

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4237**

A bill to amend 1929 PA 152, entitled

"An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials,"

by amending the title and sections 1, 2, and 3 (MCL 28.281, 28.282, and 28.283), as amended by 1996 PA 538.

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

1 TITLE

2 An act to provide for the state-owned and operated Michigan  
3 public safety communications system; ~~for police and public safety~~  
4 ~~purposes,~~ to provide for acquisition, construction, implementation,  
5 operation, and maintenance of the property and equipment necessary  
6 to operate the system; and to prescribe the powers and duties of  
7 certain state agencies and officials.

1       Sec. 1. The Michigan public safety communications system is an  
2   **700-MEGAHERTZ AND** 800-megahertz radio system and telecommunication  
3   network within the department of ~~state police~~ **TECHNOLOGY,**  
4   **MANAGEMENT, AND BUDGET** and includes all real and personal property,  
5   towers, buildings, equipment, and other related facilities and  
6   fixtures necessary for the operation and maintenance of the system.

7       Sec. 2. (1) The ~~director of the department of state police and~~  
8   ~~the~~ director of the department of **TECHNOLOGY,** management, and  
9   budget ~~are~~ **IS** responsible for the construction, implementation,  
10   operation, and maintenance of the Michigan public safety  
11   communications system.

12       (2) In siting the buildings and equipment necessary to  
13   implement the Michigan public safety communications system, the  
14   director of the department of ~~state police~~ **TECHNOLOGY, MANAGEMENT,**  
15   **AND BUDGET** shall locate the system, **AND** a local unit of government  
16   with zoning authority shall be notified of a site selected in their  
17   jurisdiction and the requirements necessary for a site. If the  
18   selected site does not comply with zoning, the local unit ~~shall~~  
19   ~~have~~ **HAS** 30 days from the date of notification to grant a special  
20   use permit or propose an equivalent site. If the local unit does  
21   not grant a special use permit within the 30 day period, or a  
22   proposed alternate site does not meet the siting requirements, the  
23   department **OF TECHNOLOGY, MANAGEMENT, AND BUDGET** may proceed with  
24   construction.

25       Sec. 3. (1) The department of state police shall broadcast all  
26   police dispatches and reports ~~which~~ **THAT** have a reasonable relation  
27   to or connection with the apprehension of criminals, the prevention

1 of crime, or the maintenance of peace, order, and public safety in  
2 this state.

3 (2) The director of the department of ~~state police~~ **TECHNOLOGY,**  
4 **MANAGEMENT, AND BUDGET AND THE DIRECTOR OF THE DEPARTMENT OF STATE**  
5 **POLICE JOINTLY** may authorize any ~~governmental~~ public safety agency  
6 **OR PERSON** to utilize the Michigan public safety communications  
7 system **FOR COMMUNICATIONS CONSISTENT WITH FEDERAL RULES AND**  
8 **REGULATIONS OR TO UTILIZE THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS**  
9 **SYSTEM FOR COLLOCATIONS. COLLOCATIONS BY A PERSON OTHER THAN A**  
10 **GOVERNMENTAL ENTITY SHALL BE AUTHORIZED ONLY TO PROVIDE SERVICE IN**  
11 **A SERVICE NEEDS AREA.**

12 (3) ALL COSTS ASSOCIATED WITH PLANNING, INSTALLING, AND  
13 MAINTAINING COLLOCATION EQUIPMENT ARE THE RESPONSIBILITY OF THE  
14 PUBLIC SAFETY AGENCY OR PERSON REQUESTING PERMISSION FOR  
15 COLLOCATION. COSTS ASSOCIATED WITH COLLOCATING ON THE MICHIGAN  
16 PUBLIC SAFETY COMMUNICATIONS SYSTEM PAID BY A PUBLIC SAFETY AGENCY  
17 SHALL BE COMPARABLE TO THE COSTS CHARGED TO OTHER PUBLIC SAFETY  
18 AGENCIES. COSTS ASSOCIATED WITH COLLOCATING ON THE MICHIGAN PUBLIC  
19 SAFETY COMMUNICATIONS SYSTEM PAID BY A PERSON OTHER THAN A PUBLIC  
20 SAFETY AGENCY SHALL BE COMPARABLE TO THE COSTS CHARGED TO OTHER  
21 PERSONS THAT ARE NOT A PUBLIC SAFETY AGENCY.

22 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A  
23 GOVERNMENTAL ENTITY MAY COLLOCATE ON THE MICHIGAN PUBLIC SAFETY  
24 COMMUNICATIONS SYSTEM. UNTIL 3 YEARS AFTER THE EFFECTIVE DATE OF  
25 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, A GOVERNMENTAL  
26 ENTITY THAT IS NOT A PUBLIC SAFETY AGENCY SHALL NOT COLLOCATE ON  
27 THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM FOR ANY COMMERCIAL

1 OR BUSINESS PURPOSE. BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF  
2 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, A GOVERNMENTAL  
3 ENTITY THAT IS NOT A PUBLIC SAFETY AGENCY MAY COLLOCATE ON THE  
4 MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM FOR A COMMERCIAL OR  
5 BUSINESS PURPOSE ONLY TO PROVIDE SERVICE IN A SERVICE NEEDS AREA.

