legislative briefs before charging all present to meet with their General Assembly representatives that afternoon. Find information about VACo's positions in the [2017 Legislative Program](#), created by VACo Steering Committees, and adopted at our Annual Business Meeting. We will distribute our VACo County Government Day Bulletin at the event.

We encourage all counties to participate in the legislative process - hear briefs on the issues and make appointments to speak with your representatives that afternoon.

Register for [VACo County Government Day online](#) or by faxing in a [registration form](#) to 804.788.0083. For rooming information, check out [our dedicated online room reservation page](#) or call 1.800.THE.OMNI and use code "VACo County Government Day" to unlock our special event rate. Omni Richmond is participating in the HUNGER program, which will provide one week of meals to a family of four for every online reservation. Consider reserving online to help a family during this season. Room Reservation cut off is 5 p.m. January 18. Room rate is not guaranteed after that date.

We are also introducing sponsorship opportunities for the February events. Check back soon, or contact [Amy Sales](#) for more information.

**VACo Contact:** [Amy Sales, CMP](#)