

Act No. 488  
Public Acts of 2000  
Approved by the Governor  
January 10, 2001  
Filed with the Secretary of State  
January 11, 2001  
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**STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 2000**

**Introduced by Reps. Birkholz, Stamas, Jelinek, Jellema, Geiger, Jansen, Rick Johnson, Howell, Caul, Scranton, LaForge, Kelly, Pestka, Byl and Godchaux**

# **ENROLLED HOUSE BILL No. 5998**

AN ACT to amend 1966 PA 331, entitled "An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 14, 17, 21, 34, 37, 41, 42, 43, 54, 57, 61, 62, 63, and 81 (MCL 389.14, 389.17, 389.21, 389.34, 389.37, 389.41, 389.42, 389.43, 389.54, 389.57, 389.61, 389.62, 389.63, and 389.81), section 21 as amended by 1997 PA 147, section 34 as amended by 1982 PA 381, and section 81 as amended by 1984 PA 96, and by adding sections 85, 86, 87, and 88.

*The People of the State of Michigan enact:*

Sec. 14. (1) A community college district is directed and governed by a board of trustees, consisting of 7 members, elected at large in the territory of the district or proposed district on a nonpartisan basis. At the organizational election, the electors shall elect 3 members for 6-year terms, 2 for 4-year terms, and 2 for 2-year terms. After the initial terms, at the next regular community college election immediately preceding the expiration of their terms of office, the electors shall elect members for 6-year terms. In a community college district that is comprised of 3 counties and is in operation on the effective date of this act, the board of trustees shall continue to consist of 9 members, 3 from each county, elected for 6-year terms.

(2) If an organizational election is held at the same time as a general state election, the term of office of each member elected shall commence on January 1 following the organizational election.

(3) When an organizational election is held on a date other than the date of a general state election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on January 1 following the next general state election. However, the period of time from the date of the organizational election until January 1 following the next general state election is in addition to the regular terms to which each member was elected.

Sec. 17. Except as otherwise provided in this chapter, the county board of canvassers shall conduct a canvass of the results of any organizational election or other election of the community college district. If the election area involves more than 1 county, the county board of canvassers of the county containing the highest valuation of the community college district or proposed community college district shall conduct the canvass.

Sec. 21. (1) The board of trustees of a community college district comprised of a county or counties by resolution may annex to the community college district in the manner provided in this act any contiguous county, contiguous township, contiguous intermediate school district, or contiguous local school district not already included within the area of a community college district, subject to the following:

(a) A community college district located in the Upper Peninsula may annex a county, township, intermediate school district, or local school district that is not contiguous.

(b) A community college district that has been offering classes at a federal military installation located in a noncontiguous county for a period of at least 20 years may annex that noncontiguous county or that portion of the noncontiguous county that is not within another community college district.

(2) Prior to the annexation election, the board of trustees shall obtain approval of the proposed annexation from the superintendent of public instruction. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the clerk of the county or township to be annexed, or the secretary of the board of the intermediate school district or local school district to be annexed, as applicable.

(3) If the resolution and approval are filed more than 90 days before the date of the next general state election, then the county board of commissioners, the township board, or the board of the intermediate or local school district, as applicable, shall call a special election for the purpose of voting on the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district. If the resolution and approval are filed less than 90 days but more than 20 days prior to the next general state election, then the propositions shall be presented at that election.

(4) Annexation becomes effective on the date of the election if both propositions receive majority approval of the electors voting on the propositions. The final results of the annexation election shall be canvassed as follows:

(a) If a county is the subject of annexation, the county board of canvassers shall conduct the canvass as provided in section 17.

(b) If a township is the subject of annexation, the township board of canvassers shall conduct the canvass.

(c) If a local or intermediate school district is the subject of annexation, the board of canvassers of the local or intermediate school district shall conduct the canvass.

(5) By virtue of annexation, unless otherwise provided in the approved annexation propositions, any territory annexed to a community college district is subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(6) If any portion of a county, township, or intermediate or local school district to be annexed lies within a community college district at the time of the annexation election, then the electors residing in that territory are not eligible to vote on the propositions and that territory does not become a part of the community college district.

