SENATE BILL No. 1277

May 7, 2002, Introduced by Senators BENNETT, MC COTTER and HART and referred to the
Committee on Education.

A bill to amend 1966 PA 331, entitled

"Community college act of 1966,"

by amending sections 21, 34a, 36, 37, 41, 42, 43, 57, 61, 62, 63,

85, 86, 87, and 88 (MCL 389.21, 389.34a, 389.36, 389.37, 389.41,

389.42, 389.43, 389.57, 389.61, 389.62, 389.63, 389.85, 389.86,

389.87, and 389.88), sections 21, 37, 41, 42, 43, 57, 61, 62, and

63 as amended and sections 85, 86, 87, and 88 as added by 2000 PA

488 and section 34a as amended by 1982 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 21. (1) The board of trustees of a community college

2 district comprised of a county or counties by resolution may

3 annex to the community college district in the manner provided in

4 this act any contiguous county, contiguous township, CONTIGUOUS

5 CITY, CONTIGUOUS VILLAGE, contiguous intermediate school

6 district, or contiguous local school district not already

1 included within the area of a community college district, subject

2 to the following:

3   (a) A community college district located in the Upper

4 Peninsula may annex a county, township, intermediate school dis-

5 trict, or local school district that is not contiguous.

6   (b) A community college district that has been offering

7 classes at a federal military installation located in a noncon-

8 tiguous county for a period of at least 20 years may annex that

9 noncontiguous county or that portion of the noncontiguous county

10 that is not within another community college district.

11   (2) Prior to the annexation election, the board of trustees

12 shall obtain approval of the proposed annexation from the super-

13 intendent of public instruction. Upon receipt of the approval,

14 the secretary of the board of trustees shall file certified

15 copies of the annexation resolution and the approval with the

16 clerk of the county, ~~or~~ township, CITY, OR VILLAGE to be

17 annexed, or the secretary of the board of the intermediate school

18 district or local school district to be annexed, as applicable.

19   (3) If the resolution and approval are filed more than 90

20 days before the date of the next general state election, then the

21 county board of commissioners, the township board, THE CITY

22 COMMON COUNCIL, COUNCIL, OR COMMISSION, THE VILLAGE COUNCIL, or

23 the board of the intermediate or local school district, as appli-

24 cable, shall call a special election for the purpose of voting on

25 the question of annexation to the community college district and

26 of approving the maximum tax rate existing in the community

27 college district. If the resolution and approval are filed less

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1 than 90 days but more than 20 days prior to the next general

2 state election, then the propositions shall be presented at that

3 election.

4   (4) Annexation becomes effective on the date of the election

5 if both propositions receive majority approval of the electors

6 voting on the propositions. The final results of the annexation

7 election shall be canvassed as follows:

8   (a) If a county, TOWNSHIP, CITY, OR VILLAGE is the subject

9 of annexation, the ~~county~~ board of canvassers OF THAT COUNTY,

10 TOWNSHIP, CITY, OR VILLAGE shall conduct the canvass as provided

11 in section 17.

12   ~~(b) If a township is the subject of annexation, the town-~~

13 ~~ship board of canvassers shall conduct the canvass.~~

14   (B) ~~(c)~~ If a local or intermediate school district is the

15 subject of annexation, the board of canvassers of ~~the~~ THAT

16 local or intermediate school district shall conduct the canvass.

17   (5) By virtue of annexation, unless otherwise provided in

18 the approved annexation propositions, any territory annexed to a

19 community college district is subject to taxes levied for princi-

20 pal and interest of outstanding bonded indebtedness of the commu-

21 nity college district.

22   (6) If any portion of a county, township, CITY, VILLAGE, or

23 intermediate or local school district to be annexed lies within a

24 community college district at the time of the annexation elec-

25 tion, then the electors residing in that territory are not eligi-

26 ble to vote on the propositions and that territory does not

27 become a part of the community college district.

