

HOUSE BILL No. 5187

October 11, 2001, Introduced by Reps. Pappageorge, Ehardt, Julian, Raczkowski, DeWeese and Bishop and referred to the Committee on Land Use and Environment.

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
2 build a school upon a site without having prior title in fee to
3 the site, a lease for not less than 99 years, or a lease for not
4 less than 50 years from the United States government, or this
5 state, or a 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
9 school.

1 (3) The board of a school district OR BOARD OF DIRECTORS OF
2 A PUBLIC SCHOOL ACADEMY shall not design or build a school
3 building to be used for instructional or noninstructional school
4 purposes or design and implement the design for a school site
5 unless the design or construction is in compliance with ~~Act~~
6 ~~No. 306 of the Public Acts of 1937, being sections 388.851 to~~
7 ~~388.855a of the Michigan Compiled Laws~~ 1937 PA 306, MCL 388.851
8 TO 388.855A. ~~The superintendent of public instruction has sole~~
9 ~~and exclusive jurisdiction over the review and approval of plans~~
10 ~~and specifications for the construction, reconstruction, or~~
11 ~~remodeling of school buildings used for instructional or nonin-~~
12 ~~structional school purposes and of site plans for those school~~
13 ~~buildings.~~ BEGINNING WITH PUBLIC SCHOOLS BUILT OR OCCUPIED AFTER
14 THE EFFECTIVE DATE OF THE 2001 AMENDATORY ACT THAT AMENDED THIS
15 SUBSECTION, ALL OF THE FOLLOWING APPLY TO THE CONSTRUCTION OR
16 LOCATION OF A PUBLIC SCHOOL:

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

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

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