Sec. 34. (1) If the community college district consists of a single school district, the community college district is directed and governed by a board of trustees consisting of 7 members, elected at large in the territory of the district or proposed district on a nonpartisan basis. At the organizational election, the electors shall elect 3 members for 6-year terms, 2 for 4-year terms, and 2 for 2-year terms. After the initial terms, at the next regular community college election immediately preceding the expiration of a member's term of office, the electors shall elect the member's successor for a term of 6 years.

(2) If an organizational election is held at the same time as an annual school election, the term of office of each member elected shall commence on July 1 following the organizational election. However, if the annual school election is held in November, the term of each member elected shall commence on the January 1 following the organizational election.

(3) When an organizational election is held on a date other than the date of an annual school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on July 1 following the next annual school election. However, if the next annual school election is held in November, the regular terms of office shall commence on the January 1 following the annual school election. If the organizational election is held on a date other than the annual election date of the component school district, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until July 1 or January 1, whichever is applicable under this subsection, following the date of the annual election of the component district held not less than 1 year nor more than 2 years after the date of the organizational election.

Sec. 37. The board of canvassers of the local or intermediate school districts whose electors are eligible to vote in an election shall conduct a canvass of the results of the election within 3 days of the election. For an organizational election, the board of canvassers appointed by the secretaries of the boards of the component school districts meeting jointly shall conduct the final canvass. For a community college district election, other than an organizational election, except as otherwise provided in this chapter, the board of canvassers appointed by the board of trustees of the community

college district shall conduct the final canvass. In the case of a community college district consisting entirely of 1 school district, the board of canvassers for elections in that school district shall conduct the final canvass.

Sec. 41. (1) The board of trustees by resolution may annex to a community college district any contiguous local school district, contiguous intermediate school district, or contiguous county not already included within a community college district.

(2) The board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the secretary of the board of education of the local school district to be annexed, the secretary of the intermediate school board of the intermediate school district to be annexed, and the county clerk of the county to be annexed, as applicable.

(3) If a school district that operates grades kindergarten through 12 is annexed to a community college district, the school district is entitled to elect a member to the board of trustees of the community college district for a term of 6 years. The first member shall be elected at the regular community college election next succeeding the annexation election.

Sec. 42. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 days before the date of the annual election of the district to be annexed, the board of education of the district shall call a special election for voting on the annexation on a date specified by the secretary of the board of trustees of the community college district. If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of the district to be annexed, the board of education of the district shall submit the annexation proposition to the electors at the annual election.

(2) In the annexation of an intermediate school district, the secretary of the intermediate school board of the intermediate school district in writing shall direct the board of education of each component school district to submit the annexation propositions to the electors of the school district. Each school district shall hold the election at the time of the annual school elections if notification is given more than 20 but less than 90 days before the annual election date. Otherwise, each board of education shall call a special election, to consider the annexation propositions, on a date specified by the secretary of the intermediate school board.

(3) In the annexation of a county, if the resolution and approval are filed 90 days or more, or 20 days or less, before the date of the next general election, then the county board of commissioners shall call a special election within the county to consider the annexation propositions. If the resolution and approval are filed less than 90 days but more than 20 days before the next general election, then the annexation propositions shall be submitted to the electors of the county at that election.

Sec. 43. (1) At an annexation election, the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation is effective on the date of the election if both propositions receive majority approval of the electors voting on the propositions. A local school district, intermediate school district, or county annexed is subject to taxes levied within the maximum annual tax rate, and, unless otherwise provided in the annexation propositions, to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(2) If any portion of a local school district, intermediate school district, or county to be annexed lies within a community college district at the time of the annexation election, the electors residing in that territory are not eligible to vote on the propositions and the territory does not become a part of the community college district.

(3) In an annexation of a county, if all or any portion of a local school district lies within that county, no elector residing in that local school district may vote on the propositions and no part of the local school district becomes part of the community college district if both of the following are met:

(a) The local school district is not part of an intermediate school district that has at least 80% of its territory in the county to be annexed.

