

# HOUSE BILL No. 4956

September 4, 2013, Introduced by Rep. Foster and referred to the Committee on Education.

A bill to amend 1984 PA 431, entitled  
"The management and budget act,"  
(MCL 18.1101 to 18.1594) by adding section 251a.

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

1           SEC. 251A. (1) THE GOVERNING BOARD OF A PUBLIC SCHOOL MAY  
2       SUBMIT A REQUEST TO THE DIRECTOR, IN A FORM AND MANNER PRESCRIBED  
3       BY THE DIRECTOR, TO PURCHASE OR LEASE AN UNUSED STATE FACILITY FOR  
4       EDUCATIONAL PURPOSES.

5           (2) IF THE DIRECTOR, IN CONSULTATION WITH THE SUPERINTENDENT  
6       OF PUBLIC INSTRUCTION, DETERMINES THAT A PUBLIC SCHOOL MAKING A  
7       REQUEST UNDER SUBSECTION (1) WILL USE THE UNUSED STATE FACILITY FOR  
8       A LAWFUL INSTRUCTIONAL PURPOSE AND THAT THE FACILITY IS AN UNUSED  
9       STATE FACILITY, THE DIRECTOR SHALL SELL OR LEASE THE FACILITY TO  
10      THE PUBLIC SCHOOL, AS REQUESTED BY THE PUBLIC SCHOOL. ALL OF THE  
11      FOLLOWING APPLY TO A SALE OR LEASE UNDER THIS SECTION:

1 (A) FOR A SALE, THE DIRECTOR SHALL CONVEY THE FACILITY TO THE  
2 PUBLIC SCHOOL IN THE MANNER PROVIDED BY LAW FOR THE SUM OF \$1.00.

3 (B) FOR A LEASE, THE DIRECTOR SHALL LEASE THE FACILITY TO THE  
4 PUBLIC SCHOOL FOR THE SUM OF \$1.00 PER YEAR FOR AS LONG AS THE  
5 FACILITY IS USED FOR A LAWFUL EDUCATIONAL PURPOSE BY THE PUBLIC  
6 SCHOOL, OR FOR A SHORTER TERM AT THE OPTION OF THE PUBLIC SCHOOL.

7 (C) DURING THE TERM OF A LEASE UNDER THIS SECTION, THE PUBLIC  
8 SCHOOL LEASING THE FACILITY IS RESPONSIBLE FOR THE DIRECT EXPENSES  
9 RELATED TO THE FACILITY LEASED, INCLUDING UTILITIES, INSURANCE,  
10 MAINTENANCE, REPAIRS, AND REMODELING. THIS INCLUDES RESPONSIBILITY  
11 FOR ANY IMPROVEMENTS NECESSARY TO MAKE THE FACILITY SUITABLE FOR  
12 USE FOR PUBLIC SCHOOL PURPOSES. THIS STATE IS RESPONSIBLE FOR ANY  
13 DEBT INCURRED FOR OR LIENS THAT ATTACHED TO THE FACILITY BEFORE THE  
14 PUBLIC SCHOOL LEASED THE FACILITY.

15 (D) A PUBLIC SCHOOL LEASING A FACILITY PURSUANT TO THIS  
16 SECTION AND THIS STATE MAY ENTER INTO A CONTRACT OR COOPERATIVE  
17 ARRANGEMENT CONCERNING GENERAL LIABILITY INSURANCE FOR THE PUBLIC  
18 SCHOOL'S OPERATIONS AT THE FACILITY.

19 (3) AS USED IN THIS SECTION:

20 (A) "PUBLIC SCHOOL" MEANS THAT TERM AS DEFINED IN THE REVISED  
21 SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852.

22 (B) "UNUSED STATE FACILITY" MEANS A BUILDING OWNED BY THIS  
23 STATE THAT HAS BEEN UNUSED FOR AT LEAST 3 YEARS AND IS NOT  
24 IDENTIFIED FOR REUSE BY ANY STATE AGENCY AS PART OF A 5-YEAR  
25 CAPITAL OUTLAY PLAN SUBMITTED TO THE DEPARTMENT BY A STATE AGENCY  
26 UNDER SECTION 242.