

Act No. 127
Public Acts of 1990
Approved by the Governor
June 25, 1990
Filed with the Secretary of State
June 26, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Joe Young, Jr. and Mathieu

ENROLLED HOUSE BILL No. 5369

AN ACT to amend sections 116, 243, 331, and 621 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," as amended by Act No. 86 of the Public Acts of 1985, being sections 380.116, 380.243, 380.331, and 380.621 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 116, 243, 331, and 621 of Act No. 451 of the Public Acts of 1976, as amended by Act No. 86 of the Public Acts of 1985, being sections 380.116, 380.243, 380.331, and 380.621 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 116. (1) The board, by resolution, may authorize compensation for its members, which shall not exceed \$30.00 per meeting, subcommittee meeting, or authorized duty if the duty is related directly to the member's responsibility as a board member and if the duty is authorized in advance by the board. A board member shall not receive compensation for more than a total of 52 meetings, subcommittee meetings, and authorized duties per year unless the majority of the board votes to remove this limitation.

(2) A board member who wishes to increase the compensation per meeting of the board pursuant to subsection (1) shall introduce a resolution to that effect at a regularly scheduled meeting of the board. A public hearing on the merit of the resolution shall be held at the next regularly scheduled meeting of the board, and the board shall not vote on the resolution until after allowing for public testimony.

(3) The school electors of the district, at the annual meeting or election, may authorize compensation in excess of \$30.00 per meeting, subcommittee meeting, or authorized duty for board members. The school electors may provide for additional compensation for the secretary and the treasurer of the board. Compensation fixed by the school electors shall remain the same until changed by the electors at an annual meeting or election.

(4) Salaries of board members fixed by the school electors of the district and in effect on January 12, 1977, shall continue until the board adopts a resolution providing for compensation per meeting, subcommittee meeting, or authorized duty in compliance with this section and the resolution takes effect.

Sec. 243. (1) The board, by resolution, may authorize compensation for its members, which shall not exceed \$30.00 per meeting, subcommittee meeting, or authorized duty if the authorized duty is related directly to the member's responsibility as a board member and if the duty is authorized in advance by the board. A board member shall not receive compensation for more than a total of 52 meetings, subcommittee meetings, and authorized duties per year unless the majority of the board votes to remove this limitation. After a majority vote of the board to remove the limitation, no board member shall receive compensation for more than 1 meeting per day. The board may authorize additional compensation for the secretary and treasurer. The board may require bonds from the secretary and treasurer. If the board treasurer is not directly handling school district money or signing checks, a bond is not required. The school district business manager and all persons connected with the administration of funds shall be bonded.

(2) A board member who wishes to increase the compensation per meeting of the board pursuant to subsection (1) shall introduce a resolution to that effect at a regularly scheduled meeting of the board. A public hearing on the merit of the resolution shall be held at the next regularly scheduled meeting of the board, and the board shall not vote on the resolution until after allowing for public testimony.

(3) Except for the secretary and treasurer, a member or officer of the board shall not receive additional compensation for service rendered the school district unless authorized by the school electors of the district. Compensation fixed by the school electors shall remain the same until changed by the electors at an annual election.

(4) Salaries of board members fixed by the school electors of the district and in effect on January 12, 1977, shall continue until the board adopts a resolution providing for compensation per meeting, subcommittee meeting, or authorized duty in compliance with this section and the resolution takes effect.

Sec. 331. (1) The school district shall be a body corporate, governed by a board of education; may sue and be sued; and may take, hold, lease, sell, and convey real and personal property, including property outside its corporate limits, and property received by gift, devise, or bequest, as the interest of the school district may require. Land outside the school district shall not be acquired unless approved by a 2/3 vote of members elected to and serving on the board.

(2) Tax exemption of the school property shall be governed by section 1141.

(3) The school district is the successor of a school corporation or corporations existing within the limits of the district and is vested with the title to all property, real and personal, vested in the school corporation to which it is the successor. The school district is liable to pay the indebtedness and obligations of the school corporation to which it is the successor, in the manner and to the extent provided in this act.

(4) The board shall have power to purchase or lease property, erect and maintain or lease buildings, purchase personal property, employ and pay persons, and do other things in its judgment necessary for the proper establishment, maintenance, management, and carrying on of the public schools of the school district and for the protection of property of the district.

(5) The board may retain and employ legal counsel. If an entire city or township is located within a second class school district, the city or township attorney, upon request of the board, shall be the legal advisor of the board and shall represent it in litigation.

(6) The board may adopt bylaws and regulations for its own government and for the control and management of schools, school property, and pupils.

(7) The board may provide transportation and adequate facilities for transportation of pupils when and to the extent the board considers advisable.

(8) The board, by resolution, may authorize compensation for its members, which shall not exceed \$30.00 per meeting, subcommittee meeting, or authorized duty if the duty is related directly to the member's responsibility as a board member and if the duty is authorized in advance by the board. A board member shall not receive compensation for more than a total of 52 meetings, subcommittee meetings, and authorized duties per year unless the majority of the board votes to remove this limitation.

(9) A board member who wishes to increase the compensation per meeting of the board pursuant to subsection (8) shall introduce a resolution to that effect at a regularly scheduled meeting of the board. A public hearing on the merit of the resolution shall be held at the next regularly scheduled meeting of the board, and the board shall not vote on the resolution until after allowing for public testimony.

(10) An action of the board involving an incurrence of pecuniary liabilities or expenditure of money shall be by ye and nay vote entered at large upon the record.

Sec. 621. (1) An intermediate school board member shall receive a per diem allowance for attendance at meetings convened in accordance with the bylaws of the intermediate school board or held pursuant to law. Except as provided in subsection (4), the intermediate school board, by resolution, may authorize compensation

which shall not exceed \$30.00 per meeting, subcommittee meeting, or authorized duty if the duty is related directly to the member's responsibility as a board member and if the duty is authorized in advance by resolution of the board. Compensation shall be provided to a board member for an authorized duty only if that duty and the authority of the board member to perform that duty is specifically enumerated in the resolution authorizing compensation. A board member shall not receive compensation for more than a total of 52 meetings, subcommittee meetings, and authorized duties per year unless the majority of the board votes to remove this limitation.

(2) An intermediate school board member who wishes to increase the compensation per meeting of the intermediate school board pursuant to subsection (1) shall introduce a resolution to that effect at a regularly scheduled meeting of the intermediate school board. A public hearing on the merit of the resolution shall be held at the next regularly scheduled meeting of the intermediate school board, and the intermediate school board shall not vote on the resolution until after allowing for public testimony.

(3) Additional compensation shall be subject to the approval of a majority of the representatives of constituent district boards at the annual budget meeting required by section 624. The per diem allowances and expenses shall be approved and paid from funds of the intermediate school district. Reimbursement of board members for actual and necessary expenses incurred in the performance of official functions shall be by action of the board.

(4) The per diem compensation for members of an intermediate school board that exceeds the amount permitted in subsection (1) and that was in effect on January 12, 1977 shall continue unless the compensation is reduced in compliance with subsection (1).

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.