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1   Sec. 34a. (1) If ~~the~~ A community college district

2 ~~consists of 2 or more school districts~~ ORGANIZED UNDER THIS

3 CHAPTER DOES NOT CONSIST OF A SINGLE SCHOOL DISTRICT, the commu-

4 nity college district shall be directed and governed by a board

5 of trustees consisting of 7 members, elected at large in the

6 ~~proposed~~ community college district OR PROPOSED COMMUNITY COL-

7 LEGE DISTRICT on a nonpartisan basis. At the organizational

8 election, there shall be elected 3 members for 6-year terms, 2

9 members for 4-year terms, and 2 members for 2-year terms.

10 Thereafter, at the next regular community college election imme-

11 diately preceding the expiration of their terms of office, their

12 successors shall be elected for terms of 6 years.

13   (2) When the organizational election is held at the same

14 time as the annual school election, the term of office of each

15 member elected shall commence on July 1 following the organiza-

16 tional election. However, if the annual school election is held

17 in November, the term of each member elected shall commence on

18 the January 1 following the organizational election.

19   (3) When the organizational election is held on a date other

20 than the date of the annual school election, each board member

21 shall take office on the fifteenth day following the date of the

22 organizational election. Regular terms of office shall commence

23 on July 1 following the next annual school election. However, if

24 the next annual school election is held in November, the regular

25 terms of office shall commence on the January 1 following the

26 annual school election. When the organizational election is held

27 on a date other than the annual school election, the first year

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1 of the term of office of each of the members elected to the first

2 board of trustees shall extend for the period of time remaining

3 until July 1 or January 1, whichever is applicable under this

4 subsection, following the date of the annual school election.

5 ~~(4) In the case of an existing community college district~~

6 ~~consisting of 2 or more school districts, the board of trustees~~

7 ~~as presently constituted shall continue to serve until the next~~

8 ~~regular community college election which occurs after April 5,~~

9 ~~1978. At that time, additional members shall be elected in num-~~

10 ~~bers and for terms so that, together with existing board members~~

11 ~~whose terms are not expiring, there will be 2 members whose terms~~

12 ~~expire 2 years after the election, 3 members whose terms expire 4~~

13 ~~years after the election, and 2 members whose terms expire 6~~

14 ~~years after the election.~~

15 ~~(5) The term of any member serving on the effective date of~~

16 ~~this subsection, in a district which elects members in November,~~

17 ~~shall terminate on January 1 of the calendar year in which the~~

18 ~~member's term otherwise would have expired, but for this~~

19 ~~subsection.~~

20 Sec. 36. (1) The provisions of ~~sections 531 to 540 of Act~~

21 ~~No. 269 of the Public Acts of 1955, as amended, being sections~~

22 ~~340.531 to 340.540 of the Compiled Laws of 1948~~ THE REVISED

23 SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, shall govern the

24 conduct and procedures of the community college election con-

25 ducted by local school boards under this chapter. THE PROVISIONS

26 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992,

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1 SHALL GOVERN THE CONDUCT AND PROCEDURES OF AN ELECTION CONDUCTED

2 BY A COUNTY, CITY, OR VILLAGE UNDER THIS CHAPTER.

3   (2) Where part of a local school district is in another com-

4 munity college district, only those electors residing in the

5 remainder of the school district shall be eligible to vote in the

6 organizational election or in subsequent community college

7 elections.

8   Sec. 37. ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS CHAP-

9 TER, THE board of canvassers of the local or intermediate school

10 districts whose electors are eligible to vote in an election

11 shall conduct a canvass of the results of the election within 3

12 days of the election. For an organizational election, the board

13 of canvassers appointed by the secretaries of the boards of the

14 component school districts meeting jointly shall conduct the

15 final canvass. For a community college district election, other

16 than an organizational election, except as otherwise provided in

17 this chapter, the board of canvassers appointed by the board of

18 trustees of the community college district shall conduct the

19 final canvass. In the case of a community college district con-

20 sisting entirely of 1 school district, the board of canvassers

21 for elections in that school district shall conduct the final

22 canvass.

