

# HOUSE BILL No. 5096

October 12, 2017, Introduced by Reps. Phelps, Hoitenga and Griffin and referred to the Committee on Communications and Technology.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
(MCL 280.1 to 280.630) by adding section 422b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1        SEC. 422B. (1) FOR AUTHORIZATION FOR A BROADBAND PROJECT, A  
2        DRAIN COMMISSIONER SHALL NOT CHARGE A BROADBAND SERVICE PROVIDER A  
3        FEE THAT EXCEEDS THE LESSER OF THE FOLLOWING:  
4        (A) \$100.00 MULTIPLIED BY THE NUMBER OF DRAIN CROSSINGS.  
5        (B) \$1,000.00.  
6        (2) A FEE COLLECTED UNDER SUBSECTION (1) SHALL BE DEPOSITED  
7        WITH THE COUNTY TREASURER. THE COUNTY TREASURER SHALL CREDIT A FEE  
8        FOR A BROADBAND PROJECT AFFECTING A SINGLE DRAIN TO THE DRAIN FUND

1 OF THE AFFECTED DRAIN. A FEE FOR A BROADBAND PROJECT AFFECTING 2 OR  
2 MORE DRAINS SHALL BE CREDITED TO THE DRAIN FUNDS OF THE AFFECTED  
3 DRAINS IN PROPORTION TO THE NUMBER OF CROSSINGS OF EACH DRAIN.

4 (3) AS USED IN THIS SECTION:

5 (A) "BROADBAND PROJECT" MEANS THE CONSTRUCTION, INSTALLATION,  
6 OR REMOVAL OF BROADBAND FACILITIES OR EQUIPMENT IN THE RIGHT-OF-WAY  
7 OF 1 OR MORE DRAINS AS DESCRIBED BY A BROADBAND SERVICE PROVIDER IN  
8 A SINGLE APPLICATION FILED WITH THE DRAIN COMMISSIONER.

9 (B) "BROADBAND SERVICE PROVIDER" MEANS A PERSON THAT PROVIDES  
10 BROADBAND SERVICE AS THAT TERM IS DEFINED IN SECTION 102 OF THE  
11 MICHIGAN TELECOMMUNICATIONS ACT, 1991 PA 179, MCL 484.2102.

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.