(b) The board of education of the local school district adopts a resolution that the school district elects to be excluded from the annexation, and files a certified copy of the resolution with the county clerk and the board of trustees within 15 days of the date the resolution and approval are filed with the county clerk under section 41(2).

(4) In an annexation of a local school district or intermediate school district, the results of the annexation election shall be canvassed as provided in section 37. In an annexation of a county, the final results of the annexation election shall be canvassed by the county board of canvassers for that county.

Sec. 54. (1) A community college district is directed and governed by a board of trustees, consisting of 7 members except as provided in subsection (4), elected at large in the territory of the district or proposed district on a nonpartisan basis. At the organizational election, the electors shall elect 3 members for 6-year terms, 2 for 4-year terms, and 2 for 2-year terms. After the initial terms, the electors shall elect members for 6-year terms.

(2) If an organizational election is held at the same time as an annual school election, the term of office of each member elected shall commence on July 1 following the organizational election.

(3) When an organizational election is held on a date other than the date of an annual school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on July 1 following the next annual school election. If the organizational election is held on a date other than the annual election date of the component school districts, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until July 1 following the date of the annual election of the component districts held not less than 1 year nor more than 2 years from the date of the organizational election.

(4) If a contiguous county is annexed to a community college district under this chapter, the electors of the annexed county shall elect 2 additional members to the board of trustees of the community college district, elected at large in the annexed county on a nonpartisan basis for a term of 6 years. The term of office of an additional member shall commence 15 days after the date of certification of his or her election, at either a general election or a special election of the annexed county held within 6 months of the election approving of the annexation. Each additional member, and his or her replacement if a vacancy occurs during the 6-year term, shall be an elector of the annexed county. After the initial 6-year term, the 2 additional board positions are abolished, and the board of trustees shall consist of 7 members, elected as provided in subsection (1).

Sec. 57. The boards of canvassers of the school districts whose electors are eligible to vote in an election shall conduct a canvass of the results of the election within 3 days of the election. For an organizational election, the board of canvassers of the intermediate school district having the highest valuation within the proposed community college district shall conduct the final canvass. For a community college district election other than an organizational election, except as otherwise provided in this chapter, the board of canvassers appointed by the board of trustees of the community college shall conduct the final canvass.

Sec. 61. (1) The board of trustees by resolution may propose annexation and annex to a community college district any of the following if not already included within a community college district:

(a) A contiguous intermediate school district, contiguous local school district, or contiguous county.

(b) A contiguous intermediate school district and 1 or more local school districts contiguous to that intermediate school district, subject to the following:

(i) If a majority of the electors of that intermediate school district do not approve of both propositions of annexation of that intermediate school district described in section 63, then the annexation of that intermediate school district and the annexation of any of the local school districts are ineffective, and that intermediate school district and the local school districts do not become part of the community college district.

(ii) If a majority of the electors of that intermediate school district approve of both propositions of annexation of that intermediate school district described in section 63, that intermediate school district and each of the local school districts in which a majority of the electors approve of both propositions of annexation of that local school district become part of the community college district.

(2) The board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval as follows:

(a) For an annexation described in subsection (1)(a), with the secretary of the intermediate school board of the intermediate school district to be annexed, with the secretary of the board of education of the local school district to be annexed, and with the county clerk of the county to be annexed, as applicable.

(b) For an annexation described in subsection (1)(b), with the secretary of the intermediate school board of the intermediate school district to be annexed and the secretary of the board of education of each local school district to be annexed.

Sec. 62. (1) In an annexation of 1 or more local school districts, if the resolution and approval are filed with each secretary more than 90 days before the date of the annual election of the districts to be annexed, the board of education of each district shall call a special election for voting on the propositions of annexation. If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of each district to be annexed, the board of education of each district shall submit annexation propositions to its electors at the annual election.

