

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Senators Bishop, Cassis, Toy, Johnson, Patterson and Cropsey

ENROLLED SENATE BILL No. 293

AN ACT 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 section 3 (MCL 28.283), as amended by 1996 PA 538.

The People of the State of Michigan enact:

Sec. 3. (1) The department of state police shall broadcast all police dispatches and reports which 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) Subject to subsections (5) and (7), the director of the department of state police shall allow any local governmental public safety agency to utilize the Michigan public safety communications system including attaching public safety communications equipment to towers constructed under this act. The director of the department of state police may authorize any other governmental public safety agency to utilize the Michigan public safety communications system including attaching public safety communications equipment to towers constructed under this act.

(3) All costs associated with installing and maintaining local governmental public safety agency equipment are the responsibility of the local governmental public safety agency requesting permission. Any damage from natural causes to the equipment installed by a local governmental public safety agency is the responsibility of that public safety agency.

(4) The director shall furnish to the local governmental public safety agency requesting permission to attach equipment to a tower documentation necessary to perform structural, wind load, and radio frequency analysis of the tower. The local governmental public safety agency shall at its expense conduct a structural analysis and wind load analysis of the tower that includes any existing and proposed loads of antennas, cabling, and appurtenances, and shall perform a radio frequency interference analysis of the local governmental public safety agency's proposed equipment with all other equipment on the tower on the date of the request for permission.

(5) The director may deny permission to install or attach local governmental public safety equipment to a tower constructed under this act only if the structural, wind load, or radio frequency interference analysis determines that the installation or attachment will structurally impair the tower or harmfully interfere with the operation of the Michigan public safety communications system.

(6) For purposes of this section, local governmental public safety agency includes a Michigan Indian tribal police force that is part of an Indian tribe that has a valid gaming compact with the state of Michigan and is paying the state of Michigan 8% of its gross gaming proceeds.

(7) The director may rescind the permission to install or attach equipment to a tower if the equipment of a local governmental public safety agency impedes funded upgrades to the Michigan public safety communications system. The determination regarding impediments to future funded upgrades shall be limited to structural, wind load, and radio frequency analysis only. Should the determination indicate that local governmental public safety equipment that has been placed on a tower under this act requires removal or relocation, the department shall notify the local governmental public safety agency in writing and provide a copy of the determination to that local governmental public safety agency. The department shall allow the local governmental public safety agency sufficient time, not to exceed 1 calendar year from the date of written notification, to relocate or remove the equipment.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved _____

Governor