

Act No. 374
Public Acts of 2016
Approved by the Governor
December 21, 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

**Introduced by Reps. Price, Hughes, Victory, Schor, Crawford, Cox, Yonker, Potvin, Pettalia, McBroom,
Brinks and Faris**

ENROLLED HOUSE BILL No. 4265

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 authorize community college districts to operate a new jobs training program, enter into certain training agreements, and issue bonds to finance the training program; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 11, 21, 31, 34, 34a, 41, 51, 52, 54, 61, 82, 85, and 111 (MCL 389.11, 389.21, 389.31, 389.34, 389.34a, 389.41, 389.51, 389.52, 389.54, 389.61, 389.82, 389.85, and 389.111), section 21 as amended by 2013 PA 53, sections 34, 34a, 51, 52, and 54 as amended by 2003 PA 306, section 41 as amended by 2004 PA 446, section 61 as amended and section 85 as added by 2000 PA 488, section 82 as amended by 1992 PA 20, and section 111 as amended by 1997 PA 135.

The People of the State of Michigan enact:

Sec. 11. (1) Subject to subsection (2), 1 or more counties may join to form a community college district by a majority vote of the electors residing in the proposed district. Before the election is held, the board or joint boards of education of the intermediate school districts of the counties affected must obtain the approval of the formation of the proposed community college district and the proposed maximum annual tax rate from the superintendent of public instruction.

(2) For the purposes of this chapter, a county may form a community college district even though a portion of that county is a part of an existing community college district. That portion of the county shall not be included in the area of the proposed community college district and the electors who reside in that portion of the county are not eligible to vote at the organizational election or at any succeeding community college district elections.

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 that portion of a county, township, intermediate school district, or local school district that is not already included within the area of a community college district.

(2) Before an annexation election described in subsection (3), the board of trustees shall obtain approval of the proposed annexation from the superintendent of public instruction. If the board receives that approval, the secretary of the board of trustees shall, subject to section 646a of the Michigan election law, MCL 168.646a, file certified copies of the annexation resolution, the approval, and the wording of ballot questions described in subsection (3) with the clerk of the county in which the territory to be annexed is located.

(3) After the resolution, approval, and ballot questions are filed under subsection (2), the clerk of the county shall place before the electors the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.

(4) If both propositions receive majority approval of the electors voting on the propositions, the effective date of the annexation is the date the election is certified by the appropriate board of county canvassers.

(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. 31. (1) A school district or 2 or more school districts that operate grades kindergarten through 12 may form a community college district. If resolutions of the boards of education of school districts requesting the organization of the community college district are filed with the secretary of the board of education of the intermediate school district having the highest valuation in the proposed community college district area, he or she shall 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 board of education of a single school district adopts a resolution requesting the organization of a community college district, the secretary of the board of education of that district shall refer those questions to the superintendent of public instruction for approval.

(2) For the purpose of this chapter, a school district operating grades kindergarten through 12 may form a community college district even though a part of the district is within an existing community college district. Except as provided in section 46, that part of the school district shall not be included in the area of the community college district and an elector who resides in that part of the school district is not eligible to vote at the organizational election or at any community college district election.

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 November, the term of office of each member elected shall commence on 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 the January 1 following the regular school election in November. 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 January 1 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 organized under this chapter consists of 2 or more school districts, the community college district shall be directed and governed by a board of trustees that consists of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election, 3 members shall be elected 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 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 January 1 following the next regular school election in November. 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 January following the date of the regular school election.

Sec. 41. (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 that portion of a local school district, intermediate school district, county, or township that is not already included in a community college district.

(2) Before an annexation election described in subsection (3), the board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. If the board receives that approval, the secretary of the board of trustees shall, subject to section 646a of the Michigan election law, MCL 168.646a, file certified copies of the annexation resolution, the approval, and the wording of the ballot questions described in subsection (3) with the clerk of the county in which the territory to be annexed is located.

(3) After the resolution, approval, and ballot questions are filed under subsection (2), the clerk of the county shall place before the electors the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.

(4) If both propositions receive majority approval of the electors voting on the propositions, the effective date of the annexation is the date the election is certified by the appropriate board of county canvassers.

(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.

(7) If a school district that operates grades kindergarten through 12 is annexed to a community college district before July 1, 2004, 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 first regular community college election after the annexation election.