23   Sec. 41. (1) The board of trustees by resolution may annex

24 to a community college district any contiguous local school dis-

25 trict, contiguous intermediate school district, ~~or~~ contiguous

26 county, CONTIGUOUS TOWNSHIP, CONTIGUOUS CITY, OR CONTIGUOUS

1 VILLAGE not already included within a community college

2 district.

3   (2) The board of trustees shall obtain the approval of the

4 proposed annexation from the superintendent of public

5 instruction. Upon receipt of the approval, the secretary of the

6 board of trustees shall file certified copies of the annexation

7 resolution and the approval with the secretary of the board of

8 education of the local school district to be annexed, the secre-

9 tary of the intermediate school board of the intermediate school

10 district to be annexed, ~~and~~ OR the ~~county~~ clerk of the

11 county, TOWNSHIP, CITY, OR VILLAGE to be annexed, as applicable.

12   (3) If a school district that operates grades kindergarten

13 through 12 is annexed to a community college district, the school

14 district is entitled to elect a member to the board of trustees

15 of the community college district for a term of 6 years. The

16 first member shall be elected at the regular community college

17 election next succeeding the annexation election.

18   Sec. 42. (1) In the annexation of a local school district,

19 if the resolution and approval are filed with the secretary more

20 than 90 days before the date of the annual election of the dis-

21 trict to be annexed, the board of education of the district shall

22 call a special election for voting on the annexation on a date

23 specified by the secretary of the board of trustees of the commu-

24 nity college district. If the resolution and approval are filed

25 more than 20 days but less than 90 days prior to the date of the

26 annual election of the district to be annexed, the board of

1 education of the district shall submit the annexation proposition

2 to the electors at the annual election.

3   (2) In the annexation of an intermediate school district,

4 the secretary of the intermediate school board of the intermedi-

5 ate school district in writing shall direct the board of educa-

6 tion of each component school district to submit the annexation

7 propositions to the electors of the school district. Each school

8 district shall hold the election at the time of the annual school

9 elections if notification is given more than 20 but less than 90

10 days before the annual election date. Otherwise, each board of

11 education shall call a special election, to consider the annexa-

12 tion propositions, on a date specified by the secretary of the

13 intermediate school board.

14   (3) In the annexation of a county, TOWNSHIP, CITY, OR

15 VILLAGE, if the resolution and approval are filed 90 days or

16 more, or 20 days or less, before the date of the next general

17 election, then the county board of commissioners, THE TOWNSHIP

18 BOARD, THE CITY COMMON COUNCIL, COUNCIL, OR COMMISSION, OR THE

19 VILLAGE COUNCIL, AS APPLICABLE, shall call a special election

20 ~~within the county~~ to consider the annexation propositions. If

21 the resolution and approval are filed less than 90 days but more

22 than 20 days before the next general election, then the annexa-

23 tion propositions shall be submitted to the electors of the

24 county, TOWNSHIP, CITY, OR VILLAGE at that election.

25   Sec. 43. (1) At an annexation election, the electors shall

26 vote on the propositions of annexation to the community college

27 district and the adoption of the maximum annual tax rate of the

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1 community college district. Annexation is effective on the date

2 of the election if both propositions receive majority approval of

3 the electors voting on the propositions. A local school dis-

4 trict, intermediate school district, ~~or~~ county, TOWNSHIP, CITY,

5 OR VILLAGE annexed is subject to taxes levied within the maximum

6 annual tax rate, and, unless otherwise provided in the annexation

7 propositions, to taxes levied for principal and interest of out-

8 standing bonded indebtedness of the community college district.

