

# HOUSE BILL No. 5479

December 1, 2005, Introduced by Reps. LaJoy, Ward, Taub, Marleau, Plakas and Schuitmaker and referred to the Committee on Natural Resources, Great Lakes, 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 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  
9 school.

10       (3) The **GOVERNING** board of a **PUBLIC** school ~~district~~ shall

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

12 (4) UNLESS THE SITE IS LOCATED WITHIN A CITY OR VILLAGE, THE  
13 GOVERNING BOARD OF A PUBLIC SCHOOL SHALL NOT BUILD OR EXPAND A HIGH  
14 SCHOOL BUILDING ON A SITE WITHOUT FIRST SUBMITTING A SITE PLAN TO  
15 THE LOCAL ZONING AUTHORITY FOR ADMINISTRATIVE REVIEW AS PROVIDED  
16 UNDER THIS SUBSECTION. NOT LATER THAN 60 DAYS AFTER RECEIVING THE  
17 SITE PLAN, THE LOCAL ZONING AUTHORITY SHALL RESPOND TO THE  
18 GOVERNING BOARD WITH EITHER A WRITTEN NOTICE THAT THE LOCAL ZONING  
19 AUTHORITY CONCURS WITH THE SITE PLAN OR WITH WRITTEN SUGGESTED  
20 CHANGES TO THE SITE PLAN. IF THE LOCAL ZONING AUTHORITY DOES NOT  
21 RESPOND TO THE GOVERNING BOARD WITH EITHER OF THESE OPTIONS, THE  
22 GOVERNING BOARD SHALL BE CONSIDERED TO HAVE RECEIVED A WRITTEN  
23 NOTICE OF CONCURRENCE FROM THE LOCAL ZONING AUTHORITY. IF THERE ARE  
24 WRITTEN SUGGESTED CHANGES, THEN NOT LATER THAN 45 DAYS AFTER  
25 RECEIVING THE WRITTEN SUGGESTED CHANGES, THE GOVERNING BOARD SHALL  
26 RESPOND TO THE LOCAL ZONING AUTHORITY WITH A REVISED SITE PLAN THAT  
27 INCORPORATES THE CHANGES OR WITH AN EXPLANATION OF WHY THE CHANGES

1 ARE NOT BEING MADE. THIS SUBSECTION APPLIES TO EXPANSION OF A HIGH  
2 SCHOOL BUILDING ONLY IF THE EXPANSION WILL RESULT IN THE SQUARE  
3 FOOTAGE OF THE HIGH SCHOOL BUILDING BEING INCREASED BY AT LEAST  
4 20%. THIS SUBSECTION DOES NOT APPLY TO TEMPORARY STRUCTURES OR  
5 FACILITIES THAT ARE NECESSARY DUE TO UNEXPECTED ENROLLMENT  
6 INCREASES AND THAT ARE USED FOR NOT MORE THAN 2 YEARS.

7 (5) A LOCAL ZONING AUTHORITY SHALL NOT CHARGE A GOVERNING  
8 BOARD A FEE FOR THE PROCESS PRESCRIBED UNDER SUBSECTION (4) THAT  
9 EXCEEDS \$250.00 FOR AN ADMINISTRATIVE REVIEW OR \$1,500.00 FOR TOTAL  
10 COSTS INCURRED BY A LOCAL ZONING AUTHORITY UNDER SUBSECTION (4) FOR  
11 THE SPECIFIC PROJECT INVOLVED.

12 (6) AS USED IN THIS SECTION:

13 (A) "HIGH SCHOOL BUILDING" MEANS ANY STRUCTURE OR FACILITY  
14 THAT IS USED FOR INSTRUCTIONAL PURPOSES, THAT OFFERS AT LEAST 1 OF  
15 GRADES 9 TO 12, AND THAT INCLUDES AN ATHLETIC FIELD OR FACILITY.

16 (B) "LOCAL ZONING AUTHORITY" MEANS THE ZONING AUTHORITY FOR  
17 THE JURISDICTION IN WHICH THE CONSTRUCTION OR EXPANSION OF A HIGH  
18 SCHOOL BUILDING IS TO OCCUR.