

SENATE BILL No. 100

January 26, 2005, Introduced by Senators GARCIA, HARDIMAN, BASHAM and HAMMERSTROM and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1263. (1) The board of a school district shall not build
2 a school upon a site without having prior title in fee to the site,
3 a lease for not less than 99 years, or a lease for not less than 50
4 years from the United States government, or this state, or a
5 political subdivision of this state.

6 (2) The board of a school district shall not build a frame
7 school on a site for which it does not have a title in fee or a
8 lease for 50 years without securing the privilege of removing the

1 school.

2 (3) The board of a school district **OR BOARD OF DIRECTORS OF A**
3 **PUBLIC SCHOOL ACADEMY** shall not design or build a school building
4 to be used for instructional or noninstructional school purposes or
5 design and implement the design for a school site unless the design
6 or construction is in compliance with ~~Act No. 306 of the Public~~
7 ~~Acts of 1937, being sections 388.851 to 388.855a of the Michigan~~
8 ~~Compiled Laws 1937 PA 306, MCL 388.851 TO 388.855A. The~~
9 ~~superintendent of public instruction has sole and exclusive~~
10 ~~jurisdiction over the review and approval of plans and~~
11 ~~specifications for the construction, reconstruction, or remodeling~~
12 ~~of school buildings used for instructional or noninstructional~~
13 ~~school purposes and of site plans for those school buildings.~~

14 **BEGINNING WITH PUBLIC SCHOOLS BUILT OR OCCUPIED AFTER THE EFFECTIVE**
15 **DATE OF THE 2005 AMENDATORY ACT THAT AMENDED THIS SUBSECTION, ALL**
16 **OF THE FOLLOWING APPLY TO THE CONSTRUCTION OR LOCATION OF A PUBLIC**
17 **SCHOOL:**

18 (A) ALL LOCAL ZONING LAWS GENERALLY APPLICABLE IN THE
19 JURISDICTION WHERE THE PUBLIC SCHOOL WILL BE LOCATED APPLY TO THE
20 LOCATION AND SITING OF THE PUBLIC SCHOOL, AND THE BOARD OF THE
21 SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR INTERMEDIATE SCHOOL
22 DISTRICT, OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY, THAT
23 WILL OPERATE THE SCHOOL SHALL ENSURE THAT THE LOCATION AND SITING
24 OF THE PUBLIC SCHOOL COMPLY WITH THOSE LOCAL ZONING LAWS.

25 (B) AT LEAST 30 DAYS BEFORE COMMENCING CONSTRUCTION OF THE
26 PUBLIC SCHOOL, OR BEFORE OCCUPYING AN EXISTING BUILDING FOR PUBLIC
27 SCHOOL PURPOSES, THE BOARD OF THE SCHOOL DISTRICT, LOCAL ACT SCHOOL

1 DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT, OR BOARD OF DIRECTORS OF
2 THE PUBLIC SCHOOL ACADEMY, THAT WILL OPERATE THE SCHOOL SHALL
3 NOTIFY ALL RESIDENTS RESIDING WITHIN 1,500 FEET OF THE SITE OF THE
4 INTENT TO CONSTRUCT OR OCCUPY THE BUILDING FOR PUBLIC SCHOOL
5 PURPOSES. THE NOTIFICATION SHALL INCLUDE A COPY OF THE SITE PLAN.