

# HOUSE BILL No. 4657

May 27, 2015, Introduced by Reps. Chang, Plawecki, Sarah Roberts, Love, Greig, Banks, Durhal, Faris, Brinks and Garrett and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1264.

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

1           SEC. 1264. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE  
2 SCHOOL DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL  
3 ACADEMY SHALL NOT ACQUIRE A SITE FOR THE CONSTRUCTION OF A SCHOOL  
4 BUILDING OR, IF A SITE WAS ACQUIRED BEFORE THE EFFECTIVE DATE OF  
5 THIS SECTION, COMMENCE CONSTRUCTION OF A SCHOOL BUILDING ON THE  
6 SITE UNLESS THE BOARD OR BOARD OF DIRECTORS HAS CONDUCTED AN  
7 ENVIRONMENTAL ASSESSMENT OF THE SITE TO DETERMINE WHETHER THE SITE  
8 IS A FACILITY.

9           (2) IF THE ENVIRONMENTAL ASSESSMENT UNDER SUBSECTION (1)  
10 INDICATES THAT THE SITE IS A FACILITY, ALL OF THE FOLLOWING APPLY:

11           (A) NOT LESS THAN 28 DAYS BEFORE ACQUIRING THE SITE FOR THE

1 CONSTRUCTION OF A SCHOOL BUILDING OR, IF THE SITE WAS ACQUIRED  
2 BEFORE THE EFFECTIVE DATE OF THIS SECTION, COMMENCING CONSTRUCTION  
3 OF A SCHOOL BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS  
4 SHALL PROVIDE PUBLIC NOTICE OF THE RESULTS OF THE ENVIRONMENTAL  
5 ASSESSMENT BY BOTH OF THE FOLLOWING MEANS:

6 (i) POSTING ON THE SCHOOL DISTRICT'S, INTERMEDIATE SCHOOL  
7 DISTRICT'S, OR PUBLIC SCHOOL ACADEMY'S WEBSITE, IF ANY.

8 (ii) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
9 TERRITORY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT  
10 OR, IN THE CASE OF A PUBLIC SCHOOL ACADEMY, IN THE TERRITORY OF THE  
11 SCHOOL DISTRICT WHERE THE SITE IS LOCATED.

12 (B) THE BOARD OR THE BOARD OF DIRECTORS SHALL NOT COMMENCE  
13 CONSTRUCTION OF A SCHOOL BUILDING AT THE SITE UNLESS A LICENSED  
14 PROFESSIONAL ENGINEER HAS ATTESTED UNDER SEAL THAT PLANNED RESPONSE  
15 ACTIVITY OR CORRECTIVE ACTION UNDER PART 201 OR 213, RESPECTIVELY,  
16 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
17 451, MCL 324.20101 TO 324.20142 AND 324.21301A TO 324.21334, WILL  
18 MEET RESIDENTIAL STANDARDS.

19 (C) IF THE BOARD OR BOARD OF DIRECTORS CONSTRUCTS A SCHOOL  
20 BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS SHALL  
21 COMPLETE ALL OF THE FOLLOWING AT THE FACILITY:

22 (i) RESPONSE ACTIVITIES UNDER SECTION 20107A OF THE NATURAL  
23 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
24 324.20107A.

25 (ii) RESPONSE ACTIVITY OR CORRECTIVE ACTION UNDER PART 201 OR  
26 213, RESPECTIVELY, OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
27 PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO 324.20142 AND

1 324.21301A TO 324.21334, THAT MEETS RESIDENTIAL STANDARDS.

2 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

3 (A) THE MAINTENANCE, REPAIR, OR IMPROVEMENT OF AN EXISTING  
4 BUILDING OR RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD.

5 (B) THE REPLACEMENT OF AN EXISTING RECREATIONAL OR ATHLETIC  
6 STRUCTURE.

7 (4) AS USED IN THIS SECTION:

8 (A) "CORRECTIVE ACTION" MEANS THAT TERM AS DEFINED IN SECTION  
9 21302 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
10 1994 PA 451, MCL 324.21302.

11 (B) "ENVIRONMENTAL ASSESSMENT" MEANS A PHASE I ENVIRONMENTAL  
12 ASSESSMENT CONDUCTED IN ACCORDANCE WITH ASTM INTERNATIONAL STANDARD  
13 E1527, "STANDARD PRACTICE FOR ENVIRONMENTAL SITE ASSESSMENTS: PHASE  
14 I ENVIRONMENTAL SITE ASSESSMENT PROCESS" ALONG WITH SUFFICIENT  
15 ENVIRONMENTAL SAMPLING OF RECOGNIZED ENVIRONMENTAL CONCERNS, IF  
16 SUCH SAMPLING IS NECESSARY TO DETERMINE WHETHER THE PROPERTY IS A  
17 FACILITY.

18 (C) "FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 20101 OF  
19 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
20 451, MCL 324.20101.

21 (D) "RESPONSE ACTIVITY" MEANS THAT TERM AS DEFINED IN SECTION  
22 20101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
23 1994 PA 451, MCL 324.20101.

24 (E) "SCHOOL BUILDING" MEANS ANY OF THE FOLLOWING:

25 (i) A BUILDING INTENDED TO BE USED TO PROVIDE INSTRUCTION FOR  
26 PUPILS, INCLUDING AN ADDITION TO AN EXISTING BUILDING.

27 (ii) A RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD INTENDED TO

1 BE USED BY PUPILS.

2 (F) "SCHOOL BUILDING" DOES NOT INCLUDE PLAYGROUND OR EXERCISE  
3 EQUIPMENT.