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EXECUTIVE DIRECTIVE No. 2003-12

WHEREAS, under Section 1 of 1929 PA 152, MCL 28.281, the Michigan Public Safety Communications System ("MPSCS") was created as an 800-megahertz radio system and telecommunications network within the Department of State Police, including all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and safety of the MPSCS;

WHEREAS, under Section 2 of 1929 PA 152, MCL 28.281, the Director of the Department of State Police and the Director of the Department of Management and Budget were given responsibility for the construction, implementation, operation, and maintenance of the MPSCS;

WHEREAS, under Section 3 of 1929 PA 152, MCL 28.281, the Director of the Department of State Police was authorized to allow any governmental public safety agency to utilize the MPSCS;

WHEREAS, all of the powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources involved in or related to the provision of information technology services located within any executive branch department or agency, including the MPSCS, were transferred by Executive Order No. 2001-3 to the Department of Information Technology;

WHEREAS, since 1994, the State of Michigan has expended over \$200 million to create the MPSCS, including the construction of 181 radio tower sites throughout the state to deliver a robust communications system for the protection of citizens, law enforcement officers, and property;

WHEREAS, because the MPSCS represents a substantial and nationally-recognized investment, it is important that the State of Michigan encourage the widespread use of the System, maximize the benefits of the State's investment and enhance coordination of communications;

WHEREAS, statewide mobile public safety radio communication interoperability is vital to emergency management and homeland security concerns, particularly those created by Michigan's close geographic proximity to Canada and the Great Lakes, where a high volume of commerce flows into the United States;

WHEREAS, the reliable, clear, and complete communication services provided by MPSCS are essential in providing public safety officers and first responders with the fast and accurate information they need to do their jobs effectively;

WHEREAS, expanded local participation, increased interoperability, and enhanced communication with additional governmental public safety agencies will improve the effectiveness of the MPSCS and assist first responders throughout Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the power vested in the Governor by the Michigan Constitution of 1963, including Article V, Section 8, and the laws of the State of Michigan direct:

A. Responsible department directors and autonomous agency heads shall permit any governmental public safety agency to install public safety communications equipment upon MPSCS towers and related facilities constructed, operated, and maintained under 1929 PA 152, MCL 28.281 to 28.283, if all of the following apply:

1. The governmental public safety agency seeking to utilize the MPSCS agrees to pay all costs associated with the installation, maintenance, or removal of the public safety communications equipment.
2. The governmental public safety agency seeking to utilize the MPSCS agrees to pay any damages

to the MPSCS caused by the agency's public safety communications equipment or by the installation or maintenance of the equipment.

3. The governmental public safety agency seeking to utilize the MPSCS demonstrates to the satisfaction of the department or agency responsible for the operation of the MPSCS that the installation of public safety communications equipment by the governmental public safety agency will not structurally impair or degrade the operation of the MPSCS. Information provided by a governmental public safety agency under this paragraph shall include an analysis of the structural, wind load, and radio frequency impact of the proposed installation.

4. The governmental public safety agency seeking to utilize the MPSCS demonstrates to the satisfaction of the department or agency responsible for the operation of the MPSCS that the installation of public safety communications equipment by the governmental public safety agency will provide an appropriate level of interoperability with the MPSCS. As used in this Directive, interoperability means the use of necessary communications technologies and systems to enable different public safety agencies to communicate seamlessly and reliably with each other.

5. The department or agency responsible for the operation of the MPSCS determines that the installation of the public safety communications equipment complies with any requirements imposed by the Federal Communications Commission.

6. The Department of Attorney General provides the department or agency responsible for the operation of the MPSCS with all of the following in writing:

- a. A determination that the proposed installation of public safety communications equipment by and related activities of the governmental public safety agency would not violate state or federal law.
- b. A determination that the proposed installation of public safety communications equipment by and related activities of the governmental public safety agency would not impair a bond or other debt obligation of the State Building Authority issued under 1964 PA 183, MCL 830.411 to 830.425.

7. The department or agency responsible for the operation of the MPSCS and the governmental public safety agency seeking to utilize the MPSCS enter into an agreement governing the cost, installation, and priority of equipment and utilization of the MPSCS by the governmental public safety agency. Prior to its execution, the agreement must be approved by the Department of Management and Budget and approved as to legal form by the Department of Attorney General.

B. A final agency determination under Section A is subject to review as provided in the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

C. Departments and autonomous agencies shall actively cooperate with governmental public safety agencies to facilitate the use of the MPSCS, including the installation of public safety communications equipment by governmental public safety agencies pursuant to this Directive. While the State of Michigan will continue to work to maximize the benefits derived from the MPSCS and encourage public safety agencies to join the MPSCS, it is the goal of this Administration to work cooperatively with public safety agencies to promote usage of the MPSCS, ensure interoperability whenever possible, and develop effective communication among public safety personnel and first responders. All in public safety share one common goal: protecting Michigan residents, visitors, and property.

D. Any state agency or department not utilizing the MPSCS for two-way mobile radio communications is directed to develop a plan, in coordination with the Departments of Information Technology and State Police, to integrate radio communications with the MPSCS and to migrate radio communications to the MPSCS.

E. To the extent permitted by state and federal law, the department or agency responsible for the operation of the MPSCS may utilize, or enter into agreements to utilize, the MPSCS to facilitate the efficient and effective operation within this state of the Emergency Alert System created under Part 11 of Title 47 of the Code of Federal Regulations.

The cooperation of department directors and autonomous agency heads in complying with this Directive is appreciated.

Given under my hand this 17th day of April, 2003.

Jennifer M. Granholm
GOVERNOR

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