

# HOUSE BILL No. 6044

May 6, 2008, Introduced by Rep. Accavitti and referred to the Committee on Energy and Technology.

A bill to amend 2002 PA 48, entitled  
"Metropolitan extension telecommunications rights-of-way oversight  
act,"  
by amending section 11 (MCL 484.3111).

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

1           Sec. 11. (1) The authority shall allocate the funding provided  
2 for fee sharing under section 10(1) as follows:

3           (a) 75% to be disbursed to cities and villages in a  
4 metropolitan area on the basis of the distribution to each city or  
5 village under section 13 of 1951 PA 51, MCL 247.663, for the most  
6 recent year as a proportion of the total distribution to all cities  
7 and villages located in metropolitan areas under section 13 of 1951  
8 PA 51, MCL 247.663, for the most recent year.

9           (b) 25% to be disbursed to townships in a metropolitan area on  
10 the basis of each township's proportionate share of the total  
11 linear feet of public rights-of-way occupied by providers within

1 all townships located in metropolitan areas.

2 (2) Except as otherwise provided under sections 13 and 14,  
3 municipalities that are ineligible under section 13 or 14 shall be  
4 excluded from the computation, allocation, and distribution of  
5 funding under this section.

6 (3) FOR THE ANNUAL PERIOD BEGINNING ON APRIL 1, 2007 AND  
7 ENDING ON MARCH 31, 2008, THE AUTHORITY SHALL REQUIRE EACH  
8 PROVIDER, OTHER THAN A CERTIFIED CABLE PROVIDER, TO MAKE A PAYMENT  
9 NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
10 ACT THAT ADDED THIS SUBSECTION EQUAL TO THE TOTAL ANNUAL  
11 MAINTENANCE FEE DETERMINED BY THE AUTHORITY FOR THE ANNUAL PERIOD  
12 BEGINNING ON APRIL 1, 2008.

13 (4) FOR ANNUAL PERIODS BEGINNING AFTER MARCH 31, 2008, THE  
14 AUTHORITY SHALL REQUIRE EACH PROVIDER, OTHER THAN A CERTIFIED CABLE  
15 PROVIDER, TO MAKE QUARTERLY ESTIMATED PAYMENTS AS REQUIRED UNDER  
16 SUBSECTION (5) OF THE ANNUAL MAINTENANCE FEE REQUIRED UNDER THIS  
17 ACT.

18 (5) THE FIRST 3 QUARTERLY PAYMENTS SHALL BE DUE ON JULY 29,  
19 OCTOBER 29, AND JANUARY 29 OF EACH YEAR AND SHALL EQUAL 25% OF THE  
20 TOTAL ANNUAL MAINTENANCE FEE OWED BY THE PROVIDER FOR THE ANNUAL  
21 PERIOD ENDING THE PRIOR MARCH 31, MINUS ANY CREDITS APPLIED AS  
22 REQUIRED BY SUBSECTION (8). THE FINAL QUARTERLY PAYMENT SHALL BE  
23 DUE ON APRIL 29 OF EACH YEAR AND SHALL EQUAL THE TOTAL ANNUAL  
24 MAINTENANCE FEE DETERMINED BY THE AUTHORITY FOR THE ANNUAL PERIOD  
25 BEGINNING ON THE PRIOR APRIL 1 MINUS THE 3 QUARTERLY PAYMENTS  
26 REQUIRED UNDER THIS SUBSECTION.

27 (6) FOR PURPOSES OF SECTION 8(2), THE AUTHORITY SHALL NOT BE

1 DEEMED TO HAVE RECEIVED THE ANNUAL MAINTENANCE FEES REQUIRED UNDER  
2 THIS ACT UNTIL IT HAS RECEIVED ALL QUARTERLY PAYMENTS REQUIRED  
3 UNDER SUBSECTION (5).

4 (7) THE DEPARTMENT OF TREASURY SHALL INVEST THE MAINTENANCE  
5 FEE PAYMENTS REQUIRED UNDER THIS SECTION, AND THE INTEREST AND  
6 EARNINGS ACCRUED ON THE PAYMENTS SHALL BE USED BY THE AUTHORITY TO  
7 FUND THE OPERATING EXPENSES AND ADMINISTRATIVE COSTS OF THE  
8 AUTHORITY.

9 (8) IF THE INTEREST AND EARNINGS ACCRUED ON THE PAYMENTS  
10 INVESTED UNDER SUBSECTION (7) EXCEED THE AMOUNT NECESSARY TO FUND  
11 THE OPERATING EXPENSES AND ADMINISTRATIVE COSTS OF THE AUTHORITY,  
12 THE EXCESS INTEREST AND EARNINGS SHALL BE CREDITED TOWARD THE NEXT  
13 QUARTERLY PAYMENT REQUIRED UNDER SUBSECTION (5).

14 (9) IF THE INTEREST OR EARNINGS ACCRUED ON THE PAYMENTS  
15 INVESTED UNDER SUBSECTION (7) ARE LESS THAN THE AMOUNT NECESSARY TO  
16 FUND THE OPERATING EXPENSES AND ADMINISTRATIVE COSTS OF THE  
17 AUTHORITY, THE AUTHORITY SHALL WITHHOLD FROM THE TOTAL AMOUNT  
18 AVAILABLE FOR ALLOCATION AND DISBURSEMENT UNDER SUBSECTION (1) AN  
19 AMOUNT, NOT TO EXCEED 3%, DETERMINED BY THE AUTHORITY AS NECESSARY  
20 TO FUND THE OPERATING EXPENSES AND ADMINISTRATIVE COSTS OF THE  
21 AUTHORITY AFTER APPLYING THE INTEREST AND EARNINGS ACCRUED UNDER  
22 SUBSECTION (7).

23 (10) AS USED IN THIS SECTION, "CERTIFIED CABLE PROVIDER" MEANS  
24 A CABLE PROVIDER THAT HAS MADE A CERTIFICATION UNDER SECTION 8(12).