

MICHIGAN BROADBAND DEVELOPMENT AUTHORITY ACT (EXCERPT)
Act 49 of 2002

484.3203 Definitions.

Sec. 3.

As used in this act:

- (a) "Authority" means the Michigan broadband development authority created under section 4.
- (b) "Board" means the board of directors of the authority.
- (c) "Capital reserve fund requirement" means the fund amount requirement that may be established in the resolution authorizing notes or bonds for which a capital reserve fund has been established under section 8. The required amount shall not exceed the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on the notes or bonds secured in whole or in part by the fund.
- (d) "Broadband developer" means a person selected by the authority to acquire, construct, develop, and create any part of the broadband infrastructure.
- (e) "Broadband infrastructure" means all facilities, hardware, and software and other intellectual property necessary to provide broadband services in this state, including, but not limited to, voice, video, and data.
- (f) "Broadband operator" means a person selected by the authority to operate any part of the broadband infrastructure.
- (g) "Broadband services" means those services, including, but not limited to, voice, video, and data, that provide capacity for transmission in excess of 200 kilobits per second in at least 1 direction regardless of the technology or medium used, including, but not limited to, wireless, copper wire, fiber optic cable, or coaxial cable. If voice transmission capacity is offered in conjunction with other services utilizing transmission in excess of 200 kilobits per second, the voice transmission capacity may be less than 200 kilobits per second.
- (h) "Development costs" means the costs associated with the broadband infrastructure that have been approved by the authority and include, but are not limited to, all of the following:
 - (i) The costs for the planning, acquiring, leasing, constructing, maintaining, and operating of the broadband infrastructure.
 - (ii) Payments for options to purchase, deposits on contracts of purchase, and payments for the purchases of properties for the broadband infrastructure.
 - (iii) Financing, refinancing, acquisition, demolition, construction, rehabilitation, and site development of new and existing buildings.
 - (iv) Carrying charges during construction.
 - (v) Purchases of hardware, software, facilities, or other expenses related to the broadband infrastructure.
 - (vi) Legal, organizational, and marketing expenses, project manager and clerical staff salaries, office rent, and other incidental expenses.
 - (vii) Payment of fees for preliminary feasibility studies and advances for planning, engineering, and architectural work.
 - (viii) Any other costs and expenses necessary for the acquisition, construction, maintenance, and operation of all or portions of the broadband infrastructure.
- (i) "Person" means an individual, corporation, limited or general partnership, joint venture, or limited liability company or a governmental entity, including state authorities, municipalities, counties, and townships, police, fire and other public safety organizations, judicial entities, medical entities, schools, colleges, universities, hospitals, libraries, community centers, and local economic development entities. Except to the extent that state authorities, police, fire, and other public safety organizations, judicial entities, medical entities, schools, colleges, universities, hospitals, and libraries may constitute state entities, person does not include this state.

History: 2002, Act 49, Imd. Eff. Mar. 14, 2002

Compiler's Notes: For transfer of powers and duties of Michigan broadband development authority from department of treasury to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011. For transfer of powers and duties of Michigan broadband development authority and its board of directors, with the exception of powers and duties under MCL 484.3207(1)(d), to the Michigan state housing development authority, and for transfer of powers and duties under MCL 484.3207(1)(d) to Michigan public service commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.