

Act No. 306
Public Acts of 2003
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**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Drolet, Hummel, Farhat, Brandenburg, Garfield, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Steil, Walker, Pastor, Stakoe, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville

ENROLLED HOUSE BILL No. 4828

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 2, 12, 16, 17, 21, 32, 34, 34a, 36, 37, 38, 39, 42, 51, 52, 54, 55, 56, 57, 58, 59, 62, 83, 84, 86, 105, 107, 122, 144, and 152 (MCL 389.2, 389.12, 389.16, 389.17, 389.21, 389.32, 389.34, 389.34a, 389.36, 389.37, 389.38, 389.39, 389.42, 389.51, 389.52, 389.54, 389.55, 389.56, 389.57, 389.58, 389.59, 389.62, 389.83, 389.84, 389.86, 389.105, 389.107, 389.122, 389.144, and 389.152), section 2 as added by 1998 PA 153, sections 17, 21, 34, 37, 42, 54, 57, and 62 as amended and section 86 as added by 2000 PA 488, section 34a as amended by 1982 PA 381, section 83 as amended by 1992 PA 20, section 122 as amended by 2002 PA 72, section 144 as amended by 2002 PA 73, and section 152 as amended by 1990 PA 11; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 2. A petition under section 83 or 152, including the circulation and signing of the petition, is subject to the Michigan election law. A person who violates a provision of the Michigan election law applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law.

Sec. 12. (1) If approval of a proposed community college district is filed with the school district filing official at least 77 days but not more than 6 months before the next general state election, the school district filing official shall include the necessary community college propositions with the proceedings for the general election.

(2) If approval of a proposed community college district is filed with the school district filing official more than 6 months before the next general state election, the school district filing official shall call a special election for the purpose of submitting to the electors the propositions relating to the establishment of the community college district to be held on the next regular election day that is not less than 77 days after the approval is filed.

Sec. 16. The general election laws, including the voting of absent voters, the days on which elections are held, the hours for the opening and closing of the polls at elections, and provisions for preserving the purity of elections and for preventing fraud and corruption, govern all elections under this act so far as the same are applicable and not inconsistent with this act. County and local election officials shall perform their election duties for regular and special elections held in accordance with this chapter, including the proper giving of notices of registration and election.

Sec. 17. Subject to section 24a of the Michigan election law, MCL 168.24a, the county board of canvassers shall conduct the canvass of the results of an organizational election or other election of a community college district organized under this chapter.

Sec. 21. (1) By adoption of a resolution, the board of trustees of a community college district organized under this chapter may initiate annexation to the community college district, in the manner provided in this act, of a 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) Before an 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 and the school district filing official of the school district to be annexed, as applicable.

(3) After the resolution and approval are filed under subsection (2), the county board of commissioners, the township board, or the board of the intermediate or local school district, as applicable, shall request that the school district filing official 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. A special election called under this subsection shall be held on a regular election day that is not less than 49 days after the special election is requested.

(4) An annexation is 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 by the appropriate board of canvassers as provided in section 24a or 30a of the Michigan election law, MCL 168.24a and 168.30a.

(5) By virtue of annexation, unless otherwise provided in the approved annexation propositions, 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 a 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. 32. (1) If 2 or more school districts file resolutions to organize a community college district, the secretary of the board of education of the intermediate school district shall file a copy of the approval specified in section 31 with the secretary of the board of education of each component school district and the school district filing official. If the filing with each component school district and the school district filing official, or receipt of approval from the state board of education by the secretary of the board of education of a single school district, occurs at least 60 days but not more than 6 months before the next annual school election, the school district filing official shall include the necessary community college propositions in the proceedings for the annual election.

(2) If the approval is filed with the school district filing official of the component school districts or approval is received by the secretary of the board of education of a single school district more than 6 months before the date of the next school election, each board of education shall call a special election to be held in not less than 60 days on a regular election day. A majority of the electors of the school district voting on the propositions shall approve the organization 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 a regular school election in May, the term of office of each member elected shall commence on July 1 following the organizational election. If the regular school election is held in November, the term of each member elected shall commence on the January 1 following the organizational election.

(3) If an organizational election is held on a date other than the date of a regular 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 regular school election in May. If the next regular 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 regular 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 regular election of the component district held not less than 1 year nor more than 2 years after the date of the organizational election.

