

# SENATE BILL No. 334

April 30, 2013, Introduced by Senator SMITH and referred to the Committee on Education.

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 THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL  
3        ACADEMY SHALL NOT ACQUIRE A SITE FOR THE CONSTRUCTION OF A SCHOOL  
4        BUILDING OR, IF A SITE WAS ACQUIRED BEFORE THE EFFECTIVE DATE OF  
5        THIS SECTION, COMMENCE CONSTRUCTION OF A SCHOOL BUILDING ON THE  
6        SITE UNLESS THE BOARD OR BOARD OF DIRECTORS HAS CONDUCTED AN  
7        ENVIRONMENTAL ASSESSMENT OF THE SITE TO DETERMINE WHETHER THE SITE  
8        IS A FACILITY.

9        (2) IF THE ENVIRONMENTAL ASSESSMENT UNDER SUBSECTION (1)

1 INDICATES THAT THE SITE IS A FACILITY, ALL OF THE FOLLOWING APPLY:

2 (A) NOT LESS THAN 28 DAYS BEFORE ACQUIRING THE SITE FOR THE  
3 CONSTRUCTION OF A SCHOOL BUILDING OR, IF THE SITE WAS ACQUIRED  
4 BEFORE THE EFFECTIVE DATE OF THIS SECTION, COMMENCING CONSTRUCTION  
5 OF A SCHOOL BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS  
6 SHALL PROVIDE PUBLIC NOTICE OF THE RESULTS OF THE ENVIRONMENTAL  
7 ASSESSMENT BY BOTH OF THE FOLLOWING MEANS:

8 (i) POSTING ON THE SCHOOL DISTRICT'S, INTERMEDIATE SCHOOL  
9 DISTRICT'S, OR PUBLIC SCHOOL ACADEMY'S WEBSITE, IF ANY.

10 (ii) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
11 TERRITORY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT  
12 OR, IN THE CASE OF A PUBLIC SCHOOL ACADEMY, IN THE TERRITORY OF THE  
13 SCHOOL DISTRICT WHERE THE SITE IS LOCATED.

14 (B) THE BOARD OR THE BOARD OF DIRECTORS SHALL NOT COMMENCE  
15 CONSTRUCTION OF A SCHOOL BUILDING AT THE SITE UNLESS A LICENSED  
16 PROFESSIONAL ENGINEER HAS ATTESTED UNDER SEAL THAT PLANNED RESPONSE  
17 ACTIVITIES WILL AT LEAST SATISFY THE CLEANUP CRITERIA FOR LIMITED  
18 RESIDENTIAL USE UNDER SECTION 20120A(1)(C) AND (17) OF THE NATURAL  
19 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
20 324.20120A, OR PLANNED CORRECTIVE ACTION WILL AT LEAST SATISFY THE  
21 CLEANUP CRITERIA FOR RESTRICTED RESIDENTIAL USE UNDER PART 213 OF  
22 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
23 451, MCL 324.21301A TO 324.21334.

24 (C) IF THE BOARD OR BOARD OF DIRECTORS CONSTRUCTS A SCHOOL  
25 BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS SHALL  
26 COMPLETE ALL OF THE FOLLOWING AT THE FACILITY:

27 (i) RESPONSE ACTIVITIES UNDER SECTION 20107A OF THE NATURAL

1 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
2 324.20107A.

3 (ii) RESPONSE ACTIVITIES THAT AT LEAST SATISFY THE CLEANUP  
4 CRITERIA FOR LIMITED RESIDENTIAL USE UNDER SECTION 20120A(1)(C) AND  
5 (17) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
6 1994 PA 451, MCL 324.20120A, OR CORRECTIVE ACTION THAT AT LEAST  
7 SATISFIES THE CLEANUP CRITERIA FOR RESTRICTED RESIDENTIAL USE UNDER  
8 PART 213 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
9 1994 PA 451, MCL 324.21301A TO 324.21334.

10 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

11 (A) THE MAINTENANCE, REPAIR, OR IMPROVEMENT OF AN EXISTING  
12 BUILDING OR RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD.

13 (B) THE REPLACEMENT OF AN EXISTING RECREATIONAL OR ATHLETIC  
14 STRUCTURE.

15 (4) AS USED IN THIS SECTION:

16 (A) "ENVIRONMENTAL ASSESSMENT" MEANS A PHASE I ENVIRONMENTAL  
17 ASSESSMENT CONDUCTED IN ACCORDANCE WITH ASTM INTERNATIONAL STANDARD  
18 E1527, "STANDARD PRACTICE FOR ENVIRONMENTAL SITE ASSESSMENTS: PHASE  
19 I ENVIRONMENTAL SITE ASSESSMENT PROCESS" ALONG WITH SUFFICIENT  
20 ENVIRONMENTAL SAMPLING OF RECOGNIZED ENVIRONMENTAL CONCERNS, IF  
21 SUCH SAMPLING IS NECESSARY TO DETERMINE WHETHER THE PROPERTY IS A  
22 FACILITY.

23 (B) "FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 20101 OF  
24 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
25 451, MCL 324.20101.

26 (C) "RESPONSE ACTIVITY" MEANS THAT TERM AS DEFINED IN SECTION  
27 20101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,

1 1994 PA 451, MCL 324.20101.

2 (D) "SCHOOL BUILDING" MEANS ANY OF THE FOLLOWING:

3 (i) A BUILDING INTENDED TO BE USED TO PROVIDE INSTRUCTION FOR  
4 PUPILS, INCLUDING AN ADDITION TO AN EXISTING BUILDING.

5 (ii) A RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD INTENDED TO  
6 BE USED BY PUPILS.

7 (E) "SCHOOL BUILDING" DOES NOT INCLUDE PLAYGROUND OR EXERCISE  
8 EQUIPMENT.