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Release Date: August 06, 2003
Last Update: June 01, 2005

EXECUTIVE DIRECTIVE No. 2003-13

MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM AMENDMENT OF EXECUTIVE DIRECTIVE 2003-12

WHEREAS, on April 17, 2003, Executive Directive 2003-12 modified the policy of the Executive Branch regarding use of the Michigan Public Safety Communications System by governmental public safety agencies;

WHEREAS, it is necessary to amend Executive Directive 2003-12 to ensure expanded participation by governmental public safety agencies, increased interoperability, and enhanced communication, thereby improving the effectiveness of the Michigan Public Safety Communications System;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order that Executive Directive 2003-12 be amended to read as follows:

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 28.282, 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 28.283, the Director of the Department of State Police was authorized to allow any governmental public safety agency ("Agency") to use 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 2001-3 to the Department of Information Technology;

WHEREAS, all of the authority, powers, functions, duties, and responsibilities pertaining to the planning, management and operation, capital renewal, and acquisition of buildings and facilities of Executive Branch agencies, excluding the Michigan Department of Transportation, Department of Military and Veterans Affairs and Department of Natural Resources, were transferred to the Department of Management and Budget by Executive Order 2002-20;

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 of Michigan'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 participation, increased interoperability, and enhanced communication with additional state, federal, local, and tribal public safety agencies, including but not limited to police agencies and fire departments, 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. The Director of the Department of State Police is directed, consistent with Article V, Section 8 of the Michigan Constitution of 1963, 1929 PA 152, MCL 28.281 to 28.283, and this Directive, to permit an Agency to use the MPSCS by installing 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 Agency seeking to install equipment agrees to pay all costs, as determined by the Department of Management and Budget, associated with the application for use, installation, use, maintenance, or removal of the public safety communications equipment.

2. The Agency seeking to install equipment agrees to pay for any damages to the MPSCS caused by the Agency's public safety communications equipment or by the installation, maintenance, use, or removal of the equipment.

3. The Agency seeking to install equipment demonstrates to the satisfaction of the Directors of the Departments of Information Technology and State Police that the installation of public safety communications equipment by the Agency will not structurally impair or degrade the operation of the MPSCS. Information provided by an Agency under this paragraph shall include an analysis of the structural, wind load, and radio frequency impact of the proposed installation.

4. The Agency seeking to install equipment demonstrates to the satisfaction of the Directors of the Departments of Information Technology and State Police that the installation of public safety communications equipment by the Agency will provide an appropriate level of interoperability with the MPSCS, if any, for the equipment proposed for installation.

5. The Agency seeking to install equipment demonstrates to the satisfaction of the Directors of the Departments of Information Technology and State Police that the installation of the public safety communications equipment will comply with any requirements imposed by the Federal Communications Commission.

6. The Agency seeking to install equipment demonstrates to the satisfaction of the Director of the Department of Management and Budget that the installation of public safety communications equipment by the Agency will not impair a bond or debt obligation of the State Building Authority issued under 1964 PA 183, MCL 830.411 to 830.425. In making a determination under this paragraph, the Department of Management and Budget may rely upon a written opinion issued by the Department of Attorney General or nationally-recognized bond counsel approved by the State Building Authority.

7. The Department of Management and Budget, on behalf of this state, and the Agency seeking to install equipment enter into an agreement governing the cost, installation, and priority of equipment and use of the MPSCS by the Agency, to the extent not prohibited by any lease agreement between the State Building Authority and this state. Prior to its execution, the agreement must be approved as to legal form by the Department of Attorney General and the State Administrative Board.

B. An order, decision, or opinion under this Directive or 1929 PA 152, MCL 28.281 to 28.283, may be appealed to the extent provided under Section 631 of the Revised Judicature Act of 1961, 1961 PA

236, MCL 600.631.

C. Departments and autonomous agencies are directed to 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, achieve 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 governmental public safety 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 Departments of Information Technology and Management and Budget may use, or enter into agreements to use, 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.

F. As used in this directive the terms "governmental public safety agency" or "Agency" have the same meaning as the term "governmental public safety agency" under 1929 PA 152, MCL 28.281 to 28.283.

G. 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.

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

Given under my hand this 6th day of August, 2003.

Jennifer M. Granholm
GOVERNOR

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