

HOUSE BILL No. 6399

September 26, 2018, Introduced by Rep. Hoitenga and referred to the Committee on Communications and Technology.

A bill to create the partnership for broadband advancement board; to provide its powers and duties; and to provide for the powers and duties of certain state agencies, departments, and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "partnership for broadband advancement act".

3 Sec. 2. As used in this act:

4 (a) "Board" means the partnership for broadband advancement
5 board created in section 4.

6 (b) "Broadband service" means a service capable of delivering
7 high-speed internet access at speeds of at least 25 megabits per

1 second downstream and 3 megabits per second upstream.

2 (c) "Underserved areas" means areas of this state in which
3 households or businesses have access to internet access service but
4 lack access to broadband service.

5 Sec. 4. (1) The partnership for broadband advancement board is
6 created within the Michigan infrastructure council.

7 (2) The board consists of the following members:

8 (a) One member appointed by the governor from a list submitted
9 by the Telecommunications Association of Michigan.

10 (b) One member appointed by the governor from a list submitted
11 by the Michigan Association of Counties.

12 (c) One member appointed by the governor from a list submitted
13 by the Michigan Townships Association.

14 (d) One member appointed by the governor from a list submitted
15 by the Michigan Cable Telecommunications Association.

16 (e) One member appointed by the governor from a list submitted
17 by the Michigan Internet and Telecommunications Association.

18 (f) One member appointed by the governor from a list submitted
19 by the Michigan Municipal League.

20 (g) One member appointed by the governor who is a
21 superintendent of an intermediate school district.

22 (h) One member appointed by the governor representing the
23 general public.

24 (i) One member appointed by the governor from a list submitted
25 by the senate majority leader.

26 (j) One member appointed by the governor from a list submitted
27 by the speaker of the house of representatives.

1 (k) The director of the department of technology, management,
2 and budget.

3 (l) One nonvoting member appointed by the governor
4 representing the department of transportation.

5 (m) One nonvoting member appointed by the governor
6 representing the Michigan economic development corporation.

7 (n) One nonvoting member appointed by the governor
8 representing the department of education.

9 (o) One nonvoting member appointed by the governor
10 representing the department of state police.

11 (p) The chairperson of the Michigan Infrastructure Council, as
12 a nonvoting member.

13 (3) The members first appointed to the board must be appointed
14 within 60 days after the effective date of this act.

15 (4) Members of the board serve for terms of 4 years or until a
16 successor is appointed, whichever is later, except that of the
17 members first appointed, 4 serve for 1 year, 4 serve for 2 years,
18 and 5 serve for 3 years.

19 (5) If a vacancy occurs on the board, the governor shall make
20 an appointment for the unexpired term in the same manner as the
21 original appointment.

22 (6) The governor may remove a member of the board for
23 incompetence, dereliction of duty, malfeasance, misfeasance, or
24 nonfeasance in office, or any other good cause.

25 (7) The governor shall call the first meeting of the board. At
26 the first meeting, the board shall elect from among its members any
27 officers as it considers necessary or appropriate. After the first

1 meeting, the board shall meet at least quarterly, or more
2 frequently at the call of the chairperson or if requested by 3 or
3 more members.

4 (8) A majority of the members of the board constitute a quorum
5 for the transaction of business at a meeting of the board. A
6 majority of the members present and serving are required for
7 official action of the board.

8 (9) The business that the board may perform must be conducted
9 at a public meeting of the commission held in compliance with the
10 open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

11 (10) A writing prepared, owned, used, in the possession of, or
12 retained by the board in the performance of an official function is
13 subject to the freedom of information act, 1976 PA 442, MCL 15.231
14 to 15.246. Any network or financial information provided to this
15 state through grants or to the board by a provider of
16 telecommunications services, broadband services, or wireless
17 services is exempt from disclosure under section 13(1)(d) of the
18 freedom of information act, 1976 PA 442, MCL 15.243, if that
19 information is marked as confidential or commercial information.

20 (11) Members of the board serve without compensation. However,
21 members of the board may be reimbursed for their actual and
22 necessary expenses incurred in the performance of their official
23 duties as members of the board. The department shall provide
24 qualified administrative staff and qualified technical assistance
25 to the board.

26 (12) The board shall do all of the following:

27 (a) Determine what areas in this state are in need of

1 broadband service.

2 (b) Review the report issued by the 21st century
3 infrastructure commission established under Executive Order No.
4 2016-5 and the Michigan consortium of advanced networks report
5 created under Executive Order No. 2018-2.

6 (c) Identify barriers that dissuade companies from expanding
7 into underserved areas of this state.

8 (d) Identify specific strategies and policies this state
9 should pursue to incentivize businesses to expand service in
10 underserved areas of this state.

11 Enacting section 1. This act does not take effect unless House
12 Bill No. 5670 of the 99th Legislature is enacted into law.