

SENATE BILL No. 25

January 21, 2003, Introduced by Senators GARCIA, KUIPERS, CROPSEY and HARDIMAN and referred to the Committee on Education.

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**

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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 of site plans for those~~
12 ~~school buildings.~~ Beginning with public schools built or
13 occupied after the effective date of the 2003 amendatory act that
14 amended this subsection, all of the following apply to the
15 construction or location of a public school:

16 (a) All local zoning laws generally applicable in the
17 jurisdiction where the public school will be located apply to the
18 location and siting of the public school, and the board of the
19 school district, local act school district, or intermediate
20 school district, or board of directors of the public school
21 academy, that will operate the school shall ensure that the
22 location and siting of the public school comply with those local
23 zoning laws.

24 (b) At least 30 days before commencing construction of the
25 public school, or before occupying an existing building for
26 public school purposes, the board of the school district, local
27 act school district, or intermediate school district, or board of

1 directors of the public school academy, that will operate the
2 school shall notify all residents residing within 1,500 feet of
3 the site of the intent to construct or occupy the building for
4 public school purposes. The notification shall include a copy of
5 the site plan.