

# SENATE BILL No. 108

January 30, 2007, Introduced by Senator BASHAM and referred to the Committee on Energy Policy.

A bill to amend 2002 PA 48, entitled  
"Metropolitan extension telecommunications rights-of-way oversight  
act,"  
by amending section 13 (MCL 484.3113).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 13. (1) A municipality is not eligible to receive funds  
2 under sections 11 and 12 unless by December 31, ~~2003~~—2007 the  
3 municipality has modified to the extent necessary any fees charged  
4 to providers after the effective date of this act relating to  
5 access to and usage of the public rights-of-way to an amount not  
6 exceeding the amounts of fees and charges required under this act.

7           (2) To the extent a telecommunications provider pays fees to a  
8 municipality that have not been modified as required by this  
9 section, both of the following apply:

10           (a) The provider may deduct the fees paid from the fee

1 required to be paid under section 8 for those rights-of-way.

2 (b) The amounts received shall be deducted from the amounts  
3 the municipality is eligible to receive under sections 11 and 12.

4 (3) The authority may allow a municipality in violation of  
5 this section to become eligible to receive funds under sections 11  
6 and 12 if the authority determines that the violation occurred  
7 despite good faith efforts and the municipality rebates to the  
8 authority any fees received in excess of those required under  
9 section 8, including any interest as determined by the authority.

10 (4) A municipality is considered to have modified the fees  
11 under subsection (1) if it has adopted a resolution or ordinance,  
12 effective no later than January 1, ~~2004~~2008, approving the  
13 modification so that providers with telecommunication facilities in  
14 public rights-of-way within the municipality's boundaries pay only  
15 those fees required under section 8. The municipality shall provide  
16 each provider affected by the fee a copy of the resolution or  
17 ordinance passed under this subsection.

18 (5) Except as otherwise provided by a municipality, if section  
19 8 is found to be invalid or unconstitutional, a modification of  
20 fees under this section is void from the date the modification was  
21 made.

22 (6) To be eligible to receive fee-sharing payments under this  
23 act, a municipality shall not hold a cable television operator in  
24 default or seek any remedy for failure to satisfy an obligation, if  
25 any, to pay after the effective date of this act a franchise fee or  
26 other similar fee on that portion of gross revenues from charges  
27 the cable operator received for cable modem services provided

1 through broadband internet transport access services.

2 (7) IF A MUNICIPALITY ADOPTS A RESOLUTION AS REQUIRED UNDER  
3 THIS SECTION BUT ADOPTS IT AFTER THE DISTRIBUTION OF FUNDS UNDER  
4 SECTIONS 11 AND 12 FOR 2007, THE MUNICIPALITY SHALL BE ELIGIBLE TO  
5 RECEIVE FUNDS FOR 2007 FROM FUNDS AVAILABLE AFTER THE 2007  
6 DISTRIBUTION DATE.