Sec. 34a. (1) If the community college district consists of 2 or more school districts, the community college district shall be directed and governed by a board of trustees consisting of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election, there shall be elected 3 members for 6-year terms, 2 members for 4-year terms, and 2 members for 2-year terms. Thereafter, at the next regular community college election immediately preceding the expiration of their terms of office, their successors shall be elected for terms of 6 years.

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

(3) If the organizational election is held on a date other than the date of the regular 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 regular school election in May. If the next regular school election is held in November, the regular terms of office shall commence on the January 1 following the regular school election. If the organizational election is held on a date other than the regular school election, 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 regular school election.

Sec. 36. If part of a local school district is in another community college district, only those electors residing in that part of the school district not in the other community college district are eligible to vote in the organizational election or in subsequent community college elections.

Sec. 37. The appropriate board of canvassers under section 24a or 30a of the Michigan election law, MCL 168.24a and 168.30a, shall conduct a canvass of the results of an election under this chapter. The board of canvassers shall conduct the canvass within 3 days of the election.

Sec. 38. (1) The regular community college election shall be held at the same time as the regular school elections of the constituent school districts held on the day determined under section 642 of the Michigan election law, MCL 168.642. If any component school district holds its annual school election on a different date, the board of such district shall call a special election to be held on the same day as that prescribed by this subsection.

(2) At the regular elections separate propositions may be submitted to the electors in addition to the election of trustees of the community college district when authorized by the board of trustees.

Sec. 39. (1) The board of trustees of a community college district organized under this chapter may request that the school district filing official call a special election. The secretary of the board shall file a copy of the resolution of the board requesting the call of a special election with the secretaries of each component local and intermediate school district, the school district filing official, and the clerk of each component county, as applicable, at least 60 days before the date of the election. The request to the school district filing official and the resolution of the board shall contain a statement of the propositions to be submitted to the electors.

(2) The board of education of each component local and intermediate school district and the clerk of each component county, as applicable, shall request that the school district filing official call the special election on the regular election day specified in the resolution of the board of trustees.

Sec. 42. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 or less than 21 days before the date of a regular school election, the board of education of the district shall request that the school district filing official call a special school election for voting on the annexation on the regular election day 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 91 days before the date of the regular school election, the board of

education of the local school district shall request that the school district filing official submit the annexation proposition to the electors at the regular school 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 local school district to submit the annexation propositions to the electors of the school district. Each school district shall request that the school district filing official hold the election at the time of the regular school election if notification is given more than 20 but less than 91 days before the date of the regular school election. Otherwise, each board of education shall request that the school district filing official call a special election to consider the annexation propositions.

(3) In the annexation of a county, if the resolution and approval are filed more than 90 days or less than 21 days before the date of the next general election, the school district filing official shall call a special election within the county to consider the annexation propositions. If the resolution and approval are filed less than 91 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. 51. The board of an intermediate school district or the boards of 2 or more contiguous intermediate school districts acting as a single board may form a community college district under this chapter. The board of the intermediate school district or joint board of the contiguous intermediate school districts shall designate the territory of the proposed community college district and refer the questions of organizing the community college district and the proposed annual tax rate to the superintendent of public instruction for approval. If the superintendent of public instruction approves, he or she shall notify the board of the intermediate school district or joint board, which shall request that the school district filing official include the necessary propositions for forming the community college district to the electors in the designated territory at the regular school election or at a special election called for that purpose.

Sec. 52. (1) The secretary of the board of the intermediate school district, or the secretary of the board of the intermediate school district having the highest valuation in the proposed community college district for a community college formed by 2 or more contiguous intermediate school districts, shall file a copy of the approval of the superintendent of public instruction, specified in section 51 together with the propositions to be submitted to the electors, with the secretary of the board of education of each component local school district and the school district filing official.

(2) If the secretary of a local school board receives the filing described in subsection (1) at least 60 days but not more than 6 months before the next regular school election, that secretary shall request that the school district filing official include the necessary community college propositions for forming the community college district with the proceedings for the regular school election.

(3) If the secretary of a component local school district receives the filing described in subsection (1) more than 6 months or less than 60 days before the date of the regular school election, the board of that district shall request that the school district filing official call a special election. At the special election, the propositions relating to the establishment of the community college district shall be submitted to the electors.

