

# HOUSE BILL No. 5271

August 19, 2009, Introduced by Reps. Tlaib, Liss, Roberts, Robert Jones, Bledsoe, Lisa Brown, Smith, Jackson, Johnson, Durhal, Haugh, Kennedy and Nathan and referred to the Committee on Great Lakes and Environment.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1264.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 1264. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE  
2 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY  
3 SHALL NOT ACQUIRE A SITE FOR THE CONSTRUCTION OF A SCHOOL BUILDING  
4 OR CONSTRUCT A SCHOOL BUILDING ON A SITE UNLESS THE BOARD OR BOARD  
5 OF DIRECTORS FIRST CONDUCTS A PRELIMINARY ENVIRONMENTAL ASSESSMENT  
6 OF THE SITE TO DETERMINE WHETHER THE SITE IS A FACILITY.

7           (2) IF A PRELIMINARY ENVIRONMENTAL ASSESSMENT OF A SITE UNDER  
8 SUBSECTION (1) INDICATES THAT THE SITE IS A FACILITY, THEN THE

1 BOARD OR BOARD OF DIRECTORS SHALL NOT ACQUIRE THE SITE OR CONSTRUCT  
2 A SCHOOL BUILDING ON THE SITE UNLESS THE BOARD OR BOARD OF  
3 DIRECTORS COMPLETES THE RESPONSE ACTIVITY REQUIRED FOR THE FACILITY  
4 UNDER PART 201 OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
5 PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO 324.20142.

6 (3) AS USED IN THIS SECTION:

7 (A) "FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 20101 OF  
8 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
9 451, MCL 324.20101.

10 (B) "RESPONSE ACTIVITY" MEANS THAT TERM AS DEFINED IN SECTION  
11 20101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
12 1994 PA 451, MCL 324.20101.

13 (C) "SCHOOL BUILDING" MEANS A BUILDING INTENDED TO BE USED TO  
14 PROVIDE INSTRUCTION FOR PUPILS OR A RECREATIONAL OR ATHLETIC  
15 STRUCTURE OR FIELD INTENDED TO BE USED BY PUPILS.