

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:

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TITLE

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.

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** may authorize any ~~governmental~~ public safety
5 agency **OR PERSON** to utilize the Michigan public safety
6 communications system **FOR COMMUNICATIONS CONSISTENT WITH FEDERAL**
7 **RULES AND REGULATIONS OR TO UTILIZE THE MICHIGAN PUBLIC SAFETY**
8 **COMMUNICATIONS SYSTEM FOR COLLOCATIONS.**

9 (3) **ALL COSTS ASSOCIATED WITH PLANNING, INSTALLING, AND**
10 **MAINTAINING COLLOCATION EQUIPMENT ARE THE RESPONSIBILITY OF THE**
11 **PUBLIC SAFETY AGENCY OR PERSON REQUESTING PERMISSION FOR**
12 **COLLOCATION. COSTS ASSOCIATED WITH COLLOCATING ON THE MICHIGAN**
13 **PUBLIC SAFETY COMMUNICATIONS SYSTEM PAID BY A PUBLIC SAFETY AGENCY**
14 **OR PERSON REQUESTING PERMISSION TO COLLOCATE SHALL BE COMPARABLE TO**
15 **THE COSTS CHARGED TO OTHER PUBLIC SAFETY AGENCIES OR PERSONS**
16 **REQUESTING TO COLLOCATE.**

17 (4) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**
18 **GOVERNMENTAL ENTITY MAY COLLOCATE ON THE MICHIGAN PUBLIC SAFETY**
19 **COMMUNICATIONS SYSTEM. UNTIL 3 YEARS AFTER THE EFFECTIVE DATE OF**
20 **THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, A GOVERNMENTAL**
21 **ENTITY THAT IS NOT A PUBLIC SAFETY AGENCY SHALL NOT COLLOCATE ON**
22 **THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM FOR ANY COMMERCIAL**
23 **OR BUSINESS PURPOSE. BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF**
24 **THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, A GOVERNMENTAL**
25 **ENTITY THAT IS NOT A PUBLIC SAFETY AGENCY MAY COLLOCATE ON THE**
26 **MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM FOR A COMMERCIAL OR**
27 **BUSINESS PURPOSE ONLY IN A SERVICE NEEDS AREA.**

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

8 (6) THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,
9 AND BUDGET SHALL DENY A PUBLIC SAFETY AGENCY OR PERSON PERMISSION
10 TO INSTALL, ATTACH, OR CONTINUE TO COLLOCATE EQUIPMENT TO A TOWER
11 CONSTRUCTED UNDER THIS ACT IF THE DIRECTOR OF THE DEPARTMENT OF
12 TECHNOLOGY, MANAGEMENT, AND BUDGET OR HIS OR HER DESIGNEE
13 DETERMINES THAT THE INSTALLATION, ATTACHMENT, OR CONTINUED
14 COLLOCATION WILL INTERFERE WITH THE OPTIMUM OPERATION OF THE
15 MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM OR ANY CURRENT OR
16 PLANNED PUBLIC SAFETY COMMUNICATIONS COLLOCATED ON A TOWER.

17 (7) AS USED IN THIS SECTION:

18 (A) "COLLOCATE" MEANS TO PLACE OR INSTALL WIRELESS
19 COMMUNICATIONS EQUIPMENT OR NETWORK COMPONENTS USED IN THE
20 PROVISION OF WIRELESS COMMUNICATIONS SERVICES, INCLUDING, BUT NOT
21 LIMITED TO, ANTENNAS, TRANSMITTERS, RECEIVERS, BASE STATIONS,
22 EQUIPMENT SHELTERS, CABINETS, EMERGENCY GENERATORS, POWER SUPPLY
23 CABLING, AND COAXIAL AND FIBER OPTIC CABLE, ON OR IN THE REAL OR
24 PERSONAL PROPERTY OR TOWERS USED IN THE OPERATION AND MAINTENANCE
25 OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM.

26 (B) "COMMERCIAL OR BUSINESS PURPOSE" DOES NOT INCLUDE THOSE
27 USES OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM APPROVED

1 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
2 SUBSECTION (3) OR USES CONSISTENT WITH FEDERAL RULES AND
3 REGULATIONS IN CONNECTION WITH THE ALLOCATION OF WIRELESS SPECTRUM
4 FOR PUBLIC SAFETY COMMUNICATION.

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

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

10 (E) "SERVICE NEEDS AREA" MEANS AN AREA DETERMINED TO BE
11 UNSERVED BY THE CONNECT MICHIGAN BROADBAND SERVICE INDUSTRY SURVEY
12 FOR THE STATE OF MICHIGAN REGARDING ADVERTISED SPEEDS OF AT LEAST 3
13 MEGABITS PER SECOND DOWNSTREAM AND 768 KILOBITS PER SECOND UPSTREAM
14 AS OF OCTOBER 1, 2014.