

# HOUSE BILL No. 5660

March 17, 2004, Introduced by Reps. LaJoy, Ruth Johnson, Taub, Emmons, Ward,  
Brandenburg, Gaffney and Caswell and referred to the Committee on Land Use and  
Environment.

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 board of a school district **or board of directors of a**

1 **public school academy** shall not design or build a school building  
2 to be used for instructional or noninstructional school purposes  
3 or design and implement the design for a school site unless the  
4 design or construction is in compliance with ~~Act No. 306 of the~~  
5 ~~Public Acts of 1937, being sections 388.851 to 388.855a of the~~  
6 ~~Michigan Compiled Laws 1937 PA 306, MCL 388.851 to 388.855a.~~  
7 The 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, **after the expiration of the**  
12 **3-year period described in subsection (6),** of site plans for  
13 those school buildings.

14 (4) Subject to subsection (6), the board of a school district  
15 or board of directors of a public school academy shall not build  
16 or expand a school on a site without first submitting a site plan  
17 to the local zoning authority for review as provided under this  
18 subsection. Not later than 60 days after receiving the site  
19 plan, the local zoning authority shall respond to the board or  
20 board of directors with either a notice that the local zoning  
21 authority concurs with the site plan or with suggested changes to  
22 the site plan. If there are suggested changes, then not later  
23 than 45 days after receiving the suggested changes, the board or  
24 board of directors shall respond to the local zoning authority  
25 with either a revised site plan that incorporates the changes or  
26 with an explanation of why the changes are not being made.

27 (5) If the board of a school district or board of directors

1 of a public school academy receives a notice of concurrence from  
2 a local zoning authority under subsection (4), the board or board  
3 of directors shall submit the site plan and the notice of  
4 concurrence to the superintendent of public instruction and may  
5 proceed with the building or expansion. Subject to subsection  
6 (6), if the board of a school district or board of directors of a  
7 public school academy does not receive a notice of concurrence  
8 from a local zoning authority under subsection (4), all of the  
9 following apply:

10 (a) The board or board of directors shall submit the site  
11 plan to the superintendent of public instruction and shall  
12 provide a copy of the site plan to the local zoning authority  
13 together with notice that the site plan has been submitted to the  
14 superintendent of public instruction.

15 (b) The board or board of directors shall not proceed with  
16 the building or expansion unless the site plan is approved by the  
17 superintendent of public instruction.

18 (c) Not later than 10 days after receiving the notice under  
19 subdivision (a), the local zoning authority may submit comments  
20 to the superintendent of public instruction concerning its  
21 objections to the site plan.

22 (d) The superintendent of public instruction has sole and  
23 exclusive jurisdiction over the review and approval of the site  
24 plan.

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