Sec. 51. The board of an intermediate school district or the boards of 2 or more 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 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, subject to section 646a of the Michigan election law, MCL 168.646a, submit the language for the propositions to the clerk of the county in which the designated territory is located.

Sec. 52. The secretary of the board of the intermediate school district, or the secretary of the board of the intermediate school district that has the highest valuation in the proposed community college district for a community college formed by 2 or more intermediate school districts, shall, subject to section 646a of the Michigan election law, MCL 168.646a, file a copy of the approval of the superintendent of public instruction described in section 51 together with the propositions to be submitted to the electors described in section 51 with the clerk of the county in which the territory of the proposed community college district is located. After the approval and propositions are filed with the clerk of the county in accordance with this subsection, the clerk of the county shall place the question before the electors.

Sec. 54. (1) A community college district is directed and governed by a board of trustees, that consists 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 November, the term of office of each member elected shall commence on 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 January 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 January 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 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. 61. (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 that portion of an intermediate school district, local school district, county, or township that is not already included within a community college district.

(2) Before an annexation election described in this subsection, the board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. If it receives that approval, the secretary of the board of trustees shall, subject to section 646a of the Michigan election law, MCL 168.646a, file certified copies of the annexation resolution, the approval, and the wording of the ballot questions described in this subsection with the clerk of the county in which the territory to be annexed is located. After the resolution, approval, and ballot questions are filed in accordance with this subsection, the clerk of the county shall place before the electors the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.

(3) If both propositions receive majority approval of the electors voting on the propositions, the effective date of the annexation is the date the election is certified by the appropriate board of county canvassers.

(4) 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.

(5) 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. 82. (1) A community college district established under this chapter shall have a board of trustees composed of 9 members determined and elected or appointed to fill a vacancy as provided in section 83. Until January 1, 1993, each member shall represent a trustee district established under former section 82A. Beginning January 1, 1993, each member shall represent a trustee district established under subsection (2) or (3).

(2) Before April 1, 1992, the board of trustees of a community college established under this chapter shall reapportion the territory of the community college district to determine the boundary lines of the 9 trustee districts, using the 1990 federal decennial census. The trustee districts shall be compact, contiguous, and as equal as possible in population and shall be drawn to adjust for malapportionment by commencing redistricting from existing districts. The trustee districts established under this subsection shall be in effect until reapportionment of the trustee districts under subsection (3). All costs for the reapportionment under this subsection shall be paid by the state until a tax levy is authorized under section 84.

(3) Beginning with the 2000 federal decennial census, after each federal decennial census the board of trustees of a community college established under this chapter shall reapportion the territory of the community college district to determine the boundary lines of the 9 trustee districts. The trustee districts shall be compact and as equal as possible in population and shall be drawn to adjust for malapportionment by commencing redistricting from existing districts.

Sec. 85. (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 that portion of an intermediate school district, local school district, county, or township that is not already included within a community college district.

(2) Before an annexation election described in this subsection, the board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. If it receives that approval, the secretary of the board of trustees shall, subject to section 646a of the Michigan election law, MCL 168.646a, file certified copies of the annexation resolution, the approval, and the wording of the ballot questions described in this subsection with the clerk of the county in which the territory to be annexed is located. After the resolution, approval, and ballot questions are filed in accordance with this subsection, the clerk of the county shall place before the electors the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.

(3) If both propositions receive majority approval of the electors voting on the propositions, the effective date of the annexation is the date the election is certified by the appropriate board of county canvassers.

(4) 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.

(5) 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. 111. (1) The first meeting of the board of trustees following the organizational election of a community college district shall be called by the secretary of the intermediate board of education of the county that has the highest valuation within the community college district. The meeting shall be held within 15 days following the statutory date

on which the newly elected members take office, at a time and place designated by the secretary. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) The organizational board meeting of a community college district operating under chapter 1, 2, or 3 shall be held at the first meeting of the board of trustees in January following the date of the regular community college election.

(3) At the first meeting of a first or succeeding board of trustees, the board shall elect a chairperson and a vice chairperson, who shall be members of the board of trustees, and a secretary and a treasurer, who need not be members of the board of trustees. The officers shall be elected for a term of 2 years, subject to change of officers by resolution of the board.

(4) The board shall conduct its business in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved.....

Governor