

HOUSE BILL NO. 5035

June 16, 2021, Introduced by Reps. Hope, Coleman, Sabo, Aiyash, Sowerby, Scott, Puri, Weiss, Anthony, Morse, Brabec, Young, Hood, Cavanagh and Whitsett and referred to the Committee on Communications 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; 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 2014 PA 564.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) The department of state police shall broadcast all
- 2 police dispatches and reports that have a reasonable relation to or

1 connection with the apprehension of criminals, the prevention of
2 crime, or the maintenance of peace, order, and public safety in
3 this state.

4 (2) The director of the department of technology, management,
5 and budget and the director of the department of state police
6 jointly may authorize any public safety agency or person to utilize
7 the Michigan public safety communications system for communications
8 consistent with federal rules and regulations or to utilize the
9 Michigan public safety communications system for collocations.

10 ~~Collocations by a person other than a governmental entity shall be~~
11 ~~authorized only to provide service in 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~~**must** be comparable to the costs charged to other public
18 safety agencies. Costs associated with collocating on the Michigan
19 public safety communications system paid by a person other than a
20 public safety agency ~~shall~~**must** be comparable to the costs charged
21 to other 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, **Before January 15,**~~
26 **2018,** a governmental entity that is not a public safety agency
27 shall not collocate on the Michigan public safety communications
28 system for any commercial or business purpose. Beginning ~~3 years~~
29 ~~after the effective date of the amendatory act that added this~~

1 ~~subsection, January 15, 2018,~~ a governmental entity that is not a
2 public safety agency may collocate on the Michigan public safety
3 communications system for a commercial or business purpose. ~~only to~~
4 ~~provide service in a service needs area.~~

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

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

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

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

3 (8) As used in this section:

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

12 (b) "Commercial or business purpose" does not include those
13 uses of the Michigan public safety communications system approved
14 ~~before the effective date of the amendatory act that added~~
15 ~~subsection (3)~~ **January 15, 2015**, or uses consistent with federal
16 rules and regulations in connection with the allocation of wireless
17 spectrum for public safety communication.

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

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

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