

# HOUSE BILL No. 5342

February 2, 2012, Introduced by Reps. Haines, Horn, Kowall, Crawford, Price, Shirkey, Franz, Opsommer, Roy Schmidt and Cavanagh and referred to the Committee on Energy and Technology.

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:

### 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  
2 800-megahertz radio system and telecommunication network within the  
3 department of ~~state police~~ **TECHNOLOGY, MANAGEMENT, AND BUDGET** and  
4 includes all real and personal property, towers, buildings,  
5 equipment, and other related facilities and fixtures necessary for  
6 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 may proceed with construction.

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

1 this state.

2 (2) The director of the department of ~~state police~~ **TECHNOLOGY,**  
3 **MANAGEMENT, AND BUDGET** may authorize any ~~governmental public safety~~  
4 ~~agency~~ **PERSON** to utilize the Michigan public safety communications  
5 system **FOR COMMUNICATIONS CONSISTENT WITH RULES ISSUED BY THE**  
6 **FEDERAL COMMUNICATIONS COMMISSION OR TO UTILIZE THE MICHIGAN PUBLIC**  
7 **SAFETY COMMUNICATIONS SYSTEM FOR COLOCATIONS.**

8 (3) ALL COSTS ASSOCIATED WITH PLANNING, INSTALLING, AND  
9 MAINTAINING COLOCATION EQUIPMENT ARE THE RESPONSIBILITY OF THE  
10 PERSON REQUESTING PERMISSION FOR COLOCATION. COSTS ASSOCIATED WITH  
11 COLOCATING ON THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM PAID  
12 BY A PERSON REQUESTING PERMISSION TO COLOCATE SHALL BE COMPARABLE  
13 TO THE COSTS CHARGED TO OTHER PERSONS REQUESTING TO COLOCATE.

14 (4) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL  
15 USE ANY MONEY COLLECTED FROM LEASING THE MICHIGAN PUBLIC SAFETY  
16 COMMUNICATIONS SYSTEM FOR THE PAYMENT OF DEBT SERVICE FOR BONDS  
17 THAT FINANCE THE CONSTRUCTION OR MAINTENANCE OF THE MICHIGAN PUBLIC  
18 SAFETY COMMUNICATIONS SYSTEM.

19 (5) THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,  
20 AND BUDGET MAY DENY A PERSON PERMISSION TO INSTALL, ATTACH, OR  
21 CONTINUE TO COLOCATE EQUIPMENT TO A TOWER CONSTRUCTED UNDER THIS  
22 ACT IF THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,  
23 AND BUDGET OR HIS OR HER DESIGNEE DETERMINES THAT THE INSTALLATION,  
24 ATTACHMENT, OR CONTINUED COLOCATION WILL INTERFERE WITH THE OPTIMUM  
25 OPERATION OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM OR  
26 ANY PUBLIC SAFETY COMMUNICATIONS COLOCATED ON A TOWER.

27 (6) AS USED IN THIS SECTION:

1           (A) "COLOCATE" MEANS TO PLACE OR INSTALL WIRELESS  
2   COMMUNICATIONS EQUIPMENT OR NETWORK COMPONENTS USED IN THE  
3   PROVISION OF WIRELESS COMMUNICATIONS SERVICES, INCLUDING, BUT NOT  
4   LIMITED TO, ANTENNAS, TRANSMITTERS, RECEIVERS, BASE STATIONS,  
5   EQUIPMENT SHELTERS, CABINETS, EMERGENCY GENERATORS, POWER SUPPLY  
6   CABLING, AND COAXIAL AND FIBER OPTIC CABLE, ON OR IN THE REAL OR  
7   PERSONAL PROPERTY, TOWERS, BUILDINGS, EQUIPMENT, OR OTHER RELATED  
8   FACILITIES AND FIXTURES USED IN THE OPERATION AND MAINTENANCE OF  
9   THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM.

10          (B) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,  
11   ASSOCIATION, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY.