

SUBSTITUTE FOR
HOUSE BILL NO. 5660

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
2 build a school upon a site without having prior title in fee to
3 the site, a lease for not less than 99 years, or a lease for not
4 less than 50 years from the United States government, or this
5 state, or a 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
2 instructional or noninstructional school purposes or design and
3 implement the design for a school site unless the design or
4 construction is in compliance with ~~Act No. 306 of the Public~~
5 ~~Acts of 1937, being sections 388.851 to 388.855a of the Michigan~~
6 ~~Compiled Laws 1937 PA 306, MCL 388.851 to 388.855a.~~ The
7 superintendent of public instruction has sole and exclusive
8 jurisdiction over the review and approval of plans and
9 specifications for the construction, reconstruction, or
10 remodeling of school buildings used for instructional or
11 noninstructional school purposes and, **subject to subsections (4),**
12 **(5), and (6),** of site plans for those school buildings.

13 **(4) Subject to subsection (6), the governing board of a**
14 **public school shall not build or expand a school building on a**
15 **site without first submitting a site plan to the local zoning**
16 **authority for review as provided under this subsection. Not**
17 **later than 60 days after receiving the site plan, the local**
18 **zoning authority shall respond to the governing board with either**
19 **a written notice that the local zoning authority concurs with the**
20 **site plan or with written suggested changes to the site plan. If**
21 **the local zoning authority does not respond to the governing**
22 **board with either of these options, the governing board shall be**
23 **considered to have received a written notice of concurrence from**
24 **the local zoning authority. If there are written suggested**
25 **changes, then not later than 45 days after receiving the written**
26 **suggested changes, the governing board shall respond to the local**
27 **zoning authority with a revised site plan that incorporates the**

1 changes or with an explanation of why the changes are not being
2 made.

3 (5) If the governing board of a public school receives or is
4 considered to have received a written notice of concurrence from
5 a local zoning authority under subsection (4), the governing
6 board shall submit the site plan and the written notice of
7 concurrence to the superintendent of public instruction and may
8 proceed with the building or expansion. Subject to subsection
9 (6), if the governing board of a public school does not receive a
10 written notice of concurrence from a local zoning authority under
11 subsection (4), all of the following apply:

12 (a) The governing board shall submit the site plan to the
13 superintendent of public instruction and shall provide a copy of
14 the site plan to the local zoning authority together with written
15 notice that the site plan has been submitted to the
16 superintendent of public instruction. The superintendent of
17 public instruction shall approve or disapprove the site plan and
18 notify the governing board of the decision within 30 days after
19 the governing board submits the site plan.

20 (b) The governing board shall not proceed with the building
21 or expansion unless the site plan is approved by the
22 superintendent of public instruction.

23 (c) Not later than 10 days after receiving the notice under
24 subdivision (a), the local zoning authority may submit comments
25 to the superintendent of public instruction and the governing
26 board concerning its objections to the site plan.

27 (d) The superintendent of public instruction has sole and

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1 exclusive jurisdiction over the review and approval of the site
2 plan.

3 (6) Subsections (4) and (5) apply only as follows:

4 (a) Subsections (4) and (5) apply to school building
5 construction and expansion only for the 3-year period beginning
6 on the effective date of the amendatory act that added
7 subsections (4) and (5).

8 (b) Subsections (4) and (5) apply only to a public school
9 that is eligible for qualification of bonds under the school bond
10 loan fund program established under 1961 PA 108, MCL 388.951 to
11 388.963.

12 (c) Subsections (4) and (5) apply to expansion []
13 of a school building only if the expansion [] will
14 result in the square footage of the school building being
15 increased by at least 20%.

16 (d) Subsections (4) and (5) do not apply to temporary
17 structures or facilities that are necessary due to unexpected
18 enrollment increases and that are used for not more than 2
19 years.

20 (7) A local zoning authority shall not charge a governing
21 board a fee for the process prescribed under subsections (4) and
22 (5) that exceeds [\$250 for an applicable administrative review or \$1500
23 for total costs incurred by a local zoning authority] under subsections
24 (4) and (5) for the specific project involved.

25 (8) As used in subsections (4) to (6), "school building"
26 means any structure or facility used for instructional or
27 noninstructional school purposes and includes an athletic field

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1 or facility.

[(9) As used in subsections (4) to (8), "local zoning authority" means the zoning authority for the jurisdiction in which the construction or expansion of a school is to occur.]