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SFA**BILL ANALYSIS**

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House Bill 4259 (Substitute H-1 as passed by the House)
Sponsor: Representative John Pappageorge
House Committee: Local Government and Urban Policy
Senate Committee: Judiciary

Date Completed: 4-22-03

CONTENT

The bill would amend Public Act 152 of 1929, which provides for the State-owned and -operated Michigan Public Safety Communications System (MPSCS), to require the Director of the Michigan Department of State Police to allow any governmental public safety agency to use the communications system, including attaching public safety communications equipment to towers built under the Act. The local agency requesting permission to use the towers would be responsible for all costs associated with installing and maintaining local agency equipment and any damage to it from natural causes.

A local governmental public safety agency requesting permission to attach equipment to a tower would be required, at its own expense, to conduct a structural analysis and wind load analysis of the tower that included any existing and proposed loads or antennas, cabling, and appurtenances. The local agency also would have to perform a radio frequency interference analysis of its proposed equipment with all other equipment on the tower on the date of the request. The Director would have to give the agency documentation necessary to perform the structural, wind load, and radio frequency analyses.

The Director could deny permission to install or attach equipment to a tower only if the structural, wind load, or radio frequency interference analysis determined that the installation or attachment would structurally impair the tower or harmfully interfere with the operation of the MPSCS.

Currently, the Director is permitted to authorize any governmental public safety agency to use the system.

MCL 28.283

BACKGROUND

Michigan Public Safety Communications System

Public Act 538 of 1996 amended Public Act 152 to establish the MPSCS and assign responsibility for its construction and implementation to the Directors of the Department of State Police and the Department of Management and Budget. At a capital investment of \$221 million, the State built the MPSCS, which covers all of Michigan and includes 181 radio transmission towers located throughout the State.

Public Act 538 also permits the State Police Director to authorize any governmental public safety agency to use the MPSCS. Reportedly, nearly 300 local public safety agencies are

currently using radios on the MPSCS. These agencies pay an activation fee and an annual membership fee in order to be a part of and use the system.

Executive Directive 2003-12

On April 17, 2003, Governor Granholm issued Executive Directive 2003-12, which requires "responsible department directors and autonomous agency heads" to "permit any governmental public safety agency to install public safety communications equipment upon MPSCS towers and related facilities". Those officials are mandated to allow the installation of equipment if all of the following apply:

- The public safety agency seeking to use the MPSCS agrees to pay all costs associated with the installation, maintenance, or removal of the equipment.
- The public safety agency agrees to pay for any damage to the MPSCS caused by the agency's equipment or the installation or maintenance of it.
- The public safety agency demonstrates to the satisfaction of the department or agency responsible for the operation of the MPSCS that the installation of its equipment will not structurally impair or degrade the operation of the MPSCS. Information provided by a public safety agency must include an analysis of the structural, wind load, and radio frequency impact of the proposed installation.
- The public safety agency demonstrates to the satisfaction of the responsible department or agency that the installation of its equipment "will provide an appropriate level of interoperability with the MPSCS". (As used in the Executive Directive, "interoperability" means "the use of necessary communications technologies and systems to enable different public safety agencies to communicate seamlessly and reliably with each other".)
- The responsible department or agency determines that the installation of the equipment complies with Federal Communications Commission requirements.
- The Department of Attorney General gives the responsible department or agency a written determination that the installation and related activities of the public safety agency would neither violate State or Federal law nor impair a bond or other debt obligation of the State Building Authority.
- The department or agency responsible for the operation of the MPSCS and the public safety agency enter into an agreement (approved by the Department of Management and Budget) governing the cost, installation, and priority of equipment and use of the system by the public safety agency.

The Executive Directive also requires that any State agency or department not using the MPSCS for two-way mobile radio communications develop a plan, in coordination with the Department of Information Technology and the State Police, "to integrate radio communications with the MPSCS and to migrate radio communications to the MPSCS".

In addition, the Executive Directive specifies that the department or agency responsible for the operation of the MPSCS may use, or enter into agreements to use, the system "to facilitate the efficient and effective operation within this state of the Emergency Alert System created under Part 11 of Title 47 of the Code of Federal Regulations". (Under Part 11 of Title 47, the Emergency Alert System "provides the President with the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency".)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local and State public safety agencies. Though at least one local public safety agency has expressed interest in placing its

communications equipment on a State-operated tower, it is not known how many would do so, or what the cost to the local agency would be.

Currently, if a local public safety agency chooses to become a member of the MPSCS and use existing State equipment on MPSCS towers without placing its own local equipment on these towers, it must pay an activation fee of \$25 per radio and an annual membership fee of \$200 per radio.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.