6 (5) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL  
7 USE ANY MONEY COLLECTED FROM COLLOCATION LEASING OF THE MICHIGAN  
8 PUBLIC SAFETY COMMUNICATIONS SYSTEM FOR THE CONSTRUCTION OR  
9 MAINTENANCE OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM  
10 INCLUDING THE PAYMENT OF DEBT SERVICE FOR BONDS THAT FINANCE THE  
11 CONSTRUCTION OR MAINTENANCE OF THE MICHIGAN PUBLIC SAFETY  
12 COMMUNICATIONS SYSTEM.

13 (6) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL  
14 NOT ALLOW A PUBLIC SAFETY AGENCY OR PERSON ACCESS TO A TOWER FOR  
15 INSTALLATION, ATTACHMENT, MAINTENANCE, OR ANY OTHER PURPOSE WITHOUT  
16 THE SUPERVISION OF AN APPROPRIATE EMPLOYEE OF THE DEPARTMENT OF  
17 TECHNOLOGY, MANAGEMENT, AND BUDGET. THE DEPARTMENT OF TECHNOLOGY,  
18 MANAGEMENT, AND BUDGET SHALL PERFORM AN INSPECTION FOLLOWING ANY  
19 INSTALLATION OF COLLOCATION EQUIPMENT TO ENSURE THAT THE INTEGRITY  
20 OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM HAS NOT BEEN  
21 COMPROMISED.

22 (7) THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,  
23 AND BUDGET AND THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL  
24 JOINTLY DENY A PUBLIC SAFETY AGENCY OR PERSON PERMISSION TO  
25 INSTALL, ATTACH, OR CONTINUE TO COLLOCATE EQUIPMENT TO A TOWER  
26 CONSTRUCTED UNDER THIS ACT IF THE DIRECTOR OF THE DEPARTMENT OF  
27 TECHNOLOGY, MANAGEMENT, AND BUDGET AND THE DIRECTOR OF THE

1 DEPARTMENT OF STATE POLICE, OR THEIR DESIGNEES, JOINTLY DETERMINE  
2 THAT THE INSTALLATION, ATTACHMENT, OR CONTINUED COLLOCATION WILL  
3 INTERFERE WITH THE OPTIMUM OPERATION OF THE MICHIGAN PUBLIC SAFETY  
4 COMMUNICATIONS SYSTEM OR ANY CURRENT OR PLANNED PUBLIC SAFETY  
5 COMMUNICATIONS COLLOCATED ON A TOWER.

6 (8) AS USED IN THIS SECTION:

7 (A) "COLLOCATE" MEANS TO PLACE OR INSTALL WIRELESS  
8 COMMUNICATIONS EQUIPMENT OR NETWORK COMPONENTS USED IN THE  
9 PROVISION OF WIRELESS COMMUNICATIONS SERVICES, INCLUDING, BUT NOT  
10 LIMITED TO, ANTENNAS, TRANSMITTERS, RECEIVERS, BASE STATIONS,  
11 EQUIPMENT SHELTERS, CABINETS, EMERGENCY GENERATORS, POWER SUPPLY  
12 CABLING, AND COAXIAL AND FIBER OPTIC CABLE, ON OR IN THE REAL OR  
13 PERSONAL PROPERTY OR TOWERS USED IN THE OPERATION AND MAINTENANCE  
14 OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM.

15 (B) "COMMERCIAL OR BUSINESS PURPOSE" DOES NOT INCLUDE THOSE  
16 USES OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM APPROVED  
17 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
18 SUBSECTION (3) OR USES CONSISTENT WITH FEDERAL RULES AND  
19 REGULATIONS IN CONNECTION WITH THE ALLOCATION OF WIRELESS SPECTRUM  
20 FOR PUBLIC SAFETY COMMUNICATION.

21 (C) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,  
22 ASSOCIATION, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY.

23 (D) "PUBLIC SAFETY AGENCY" MEANS A FUNCTIONAL DIVISION OF A  
24 PUBLIC AGENCY, COUNTY, OR THIS STATE THAT PROVIDES FIREFIGHTING,  
25 LAW ENFORCEMENT, AMBULANCE, MEDICAL, OR OTHER EMERGENCY SERVICES.

26 (E) "SERVICE NEEDS AREA" MEANS AN AREA DETERMINED BY THE  
27 CONNECT MICHIGAN BROADBAND SERVICE INDUSTRY SURVEY FOR THE STATE OF

1 MICHIGAN TO BE UNSERVED BY ADVERTISED SPEEDS OF AT LEAST 3 MEGABITS  
2 PER SECOND DOWNSTREAM AND 768 KILOBITS PER SECOND UPSTREAM AS OF  
3 OCTOBER 1, 2014.