

SENATE BILL No. 418

April 26, 2005, Introduced by Senators CLARKE, CLARK-COLEMAN, SCOTT, BASHAM, BRATER and LELAND and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
 "The revised school code,"
 by amending section 431a (MCL 380.431a), as amended by 2004 PA 303.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 431a. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN**
 2 **SUBSECTION (4), THE** board of the first class school district may
 3 take, use, hold, lease, sell, and convey real and personal
 4 property, including property received by gift, devise, or bequest,
 5 for the use of the public school within and without its corporate
 6 limits. Proceeds from the sale of real property shall be credited
 7 to accounts of the school district as provided in section 1262. The
 8 first class school district board has the power to purchase, lease,
 9 and take by the right of eminent domain all property; erect and

1 maintain or lease all buildings; employ and pay all persons; and do
2 all other things in its judgment necessary for the proper
3 establishment and management of the public schools. If the question
4 under section 410 is approved in the first class school district,
5 then the chief executive officer appointed under section 420 has
6 the powers and shall perform the duties of the board of the first
7 class school district under this subsection.

8 (2) The first class school district board may adopt and revise
9 as appropriate bylaws and regulations for conducting the business
10 of the board and, if the question under section 410 is not approved
11 in the first class school district, for the control and government
12 of all schools, school property, and pupils in the first class
13 school district.

14 (3) If property is sought to be taken by eminent domain,
15 proceedings may be brought under 1911 PA 149, MCL 213.21 to 213.25,
16 or the uniform condemnation procedures act, 1980 PA 87, MCL 213.51
17 to 213.75.

18 (4) FOR A SCHOOL DISTRICT THAT IS A FIRST CLASS SCHOOL
19 DISTRICT AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
20 THIS SUBSECTION, UNTIL JANUARY 1, 2006 THE FIRST CLASS SCHOOL
21 DISTRICT SHALL NOT SELL OR CONVEY, OR ENTER INTO AN AGREEMENT TO
22 SELL OR CONVEY, ANY REAL OR PERSONAL PROPERTY OF THE SCHOOL
23 DISTRICT.