RADIO BROADCASTING STATIONS

Act 152 of 1929

AN ACT to provide for the state-owned and operated Michigan public safety communications system; 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.

History: 1929, Act 152, Eff. Aug. 28, 1929 ;-- Am. 1945, Act 62, Eff. Sept. 6, 1945 ;-- Am. 1996, Act 538, Imd. Eff. Jan. 13, 1997 ;-- Am. 2014, Act 564, Imd. Eff. Jan. 15, 2015

The People of the State of Michigan enact:

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28.281 Michigan public safety communications system; establishment within department of technology, management, and budget; scope.

Sec. 1.

The Michigan public safety communications system is an 700-megahertz and 800-megahertz radio system and telecommunication network within the department of technology, management, and budget and includes all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and maintenance of the system.

History: 1929, Act 152, Eff. Aug. 28, 1929 ;-- CL 1929, 574 ;-- CL 1948, 28.281 ;-- Am. 1996, Act 538, Imd. Eff. Jan. 13, 1997 ;-- Am. 2014, Act 564, Imd. Eff. Jan. 15, 2015

28.282 Michigan public safety communications system; construction; implementation; operation; maintenance; location; special use permit.

Sec. 2.

(1) The director of the department of technology, management, and budget is responsible for the construction, implementation, operation, and maintenance of the Michigan public safety communications system.

(2) In siting the buildings and equipment necessary to implement the Michigan public safety communications system, the director of the department of technology, management, and budget shall locate the system, and a local unit of government with zoning authority shall be notified of a site selected in their jurisdiction and the requirements necessary for a site. If the selected site does not comply with zoning, the local unit has 30 days from the date of notification to grant a special use permit or propose an equivalent site. If the local unit does not grant a special use permit within the 30 day period, or a proposed alternate site does not meet the siting requirements, the department of technology, management, and budget may proceed with construction.

History: 1929, Act 152, Eff. Aug. 28, 1929 ;-- CL 1929, 575 ;-- Am. 1945, Act 62, Eff. Sept. 6, 1945 ;-- CL 1948, 28.282 ;-- Am. 1996, Act 538, Imd. Eff. Jan. 13, 1997 ;-- Am. 2014, Act 564, Imd. Eff. Jan. 15, 2015

28.283 Michigan public safety communications system; police dispatches and reports; broadcast; use by governmental public safety agency; collocation; costs; collation by governmental agency not public safety agency; use of money collected from collation leasing; access to tower; denial of permission to install, attach, or continue to collocate equipment; definitions.

Sec. 3.

(1) The department of state police shall broadcast all police dispatches and reports that have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, or the maintenance of peace, order, and public safety in this state.

(2) The director of the department of technology, management, and budget and the director of the department of state police jointly may authorize any public safety agency or person to utilize the Michigan public safety communications system for communications consistent with federal rules and regulations or to utilize the Michigan public safety communications system for collocations. Collocations by a person other than a governmental entity shall be authorized only to provide service in a service needs area.

(3) All costs associated with planning, installing, and maintaining collocation equipment are the responsibility of the public safety agency or person requesting permission for collocation. Costs associated with collocating on the Michigan public safety communications system paid by a public safety agency shall be comparable to the costs charged to other public safety agencies. Costs associated with collocating on the Michigan public safety communications system paid by a person other than a public safety agency shall be comparable to the costs charged to other persons that are not a public safety agency.

(4) Except as otherwise provided in this subsection, a governmental entity may collocate on the Michigan public safety communications system. Until 3 years after the effective date of the amendatory act that added this subsection, a governmental entity that is not a public safety agency shall not collocate on the Michigan public safety communications system for any commercial or business purpose. Beginning 3 years after the effective date of the amendatory act that added this subsection, a governmental entity that is not a public safety agency may collocate on the Michigan public safety communications system for a commercial or business purpose only to provide service in a service needs area.

(5) The department of technology, management, and budget shall use any money collected from collocation leasing of the Michigan public safety communications system for the construction or maintenance of the Michigan public safety communications system including the payment of debt service for bonds that finance the construction or maintenance of the Michigan public safety communications system.

(6) The department of technology, management, and budget shall not allow a public safety agency or person access to a tower for installation, attachment, maintenance, or any other purpose without the supervision of an appropriate employee of the department of technology, management, and budget. The department of technology, management, and budget shall perform an inspection following any installation of collocation equipment to ensure that the integrity of the Michigan public safety communications system has not been compromised.

(7) The director of the department of technology, management, and budget and the director of the department of state police shall jointly deny a public safety agency or person permission to install, attach, or continue to collocate equipment to a tower constructed under this act if the director of the department of technology, management, and budget and the director of the department of state police, or their designees, jointly determine that the installation, attachment, or continued collocation will interfere with the optimum operation of the

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Michigan public safety communications system or any current or planned public safety communications collocated on a tower.

(8) As used in this section:

(a) "Collocate" means to place or install wireless communications equipment or network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cabling, and coaxial and fiber optic cable, on or in the real or personal property or towers used in the operation and maintenance of the Michigan public safety communications system.

(b) "Commercial or business purpose" does not include those uses of the Michigan public safety communications system approved before the effective date of the amendatory act that added subsection (3) or uses consistent with federal rules and regulations in connection with the allocation of wireless spectrum for public safety communication.

(c) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(d) "Public safety agency" means a functional division of a public agency, county, or this state that provides firefighting, law enforcement, ambulance, medical, or other emergency services.

(e) "Service needs area" means an area determined by the connect Michigan broadband service industry survey for the state of Michigan to be unserved by advertised speeds of at least 3 megabits per second downstream and 768 kilobits per second upstream as of October 1, 2014.

History: 1929, Act 152, Eff. Aug. 28, 1929 ;-- CL 1929, 576 ;-- Am. 1945, Act 62, Eff. Sept. 6, 1945 ;-- CL 1948, 28.283 ;-- Am. 1996, Act 538, Imd. Eff. Jan. 13, 1997 ;-- Am. 2014, Act 564, Imd. Eff. Jan. 15, 2015

28.287 Repealed. 1996, Act 538, Imd. Eff. Jan. 13, 1997.

Compiler's Notes: The repealed section pertained to purchase of sets, employment of operators, and expenses relating to state radio stations.

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