

HOUSE BILL No. 5535

February 19, 1992, Introduced by Reps. Barns, Jondahl, Harder, Gire, Owen, Pitoniak and Rocca and referred to the Committee on Education.

A bill to amend Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, by adding section 1262a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1976, as
2 amended, being sections 380.1 to 380.1852 of the Michigan
3 Compiled Laws, is amended by adding section 1262a to read as
4 follows:

5 SEC. 1262A. (1) AS USED IN THIS SECTION:

6 (A) "BOARD" MEANS THE BOARD OF A SCHOOL DISTRICT, A LOCAL
7 ACT SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT.

1 (B) "ENVIRONMENTAL RESPONSE ACT" MEANS THE ENVIRONMENTAL
2 RESPONSE ACT, ACT NO. 307 OF THE PUBLIC ACTS OF 1982, BEING
3 SECTIONS 299.601 TO 299.618 OF THE MICHIGAN COMPILED LAWS.

4 (C) "HAZARDOUS SUBSTANCE" MEANS THAT TERM AS DEFINED IN SEC-
5 TION 3 OF THE ENVIRONMENTAL RESPONSE ACT, BEING SECTION 299.603
6 OF THE MICHIGAN COMPILED LAWS.

7 (D) "PROPERTY" MEANS REAL PROPERTY, AND INCLUDES A STRUCTURE
8 ON REAL PROPERTY.

9 (E) "RELEASE" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE
10 ENVIRONMENTAL RESPONSE ACT.

11 (2) SUBJECT TO SUBSECTION (3), BEFORE CONSTRUCTING OR REMOD-
12 ELING A STRUCTURE THAT IS INTENDED FOR STUDENT USE, A BOARD SHALL
13 DO ALL OF THE FOLLOWING:

14 (A) CONDUCT A VISUAL INSPECTION OF THE PROPERTY UPON OR
15 WITHIN WHICH THE STRUCTURE WILL BE SITUATED AND REVIEW THE OWNER-
16 SHIP AND HISTORY OF USE OF THE PROPERTY TO DETERMINE WHETHER A
17 PROBABILITY EXISTS THAT A HAZARDOUS SUBSTANCE HAS BEEN RELEASED,
18 DEPOSITED, STORED, DISPOSED OF, OR OTHERWISE LOCATED UPON THE
19 PROPERTY.

20 (B) IF THE VISUAL INSPECTION OR REVIEW OF THE OWNERSHIP OR
21 USE HISTORY INDICATES THAT A RELEASE OR THREAT OF RELEASE MAY
22 OCCUR, OR IF THE HISTORY OF USE CANNOT BE ASCERTAINED, THE BOARD
23 SHALL CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE PROPERTY THAT
24 INCLUDES AN ON-SITE EVALUATION OF THE NATURE AND EXTENT, IF ANY,
25 OF THE RELEASE OR THREAT OF RELEASE, AND AN INSPECTION OF EACH
26 PERMANENT STRUCTURE, IF ANY, ON THE PROPERTY FOR THE PRESENCE OF
27 A HAZARDOUS SUBSTANCE.

1 (C) IF THE ENVIRONMENTAL ASSESSMENT DESCRIBED IN SUBDIVISION
2 (B) DISCLOSES A RELEASE OR THREAT OF A RELEASE, THE BOARD SHALL
3 DO ALL OF THE FOLLOWING:

4 (i) PREPARE A REPORT OF THE FINDINGS AND CONCLUSIONS OF THE
5 ENVIRONMENTAL ASSESSMENT, AND MAKE THAT REPORT AVAILABLE TO THE
6 PUBLIC.

7 (ii) PROVIDE PUBLIC NOTICE OF THE AVAILABILITY OF THE REPORT
8 DESCRIBED IN SUBPARAGRAPH (i).

9 (iii) SUBMIT THE REPORT DESCRIBED IN SUBPARAGRAPH (i) TO THE
10 DEPARTMENT OF NATURAL RESOURCES.

11 (3) THIS SECTION DOES NOT APPLY TO A MINOR IMPROVEMENT OR TO
12 THE MAINTENANCE AND REPAIR OF AN EXISTING STRUCTURE. AS USED IN
13 THIS SECTION, "MINOR IMPROVEMENT" MEANS AN IMPROVEMENT TO PROP-
14 ERTY THAT COSTS A TOTAL OF \$5,000.00 OR LESS.