

SUBSTITUTE FOR
HOUSE BILL NO. 5271

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1264.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1264. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
2 SCHOOL DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL
3 ACADEMY SHALL NOT ACQUIRE A SITE FOR THE CONSTRUCTION OF A SCHOOL
4 BUILDING OR, IF A SITE WAS ACQUIRED BEFORE THE EFFECTIVE DATE OF
5 THIS SECTION, COMMENCE CONSTRUCTION OF A SCHOOL BUILDING ON THE
6 SITE UNLESS THE BOARD OR BOARD OF DIRECTORS HAS CONDUCTED AN
7 ENVIRONMENTAL ASSESSMENT OF THE SITE TO DETERMINE WHETHER THE SITE
8 IS A FACILITY.

9 (2) IF THE ENVIRONMENTAL ASSESSMENT UNDER SUBSECTION (1)

1 INDICATES THAT THE SITE IS A FACILITY, ALL OF THE FOLLOWING APPLY:

2 (A) NOT LESS THAN 28 DAYS BEFORE ACQUIRING THE SITE FOR THE
3 CONSTRUCTION OF A SCHOOL BUILDING OR, IF THE SITE WAS ACQUIRED
4 BEFORE THE EFFECTIVE DATE OF THIS SECTION, COMMENCING CONSTRUCTION
5 OF A SCHOOL BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS
6 SHALL PROVIDE PUBLIC NOTICE OF THE RESULTS OF THE ENVIRONMENTAL
7 ASSESSMENT BY BOTH OF THE FOLLOWING MEANS:

8 (i) POSTING ON THE SCHOOL DISTRICT'S, INTERMEDIATE SCHOOL
9 DISTRICT'S, OR PUBLIC SCHOOL ACADEMY'S WEBSITE, IF ANY.

10 (ii) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
11 TERRITORY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
12 OR, IN THE CASE OF A PUBLIC SCHOOL ACADEMY, IN THE TERRITORY OF THE
13 SCHOOL DISTRICT WHERE THE SITE IS LOCATED.

14 (B) THE BOARD OR THE BOARD OF DIRECTORS SHALL NOT COMMENCE
15 CONSTRUCTION OF A SCHOOL BUILDING AT THE SITE UNLESS A LICENSED
16 PROFESSIONAL ENGINEER HAS ATTESTED UNDER SEAL THAT PLANNED RESPONSE
17 ACTIVITIES WILL SATISFY THE CLEANUP CRITERIA FOR LIMITED
18 RESIDENTIAL USE UNDER SECTION 20120A(1)(F) AND (17) OR PLANNED
19 CORRECTIVE ACTION WILL SATISFY THE CLEANUP CRITERIA FOR RESTRICTED
20 RESIDENTIAL USE UNDER PART 213.

21 (C) IF THE BOARD OR BOARD OF DIRECTORS CONSTRUCTS A SCHOOL
22 BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS SHALL
23 COMPLETE ALL OF THE FOLLOWING AT THE FACILITY:

24 (i) RESPONSE ACTIVITIES UNDER SECTION 20107A OF THE NATURAL
25 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
26 324.20107A.

27 (ii) RESPONSE ACTIVITIES THAT SATISFY THE CLEANUP CRITERIA FOR

1 LIMITED RESIDENTIAL USE UNDER SECTION 20120A(1) (F) AND (17) OR
2 CORRECTIVE ACTION THAT SATISFIES THE CLEANUP CRITERIA FOR
3 RESTRICTED RESIDENTIAL USE UNDER PART 213 UNLESS THE BOARD OR BOARD
4 OF DIRECTORS COMPLETES RESPONSE ACTIVITIES THAT SATISFY THE CLEANUP
5 CRITERIA FOR RESIDENTIAL USE UNDER SECTION 20120A(1) (A) AND (17) OR
6 CORRECTIVE ACTION THAT SATISFIES THE CLEANUP CRITERIA FOR
7 UNRESTRICTED RESIDENTIAL USE UNDER PART 213.

8 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

9 (A) THE MAINTENANCE, REPAIR, OR IMPROVEMENT OF AN EXISTING
10 BUILDING OR RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD.

11 (B) THE REPLACEMENT OF AN EXISTING RECREATIONAL OR ATHLETIC
12 STRUCTURE.

13 (4) AS USED IN THIS SECTION:

14 (A) "ENVIRONMENTAL ASSESSMENT" MEANS A PHASE I ENVIRONMENTAL
15 ASSESSMENT CONDUCTED IN ACCORDANCE WITH ASTM INTERNATIONAL STANDARD
16 E1527, "STANDARD PRACTICE FOR ENVIRONMENTAL SITE ASSESSMENTS: PHASE
17 I ENVIRONMENTAL SITE ASSESSMENT PROCESS" ALONG WITH SUFFICIENT
18 ENVIRONMENTAL SAMPLING OF RECOGNIZED ENVIRONMENTAL CONCERNS, IF
19 SUCH SAMPLING IS NECESSARY TO DETERMINE WHETHER THE PROPERTY IS A
20 FACILITY.

21 (B) "FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 20101 OF
22 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
23 451, MCL 324.20101.

24 (C) "RESPONSE ACTIVITY" MEANS THAT TERM AS DEFINED IN SECTION
25 20101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
26 1994 PA 451, MCL 324.20101.

27 (D) "SCHOOL BUILDING" MEANS ANY OF THE FOLLOWING:

1 (i) A BUILDING INTENDED TO BE USED TO PROVIDE INSTRUCTION FOR
2 PUPILS, INCLUDING AN ADDITION TO AN EXISTING BUILDING.

3 (ii) A RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD INTENDED TO
4 BE USED BY PUPILS.

5 (E) "SCHOOL BUILDING" DOES NOT INCLUDE PLAYGROUND OR EXERCISE
6 EQUIPMENT.

7 Enacting section 1. This amendatory act does not take effect
8 unless House Bill No. 5991 of the 95th Legislature is enacted into
9 law.