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 a regular school election in May, 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 a regular 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 regular school election. If the organizational election is held on a date other than the regular 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 regular 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 after 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. 55. (1) A community college district is established under this chapter only if both of the following occur:

(a) A majority of the electors voting in the proposed community college district area approve the organization of the district.

(b) A board of trustees in the proper number is elected by a majority of the voting electors.

(2) A majority of the electors voting in the community college district shall approve of the proposition establishing the maximum annual tax rate for the community college district. If the proposition to establish the maximum annual tax rate does not receive the required vote of the electors, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the school district filing official at the request of the board of trustees. If the proposition to establish the maximum annual tax rate fails after being submitted 3 times, the community college district is dissolved.

Sec. 56. If part of a local school district is in another community college district, only those electors residing in that part of the school district not in the other community college district are eligible to vote in the organizational election and in subsequent elections of the community college district.

Sec. 57. The appropriate board of canvassers prescribed in section 24a or 30a of the Michigan election law, MCL 168.24a and 168.30a, shall conduct a canvass of the results of the election within 3 days after an election under this chapter.

Sec. 58. (1) A regular community college election is held at the same time as the regular school election. A constituent county shall call a special election to be held on the date of the regular school election.

(2) At a regular election, in addition to the election of trustees, special propositions may be submitted to the electors when authorized by the board of trustees.

Sec. 59. The board of trustees of a community college district organized under this chapter may request that the school district filing official call a special election. The secretary of the board shall file a copy of the resolution of the board calling a special election with the secretary of each component local and intermediate school district and the clerk of each component county, as applicable, at least 60 days before the date of the election. The resolution shall contain a statement of the proposition to be submitted to the electors. The board of education of each component local and intermediate school district and the clerk of each component county, as applicable, shall request that the school district filing official call the special election.

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 or less than 21 days before the date of the regular school election, the board of education of each district shall request that the school district filing official 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 91 days before the date of the regular school election, the board of education of each district shall request that the school district filing official submit annexation propositions to the electors at the regular school 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 local school district to submit the annexation propositions to the electors of that component school district. Each school district shall request that the school district filing official call and hold the election at the time of the regular school election if notification is given to each school district more than 20 but less than 91 days before the date of the regular school election. Otherwise, each board of education shall request that the school district filing official call a special election to consider the annexation propositions.

(3) In an annexation of a county, if the resolution and approval are filed more than 90 or less than 21 days before the date of the next general election, the county clerk shall call a special election within the county to consider the annexation propositions. If the resolution and approval are filed less than 91 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. 83. (1) A member of the board of trustees of a community college established under this chapter shall be elected for a term of 6 years unless he or she is elected to fill a vacancy for the unexpired term under subsection (5).

(2) A candidate for trustee shall be nominated at a nonpartisan primary election conducted under the Michigan election law. The nominating petitions shall contain not less than 250 or more than 500 signatures of registered school electors of the appropriate trustee district and shall be filed with the school district filing official for the community college district on or before 4 p.m. of the twelfth Tuesday before the primary election. A signature on a nominating

petition is not valid unless the petitioner is a registered school elector of the trustee district in which the candidate is running for election. The school district filing official may compare the signatures on the petitions with the signatures appearing on the registration records or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. Not more than 2 candidates shall be nominated at the primary election for each trustee district.

(3) Each of the 9 trustees shall commence his or her term of office on January 1 following his or her election.

(4) A candidate for the office of board member representing a trustee district or a person elected or appointed to fill a vacancy under subsection (5) shall be 18 years of age or older at the time of his or her election or appointment and shall be an elector residing in the trustee district in which the person becomes a candidate or which the person is appointed to represent. If a member representing a trustee district ceases to reside in the trustee district during the trustee's term of office, it is a vacating of office.

(5) If a vacancy occurs on the board of trustees, the vacancy shall be filled from among electors of the trustee district by majority vote of the remaining board members. If a person is appointed to fill a vacancy in a trustee district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that next general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which voting district board members are to be nominated.

(6) Special elections may be called in the same manner as in chapters 1 and 2.

Sec. 84. The board of trustees of a community college district formed under this chapter shall submit to the electors of the community college district the proposition to establish the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive a proper majority of the electors voting in the community college district at the first election held for that purpose, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the school district filing official at the request of the board of trustees for that purpose. The board of trustees shall not request that the school district filing official call an election for that purpose more often than once in any 9-month period.