9   (2) If any portion of a local school district, intermediate

10 school district, ~~or~~ county, TOWNSHIP, CITY, OR VILLAGE to be

11 annexed lies within a community college district at the time of

12 the annexation election, the electors residing in that territory

13 are not eligible to vote on the propositions and the territory

14 does not become a part of the community college district.

15   (3) In an annexation of a county, if all or any portion of a

16 local school district lies within that county, no elector resid-

17 ing in that local school district may vote on the propositions

18 and no part of the local school district becomes part of the com-

19 munity college district if both of the following are met:

20   (a) The local school district is not part of an intermediate

21 school district that has at least 80% of its territory in the

22 county to be annexed.

23   (b) The board of education of the local school district

24 adopts a resolution that the school district elects to be

25 excluded from the annexation, and files a certified copy of the

26 resolution with the county clerk and the board of trustees within

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1 15 days of the date the resolution and approval are filed with

2 the county clerk under section 41(2).

3   (4) In an annexation of a local school district or interme-

4 diate school district, the results of the annexation election

5 shall be canvassed as provided in section 37. In an annexation

6 of a county, TOWNSHIP, CITY, OR VILLAGE, the final results of the

7 annexation election shall be canvassed by the ~~county~~ board of

8 canvassers for that county, TOWNSHIP, CITY, OR VILLAGE.

9   Sec. 57. ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS CHAP-

10 TER, THE boards of canvassers of the school districts whose elec-

11 tors are eligible to vote in an election shall conduct a canvass

12 of the results of the election within 3 days of the election.

13 For an organizational election, the board of canvassers of the

14 intermediate school district having the highest valuation within

15 the proposed community college district shall conduct the final

16 canvass. For a community college district election other than an

17 organizational election, except as otherwise provided in this

18 chapter, the board of canvassers appointed by the board of trust-

19 ees of the community college shall conduct the final canvass.

20   Sec. 61. (1) The board of trustees by resolution may

21 ~~propose annexation and~~ annex to a community college district

22 any of the following if not already included within a community

23 college district:

24   (a) A contiguous intermediate school district, contiguous

25 local school district, ~~or~~ contiguous county, CONTIGUOUS TOWN-

26 SHIP, CONTIGUOUS CITY, OR CONTIGUOUS VILLAGE.

1   (b) A contiguous intermediate school district and 1 or more

2 local school districts contiguous to that intermediate school

3 district, subject to the following:

4   (*i*) If a majority of the electors of that intermediate

5 school district do not approve of both propositions of annexation

6 of that intermediate school district described in section 63,

7 then the annexation of that intermediate school district and the

8 annexation of any of the local school districts are ineffective,

9 and that intermediate school district and the local school dis-

10 tricts do not become part of the community college district.

11   (*ii*) If a majority of the electors of that intermediate

12 school district approve of both propositions of annexation of

13 that intermediate school district described in section 63, that

14 intermediate school district and each of the local school dis-

15 tricts in which a majority of the electors approve of both propo-

16 sitions of annexation of that local school district become part

17 of the community college district.

18   (2) The board of trustees shall obtain the approval of the

19 proposed annexation from the superintendent of public

20 instruction. Upon receipt of the approval, the secretary of the

21 board of trustees shall file certified copies of the annexation

22 resolution and the approval as follows:

23   (a) For an annexation described in subsection (1)(a), with

24 the secretary of the intermediate school board of the intermedi-

25 ate school district to be annexed, with the secretary of the

26 board of education of the local school district to be annexed,

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1 ~~and with the county~~ OR THE clerk of the county, TOWNSHIP, CITY,

2 OR VILLAGE to be annexed, as applicable.

3 (b) For an annexation described in subsection (1)(b), with

4 the secretary of the intermediate school board of the intermedi-

5 ate school district to be annexed and the secretary of the board

6 of education of each local school district to be annexed.