(2) In an annexation of an intermediate school district, the secretary of the intermediate school board of the intermediate school district in writing shall direct the board of education of each component school district to submit the annexation propositions to the electors of that component school district. Each school district shall hold the election at the time of its annual school elections if notification is given to each school district more than 20 but less than 90 days before the annual election date. Otherwise, each board of education shall call a special election, to consider the annexation propositions, on a date specified by the secretary of the intermediate school board.

(3) In an annexation of a county, if the resolution and approval are filed 90 days or more, or 20 days or less, before the date of the next general election, then the county board of commissioners shall call a special election within the county to consider the annexation propositions. If the resolution and approval are filed less than 90 days but more than 20 days before the next general election, then the annexation propositions shall be submitted to the electors of the county at that election.

Sec. 63. (1) At an annexation election, the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Subject to subsection (2), annexation is effective on the date of the election if both propositions receive majority approval of the electors voting on the propositions. Unless otherwise provided in the approved annexation propositions, a local school district, intermediate school district, or county annexed is subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(2) If any portion of an intermediate school district, local school district, or county to be annexed lies within a community college district at the time of the annexation election, the electors residing in that territory are excluded from voting on the propositions and the territory does not become a part of the community college district.

(3) In an annexation of a county, if all or any portion of a local school district lies within that county, no elector residing in that local school district may vote on the propositions and no part of the local school district becomes part of the community college district if both of the following are met:

(a) The local school district is not part of an intermediate school district that has at least 80% of its territory in the county to be annexed.

(b) The board of education of the local school district adopts a resolution that the school district elects to be excluded from the annexation, and files a certified copy of the resolution with the county clerk and the board of trustees within 15 days of the date the resolution and approval are filed with the county clerk under section 61(2).

(4) In an annexation of 1 or more local school districts or an intermediate school district, the results of the annexation election shall be canvassed as provided in section 57. In an annexation of a county, the final results of the annexation election shall be canvassed by the county board of canvassers for that county.

Sec. 81. An intermediate school district that has a population of more than 1,500,000 on or after the effective date of this chapter is a community college district that includes all of the territory of the intermediate district except that portion presently included in an established community college district or included in a school district operating a community college as a department of the school district under the provisions of former 1955 PA 269. An established community college district or community college department of a district school system described in this section may become a part of the new community college district under this chapter by action of its board of trustees or board of education or by annexation under this chapter.

Sec. 85. (1) The board of trustees by resolution may annex to a community college district any contiguous intermediate school district or contiguous local school district not already included within a community college district.

(2) The board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the secretary of the intermediate school board of the intermediate school district to be annexed or with the secretary of the board of education of the local school district to be annexed.

Sec. 86. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 days before the date of the annual election of the district to be annexed, the board of education of the district shall call a special election for voting on the propositions of annexation. If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of the district to be annexed, the board of education of the district shall submit the annexation propositions to the electors at the annual election.

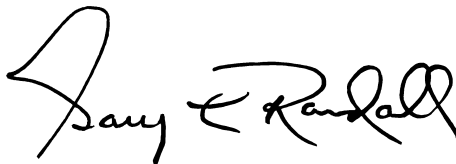
(2) In the annexation of an intermediate school district, the secretary of the intermediate school board of the intermediate school district in writing shall direct the board of education of each component school district to submit the annexation propositions to the electors of the school district. Each school district shall hold the election at the time of the annual school elections if notification is given more than 20 but less than 90 days before the annual election date. Otherwise, each board of education shall call a special election, to consider the annexation propositions, on a date specified by the secretary of the intermediate school board.

Sec. 87. (1) At an annexation election, the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation is effective on the date of the election if both propositions receive majority approval of the electors voting on the proposition.

(2) If any portion of an intermediate school district or of a local school district to be annexed lies within a community college district operating a community college at the time of the annexation election, the electors residing in that territory are excluded from voting on the propositions and the territory does not become a part of the community college district.

Sec. 88. A school district annexed by a community college district under this chapter becomes a part of the community college district, is subject to taxes levied within the tax rate established in the community college district, and, unless otherwise provided in the approved annexation propositions, is subject to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved .....

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Governor.