Sec. 86. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 or less than 21 days before the date of the regular school election, the board of education of the district shall request that the school district filing official 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 91 days before the date of the regular school election, the board of education of the district shall request that the school district filing official submit the annexation propositions to the electors at the regular school 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 local school district to submit the annexation propositions to the electors of that component school district. Each school district shall request that the school district filing official call and hold the election at the time of the regular school election if notification is given more than 20 but less than 91 days before the date of the regular school election. Otherwise, each board of education shall request that the school district filing official call a special election to consider the annexation propositions.

Sec. 105. As used in this act:

(a) "Area", in the term "area vocational-technical education program", means the geographical territory of the district, and any territory outside of the district that is designated as the service area of the district by the superintendent of public instruction. A community college is eligible to receive state aid and assistance appropriated by the legislature for the aid and support of junior colleges or community colleges.

(b) "Area vocational-education program" means a program of organized systematic instruction designed to prepare the following individuals for useful employment in recognized occupations:

(i) An individual who has completed or left high school and who is available for full-time study in preparation for entering the labor market.

(ii) An individual who has already entered the labor market and who needs training to achieve stability or advancement in employment.

(iii) An individual enrolled in high school. If a program or course is provided for an individual enrolled in high school, the superintendent of the school district in which the individual is enrolled or his or her designated representative shall request that the program or course be provided to the individual.

(c) "Community college" means an educational institution providing collegiate and noncollegiate level education primarily to individuals above the twelfth grade age level within commuting distance. The term includes an area vocational-technical education program that may result in the granting of an associate degree or other diploma or certificate, but not an educational institution or program granting baccalaureate or higher degrees.

(d) "General election" or "general state election" means the term general election as defined in section 2 of the Michigan election law, MCL 168.2.

(e) "Michigan election law" means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(f) "Regular election" means that term as defined in section 3 of the Michigan election law, MCL 168.3.

(g) "School district" means a school district, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under this act.

(h) "School district filing official" means the school district election coordinator as defined in section 4 of the Michigan election law, MCL 168.4, or an authorized agent of the school district election coordinator.

(i) "Special election" means that term as defined in section 4 of the Michigan election law, MCL 168.4.

Sec. 107. (1) An election under this act shall be called, administered, conducted, and canvassed as provided in this act and the Michigan election law.

(2) A special election under this act shall be held on a regular election day established under section 641 of the Michigan election law, MCL 168.641.

Sec. 122. The board of trustees may do all of the following:

(a) Borrow, subject to the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, for community college purposes, including capital expenditures, money on the terms it considers desirable and give notes of the district for those purposes. If a newly organized community college district borrows in anticipation of the collection of the first tax levy of the district, the loan shall not exceed 50% of the estimated amount of the first tax levy.

(b) Borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money as it considers necessary and issue bonds of the community college district, to purchase sites for buildings, playgrounds, athletic fields, or agricultural farms; to purchase or erect and equip any building or buildings that it is authorized to purchase and erect; or to make any permanent improvement that it is authorized to make. A loan shall not be made and bonds shall not be issued for any sum that, together with the total outstanding bonded indebtedness of the district, including bonds voted but not issued, exceeds the total of 1-1/2% of the first \$250,000,000.00 plus 1% of the excess over \$250,000,000.00 of the last confirmed state equalized valuation of all taxable property in the district unless the proposition of making the loan or of issuing bonds has been submitted first to a vote of the qualified electors of the district, at a regular or special election, and approved by the majority of the electors voting at the election, in which event loans may be made or bonds may be issued in an amount not to exceed 15% of the total state equalized valuation of the district.

(c) Provide for energy conservation improvements to be made to community college facilities and pay for the improvements from operating funds of the district or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating or air conditioning controls, and entrance or exit way closures. The board of trustees may acquire 1 or more energy conservation improvements by installment contract or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract or notes issued pursuant to this subdivision shall extend for a period of time not to exceed 10 years. Notes issued pursuant to this subdivision shall be full faith and credit, tax limited obligations of the community college district, payable from tax levies and the general fund as pledged by the board of trustees. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. This subdivision does not limit in any manner the borrowing or bonding authority of a community college as provided by law.