7 Sec. 62. (1) In an annexation of 1 or more local school

8 districts, if the resolution and approval are filed with each

9 secretary more than 90 days before the date of the annual elec-

10 tion of the districts to be annexed, the board of education of

11 each district shall call a special election for voting on the

12 propositions of annexation. If the resolution and approval are

13 filed more than 20 days but less than 90 days prior to the date

14 of the annual election of each district to be annexed, the board

15 of education of each district shall submit annexation proposi-

16 tions to its electors at the annual election.

17 (2) In an annexation of an intermediate school district, the

18 secretary of the intermediate school board of the intermediate

19 school district in writing shall direct the board of education of

20 each component school district to submit the annexation proposi-

21 tions to the electors of that component school district. Each

22 school district shall hold the election at the time of its annual

23 school elections if notification is given to each school district

24 more than 20 but less than 90 days before the annual election

25 date. Otherwise, each board of education shall call a special

26 election, to consider the annexation propositions, on a date

27 specified by the secretary of the intermediate school board.

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1   (3) In an annexation of a county, TOWNSHIP, CITY, OR VILLAGE

2 if the resolution and approval are filed 90 days or more, or 20

3 days or less, before the date of the next general election, then

4 the county board of commissioners, THE TOWNSHIP BOARD, THE CITY

5 COMMON COUNCIL, COUNCIL, OR COMMISSION, OR THE VILLAGE COUNCIL,

6 AS APPLICABLE, shall call a special election ~~within the county~~

7 to consider the annexation propositions. If the resolution and

8 approval are filed less than 90 days but more than 20 days before

9 the next general election, then the annexation propositions shall

10 be submitted to the electors of the county, TOWNSHIP, CITY, OR

11 VILLAGE at that election.

12   Sec. 63. (1) At an annexation election, the electors shall

13 vote on the propositions of annexation to the community college

14 district and the adoption of the maximum annual tax rate of the

15 community college district. Subject to subsection (2), annexa-

16 tion is effective on the date of the election if both proposi-

17 tions receive majority approval of the electors voting on the

18 propositions. Unless otherwise provided in the approved annexa-

19 tion propositions, a local school district, intermediate school

20 district, ~~or~~ county, TOWNSHIP, CITY, OR VILLAGE annexed is

21 subject to taxes levied for principal and interest of outstanding

22 bonded indebtedness of the community college district.

23   (2) If any portion of an intermediate school district, local

24 school district, ~~or~~ county, TOWNSHIP, CITY, OR VILLAGE to be

25 annexed lies within a community college district at the time of

26 the annexation election, the electors residing in that territory

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1 are excluded from voting on the propositions and the territory

2 does not become a part of the community college district.

3   (3) In an annexation of a county, if all or any portion of a

4 local school district lies within that county, no elector resid-

5 ing in that local school district may vote on the propositions

6 and no part of the local school district becomes part of the com-

7 munity college district if both of the following are met:

8   (a) The local school district is not part of an intermediate

9 school district that has at least 80% of its territory in the

10 county to be annexed.

11   (b) The board of education of the local school district

12 adopts a resolution that the school district elects to be

13 excluded from the annexation, and files a certified copy of the

14 resolution with the county clerk and the board of trustees within

15 15 days of the date the resolution and approval are filed with

16 the county clerk under section 61(2).

17   (4) In an annexation of 1 or more local school districts or

18 an intermediate school district, the results of the annexation

19 election shall be canvassed as provided in section 57. In an

20 annexation of a county, TOWNSHIP, CITY, OR VILLAGE, the final

21 results of the annexation election shall be canvassed by the

22 ~~county~~ board of canvassers for that county, TOWNSHIP, CITY, OR

23 VILLAGE.

24   Sec. 85. (1) The board of trustees by resolution may annex

25 to a community college district any contiguous intermediate

26 school district, ~~or~~ contiguous local school district,

27 CONTIGUOUS COUNTY, CONTIGUOUS TOWNSHIP, CONTIGUOUS CITY, OR

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1 CONTIGUOUS VILLAGE not already included within a community

2 college district.

