

# HOUSE BILL No. 4567

May 7, 2015, Introduced by Reps. Jacobsen and Brett Roberts and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.

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

1           Sec. 1263. (1) The board of a school district shall not build  
2 a school upon a site without having prior title in fee to the site,  
3 a lease for not less than 99 years, or a lease for not less than 50  
4 years from the United States government, or this state, or a  
5 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 shall not design or  
11 build a school building to be used for instructional or

1 noninstructional school purposes or design and implement the design  
2 for a school site unless the design or construction is in  
3 compliance with 1937 PA 306, MCL 388.851 to 388.855a. The  
4 superintendent of public instruction has sole and exclusive  
5 jurisdiction over the review and approval of plans and  
6 specifications for the construction, reconstruction, or remodeling  
7 of school buildings used for instructional or noninstructional  
8 school purposes and, subject to subsection (4), of site plans for  
9 those school buildings. **FOR ALL PURPOSES UNDER STATE AND LOCAL LAW,  
10 REAL PROPERTY OWNED OR LEASED BY THE GOVERNING BOARD OF A PUBLIC  
11 SCHOOL IS CONSIDERED EXEMPT AND IMMUNE FROM LOCAL ZONING AND IS  
12 CONSIDERED TO BE "NONZONED" OR "UNZONED" PROPERTY OF A MIXED PUBLIC  
13 AND COMMERCIAL USE FOR STATE AND LOCAL ZONING PURPOSES REGARDLESS  
14 OF THE LOCAL ZONING CLASSIFICATION THAT MIGHT OTHERWISE APPLY.**

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

1 receiving the written suggested changes, the governing board shall  
2 respond to the local zoning authority with a revised site plan that  
3 incorporates the changes or with an explanation of why the changes  
4 are not being made. This subsection applies to expansion of a high  
5 school building only if the expansion will result in the square  
6 footage of the high school building being increased by at least  
7 20%. This subsection does not apply to temporary structures or  
8 facilities that are necessary due to unexpected enrollment  
9 increases and that are used for not more than 2 years.

10 (5) If mutually agreed by the governing board and the local  
11 zoning authority, the time periods in subsection (4) may be  
12 extended.

13 (6) The communication required under subsection (4) between a  
14 governing board and a local zoning authority is for informational  
15 purposes only and does not require the governing board to make any  
16 changes in its site plan. Once the process prescribed under  
17 subsection (4) is complete, this section does not require any  
18 further interaction between the governing board and a local zoning  
19 authority.

20 (7) A local zoning authority shall not charge a governing  
21 board a fee for the process prescribed under subsection (4) that  
22 exceeds \$250.00 for an administrative review or \$1,500.00 for total  
23 costs incurred by a local zoning authority under subsection (4) for  
24 the specific project involved.

25 (8) As used in this section:

26 (a) "High school building" means any structure or facility  
27 that is used for instructional purposes, that offers at least 1 of

1 grades 9 to 12, and that includes an athletic field or facility.

2 (b) "Local zoning authority" means the zoning authority for  
3 the jurisdiction in which the construction or expansion of a high  
4 school building is to occur.

5 (C) "SCHOOL BUILDING" MEANS ANY STRUCTURE OR FACILITY THAT IS  
6 USED FOR AN INSTRUCTIONAL OR NONINSTRUCTIONAL SCHOOL PURPOSE AND IS  
7 LOCATED ON REAL PROPERTY OWNED OR LEASED BY THE GOVERNING BOARD OF  
8 A PUBLIC SCHOOL.

9 (D) "SCHOOL PURPOSE" MEANS ANY PURPOSE THAT MAY PROVIDE A  
10 BENEFIT TO A PUBLIC SCHOOL OR ITS GOVERNING BOARD, INCLUDING, BUT  
11 NOT LIMITED TO, A BENEFIT OF A COMMERCIAL OR FINANCIAL NATURE.

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.