Sec. 144. (1) The board of trustees of each community college district may levy for the purposes specified as within the power of the board a tax that does not exceed the rate previously or subsequently authorized by the qualified electors of the district or the rate derived through the previous adoption by the electors of the district of former 1955 PA 188, or the rate that is allocated to the community college district in accordance with the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. The funds may be used for all purposes authorized, except that to the extent permitted under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued may be imposed without limitation as to rate or amount. This limitation may be increased to not more than 5 mills if approved by a majority of the qualified electors voting on the question at a regular or special election of the community college district.

(2) Except as provided in subsection (3), the board of trustees shall determine the total taxes required for any year and shall certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer

of each city and township in which the territory of the community college district is situated on or before September 1 of each year, except that the board of trustees may provide by resolution that taxes to be raised against property within any city or township, any portion of which lies within the community college district boundaries, may be levied and collected in the same manner and at the same time as the city or township taxes or in the same manner and at the same time as school district or intermediate school district taxes are being collected by the city or township under part 26 of the revised school code, 1976 PA 451, MCL 380.1611 to 380.1615.

(3) By resolution of its board on or before May 15 of the year in which it is established, a community college district established under this act between January 1 and May 1 of any calendar year may impose a summer property tax levy of either the total or 1/2 of the community college district property taxes for that tax year. The board resolution shall also determine the total taxes required for that tax year and certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer of each city or township in which the territory of the community college district is situated. Upon receipt of that board resolution, each city and township in which the community college district is situated that collects a summer property tax levy under section 1613 of the revised school code, 1976 PA 451, MCL 380.1613, shall collect the summer levy for that year. The reasonable and actual expenses incurred by a city or township in collecting the community college district property taxes under this subsection, to the extent these expenses are in addition to the expense of collecting and assessing any other taxes at the same time and exceed the amount of any fees imposed for the collection of the community college property taxes, shall be billed to and paid by the community college district. For the purposes of this subsection, reasonable and actual expenses shall not exceed the current collection agreements negotiated with the largest intermediate school district within the community college district. This subsection applies until December 31, 1992.

(4) All money collected by a tax collecting officer from the tax levied under this section shall be returned to the community college district as provided by section 43 of the general property tax act, 1893 PA 206, MCL 211.43, or to the county treasurer who shall pay the taxes so returned immediately to the community college district.

(5) The subjects of taxation for the community college district purposes shall be the same as for state, county, and other school purposes as provided under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

Sec. 152. (1) Candidates for members of the first and succeeding boards shall be nominated by petition signed by not less than 50 or more than 200 qualified and registered electors residing within the geographic area of the community college district. All nominating petitions in community college districts organized under chapter 1 shall be filed not later than 4 p.m. on the one hundred-tenth day before the date of any election. All nominating petitions in community college districts organized under chapters 2 and 3 shall be filed not later than 4 p.m. on the ninth Monday before the date of any election. If the last day for filing nominating petitions falls on a Saturday, Sunday, or legal holiday, the nominating petitions shall be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday.

(2) Nominating petitions for the first and succeeding boards of trustees of a community college district organized under chapter 1 shall be filed with the school district filing official. Nominating petitions for the first and succeeding boards of trustees organized under chapters 2 and 3 shall be filed with the school district filing official.

(3) Upon the filing of nominating petitions with the school district filing official, he or she shall canvass them to ascertain if they have been signed by the requisite number of qualified electors and may check any doubtful signatures against the registration records of the clerk of any political subdivision in which the petitions were circulated, or may use any other method he or she deems proper for determining the validity of the doubtful signatures. If he or she determines that the nominating petitions of any candidate do not comply with the requirements or if the candidate does not possess the qualifications as required by the provisions of this act for membership on the board of trustees, the school district filing official shall notify the candidate of that fact and of the reasons.

(4) This section does not apply to nominating petitions for a candidate for a board of trustees organized under chapter 5.

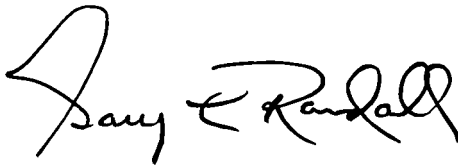
Enacting section 1. Sections 20, 40, and 60 of the community college act of 1966, 1966 PA 331, MCL 389.20, 389.40, and 389.60, are repealed.

Enacting section 2. This amendatory act takes effect January 1, 2005.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.
- (c) House Bill No. 4822.
- (d) House Bill No. 4823.
- (e) House Bill No. 4824.

- (f) House Bill No. 4825.
- (g) House Bill No. 4826.
- (h) House Bill No. 4827.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor