

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.