3   (2) The board of trustees shall obtain the approval of the

4 proposed annexation from the superintendent of public

5 instruction. Upon receipt of the approval, the secretary of the

6 board of trustees shall file certified copies of the annexation

7 resolution and the approval with the secretary of the intermedi-

8 ate school board of the intermediate school district to be

9 annexed, ~~or with~~ the secretary of the board of education of the

10 local school district to be annexed, OR THE CLERK OF THE COUNTY,

11 TOWNSHIP, CITY, OR VILLAGE TO BE ANNEXED, AS APPLICABLE.

12   Sec. 86. (1) In the annexation of a local school district,

13 if the resolution and approval are filed with the secretary more

14 than 90 days before the date of the annual election of the dis-

15 trict to be annexed, the board of education of the district shall

16 call a special election for voting on the propositions of

17 annexation. If the resolution and approval are filed more than

18 20 days but less than 90 days prior to the date of the annual

19 election of the district to be annexed, the board of education of

20 the district shall submit the annexation propositions to the

21 electors at the annual election.

22   (2) In the annexation of an intermediate school district,

23 the secretary of the intermediate school board of the intermedi-

24 ate school district in writing shall direct the board of educa-

25 tion of each component school district to submit the annexation

26 propositions to the electors of the school district. Each school

27 district shall hold the election at the time of the annual school

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1 elections if notification is given more than 20 but less than

2 90 days before the annual election date. Otherwise, each board

3 of education shall call a special election, to consider the

4 annexation propositions, on a date specified by the secretary of

5 the intermediate school board.

6   (3) IN THE ANNEXATION OF A COUNTY, TOWNSHIP, CITY, OR VIL-

7 LAGE, IF THE RESOLUTION AND APPROVAL ARE FILED 90 DAYS OR MORE,

8 OR 20 DAYS OR LESS, BEFORE THE DATE OF THE NEXT GENERAL ELECTION,

9 THEN THE COUNTY BOARD OF COMMISSIONERS, THE TOWNSHIP BOARD, THE

10 CITY COMMON COUNCIL, COUNCIL, OR COMMISSION, OR THE VILLAGE COUN-

11 CIL, AS APPLICABLE, SHALL CALL A SPECIAL ELECTION TO CONSIDER THE

12 ANNEXATION PROPOSITIONS. IF THE RESOLUTION AND APPROVAL ARE

13 FILED LESS THAN 90 DAYS BUT MORE THAN 20 DAYS BEFORE THE NEXT

14 GENERAL ELECTION, THEN THE ANNEXATION PROPOSITIONS SHALL BE SUB-

15 MITTED TO THE ELECTORS OF THE COUNTY, TOWNSHIP, CITY, OR VILLAGE

16 AT THAT ELECTION.

17   Sec. 87. (1) At an annexation election, the electors shall

18 vote on the propositions of annexation to the community college

19 district and the adoption of the maximum annual tax rate of the

20 community college district. Annexation is effective on the date

21 of the election if both propositions receive majority approval of

22 the electors voting on the proposition.

23   (2) If any portion of an intermediate school district, ~~or~~

24 ~~of a~~ local school district, COUNTY, TOWNSHIP, CITY, OR VILLAGE

25 to be annexed lies within a community college district operating

26 a community college at the time of the annexation election, the

27 electors residing in that territory are excluded from voting on

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1 the propositions and the territory does not become a part of the

2 community college district.

3   Sec. 88. A LOCAL school district, INTERMEDIATE SCHOOL DIS-

4 TRICT, COUNTY, TOWNSHIP, CITY, OR VILLAGE annexed by a community

5 college district under this chapter becomes a part of the commu-

6 nity college district, is subject to taxes levied within the tax

7 rate established in the community college district, and, unless

8 otherwise provided in the approved annexation propositions, is

9 subject to taxes for the payment of principal and interest of

10 outstanding bonded indebtedness of the community college

11 district.