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House Bill 5660 (Substitute H-2 as passed by the House)
Sponsor: Representative Philip LaJoy
House Committee: Land Use and Environment
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 11-4-04

CONTENT

The bill would amend the Revised School Code to require the governing board of a public school, before building or expanding a school building, to submit a site plan to the local zoning authority for its review and concurrence; and require the governing board to submit the plan to the Superintendent of Public Instruction for his or her approval, if the local zoning authority did not concur. These requirements would apply only for a three-year period beginning on the bill's effective date.

As used in the bill, "school building" would mean any structure or facility used for instructional or noninstructional school purposes, including an athletic field or facility.

Local Zoning Board Review

The bill would prohibit the governing board of a public school from building or expanding a school building on a site without first submitting a site plan to the local zoning authority for review. Within 60 days after receiving the site plan, the local zoning authority would have to respond to the governing board either with a written notice that the authority concurred with the site plan, or with written suggested changes to the plan. If the zoning authority did not respond with either of these options, the governing board would be considered to have received a written notice of concurrence.

If there were written suggested changes, the governing board would have to respond to the zoning authority with a revised site plan incorporating the changes or with an explanation of why they were not being made. This response would be required within 45 days after the governing board received the suggested changes.

A local zoning authority could not charge a governing body a fee that exceeded \$250 for an applicable administrative review, or \$1,500 for total costs incurred by the zoning authority for the specific project involved.

Superintendent of Public Instruction Review

If the governing board of a public school received, or were considered to have received, a written notice of concurrence from the local zoning authority, the board would have to submit the site plan and the written notice to the Superintendent of Public Instruction, and could proceed with the building or expansion.

If the governing board did not receive a written notice of concurrence from the local zoning authority, the governing board could not proceed with the building or expansion unless the Superintendent approved the site plan. The board would have to submit the site plan to the Superintendent of Public Instruction, as well as give the local zoning authority a copy of the plan and a written notice that it had been submitted to the Superintendent. Within 30 days after the governing board submitted its site plan, the Superintendent would have to approve or disapprove the plan and notify the board of the decision.

Within 10 days after receiving the governing board's notice that it had submitted the site plan to the Superintendent, the local zoning authority could submit comments to the Superintendent and the governing board concerning its objections to the plan.

The Superintendent of Public Instruction would have sole and exclusive jurisdiction over the review and approval of the site plan (as currently provided).

Scope of Bill

The proposed requirements for review and approval would apply to school building and expansion only for the three-year period beginning on the bill's effective date. Also, the requirements would apply only to a public school that was eligible for qualification of bonds under the School Bond Loan Fund Program established by Public Act 108 of 1961. (That Act authorizes the State to sell bonds in order to make loans to school districts, for the districts to repay principal and interest on bonds they issued for capital expenditures.)

Expansion of a school building would be subject to the proposed requirements only if the expansion would result in an increase of at least 20% in the square footage of a school building.

The requirements would not apply to temporary structures or facilities that were necessary due to unexpected enrollment increases, and that were used for not more than two years.

MCL 380.1263

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Public schools likely would face increased costs if this legislation were enacted. These additional costs would stem from the extra step of submitting site plans to local zoning boards, as well as to the Superintendent of Public Instruction as required under current law. Also, the legislation would allow local zoning authorities to charge public school governing boards up to \$250 for administrative review of the site plan, or \$1,500 for total costs incurred by a local zoning authority for the specific project involved.

The bill would have an unknown impact on State and local government revenue, depending on whether and how the changes would affect population and/or property values within a local unit. Given the limited nature of the construction that would be affected, as well as the three-year time frame during which the bill's requirements would apply, any effect is likely to be negligible.

This analysis is preliminary and will be revised as new information becomes available.

Fiscal Analyst: Kathryn Summers-Coty
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.