

SENATE BILL No. 425

April 26, 2005, Introduced by Senator LELAND and referred to the Committee on Technology and Energy.

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

1 linear feet of public rights-of-way occupied by providers within
2 all townships located in metropolitan areas.

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

7 (3) FOR THE ANNUAL PERIOD BEGINNING ON APRIL 1, 2004 AND
8 ENDING ON MARCH 31, 2005, THE AUTHORITY SHALL REQUIRE EACH
9 PROVIDER, OTHER THAN A CERTIFIED CABLE PROVIDER, TO MAKE A PAYMENT
10 NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
11 ACT THAT ADDED THIS SUBSECTION EQUAL TO THE TOTAL ANNUAL
12 MAINTENANCE FEE DETERMINED BY THE AUTHORITY FOR THE ANNUAL PERIOD
13 BEGINNING ON APRIL 1, 2005.

14 (4) FOR ANNUAL PERIODS BEGINNING AFTER MARCH 31, 2005, THE
15 AUTHORITY SHALL REQUIRE EACH PROVIDER, OTHER THAN A CERTIFIED CABLE
16 PROVIDER, TO MAKE QUARTERLY ESTIMATED PAYMENTS AS REQUIRED UNDER
17 SUBSECTION (5) OF THE ANNUAL MAINTENANCE FEE REQUIRED UNDER THIS
18 ACT.

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

1 (6) FOR PURPOSES OF SECTION 8(2), THE AUTHORITY SHALL NOT BE
2 DEEMED TO HAVE RECEIVED THE ANNUAL MAINTENANCE FEES REQUIRED UNDER
3 THIS ACT UNTIL IT HAS RECEIVED ALL QUARTERLY PAYMENTS REQUIRED
4 UNDER SUBSECTION (5).

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