

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4820

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617,
629, 661, 681, 682, 687, 690, 701, 702, 703, 705, 853, 854, 855,
856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351,
1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a,
380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629,
380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702,
380.703, 380.705, 380.853, 380.854, 380.855, 380.856, 380.857,
380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945,
380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and
380.1724), section 5 as amended by 2003 PA 179, sections 6, 503,
and 690 as amended and section 11a as added by 1995 PA 289,
section 14 as amended by 1999 PA 23, sections 614 and 617 as
amended by 2002 PA 157, section 629 as amended by 2002 PA 61,

sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, section 853 as amended by 1998 PA 406, sections 854, 857, and 858 as amended by 1992 PA 263, section 859 as amended by 2002 PA 509, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Educational media center" means a program
2 operated by an intermediate school district and approved by the
3 state board ~~—, which—~~ **that** provides services to local school
4 districts or constituent districts under section 671.

5 (2) "Handicapped person" shall be defined by rules
6 promulgated by the state board. Handicaps include, but are not
7 limited to, mental, physical, emotional, behavioral, sensory, and
8 speech handicaps.

9 (3) "Intermediate school board" means the board of an
10 intermediate school district.

11 (4) "Intermediate school district" means a corporate body
12 established under part 7.

13 (5) "Intermediate school district election" means an election
14 called by an intermediate school board and held on the date of
15 the ~~—annual—~~ **regular** school elections of constituent districts or
16 on a date determined by the intermediate school board under
17 ~~—sections 661 and 662—~~ **section 642b of the Michigan election law,**
18 **MCL 168.642b.**

1 (6) "Intermediate school elector" means a person who is a
2 school elector of a constituent district and who is registered in
3 the city or township in which the person resides.

4 (7) "Intermediate superintendent" means the superintendent of
5 an intermediate school district.

6 Sec. 5. (1) "Local act school district" or "special act
7 school district" means a district governed by a special or local
8 act or chapter of a local act. "Local school district" and
9 "local school district board" as used in article 3 include a
10 local act school district and a local act school district board.

11 (2) "Membership" means the number of full-time equivalent
12 pupils in a public school as determined by the number of pupils
13 registered for attendance plus pupils received by transfer and
14 minus pupils lost as defined by rules promulgated by the state
15 board.

16 (3) **"Michigan election law" means the Michigan election law,**
17 **1954 PA 116, MCL 168.1 to 168.992.**

18 (4) ~~—(3)—~~ "Nonpublic school" means a private, denominational,
19 or parochial school.

20 (5) ~~—(4)—~~ "Objectives" means measurable pupil academic skills
21 and knowledge.

22 (6) ~~—(5)—~~ "Public school" means a public elementary or
23 secondary educational entity or agency that is established under
24 this act, has as its primary mission the teaching and learning of
25 academic and vocational-technical skills and knowledge, and is
26 operated by a school district, local act school district, special
27 act school district, intermediate school district, public school

1 academy corporation, strict discipline academy corporation, urban
2 high school academy corporation, or by the department or state
3 board. Public school also includes a laboratory school or other
4 elementary or secondary school that is controlled and operated by
5 a state public university described in section 4, 5, or 6 of
6 article VIII of the state constitution of 1963.

7 (7) ~~-(6)-~~ "Public school academy" means a public school
8 academy established under part 6a and, except as used in part 6a,
9 also includes an urban high school academy established under part
10 6c and a strict discipline academy established under sections
11 1311b to 1311f.

12 (8) ~~-(7)-~~ "Pupil membership count day" of a school district
13 means that term as defined in section 6 of the state school aid
14 act of 1979, MCL 388.1606.

15 (9) **"Regular school election" or "regular election" means the**
16 **election held in a school district, local act school district, or**
17 **intermediate school district to elect a school board member in**
18 **the regular course of the terms of that office and held on the**
19 **school district's regular election date as determined under**
20 **section 642b of the Michigan election law, MCL 168.642b.**

21 (10) ~~-(8)-~~ "Reorganized intermediate school district" means
22 an intermediate school district formed by consolidation or
23 annexation of 2 or more intermediate school districts under
24 sections 701 and 702.

25 (11) ~~-(9)-~~ "Rule" means a rule promulgated ~~pursuant to~~
26 **under** the administrative procedures act of 1969, 1969 PA 306,
27 MCL 24.201 to 24.328.

1 Sec. 6. (1) "School district" or "local school district"
2 means a general powers school district organized under this act,
3 regardless of previous classification, or a school district of
4 the first class.

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

9 (3) ~~—(2)—~~ "School elector" means a person qualified as an
10 elector under section 492 of the Michigan election law, ~~Act~~
11 ~~No. 116 of the Public Acts of 1954, being section 168.492 of the~~
12 ~~Michigan Compiled Laws, registered as provided in part 12~~
13 **MCL 168.492**, and resident of the school district, local act
14 school district, or intermediate school district on or before the
15 thirtieth day before the next ensuing ~~annual~~ **regular** or special
16 school election.

17 (4) ~~—(3)—~~ "School month" means a 4-week period of 5 days each
18 unless otherwise specified in the teacher's contract.

19 (5) ~~—(4)—~~ "Special education building and equipment" means a
20 structure or portion of a structure or personal property
21 accepted, leased, purchased, or otherwise acquired, prepared, or
22 used for special education programs and services.

23 (6) ~~—(5)—~~ "Special education personnel" means persons engaged
24 in and having professional responsibility for the training, care,
25 and education of handicapped persons in special education
26 programs and services including, but not limited to, teachers,
27 aides, school social workers, diagnostic personnel, physical

1 therapists, occupational therapists, audiologists, teachers of
2 speech and language, instructional media-curriculum specialists,
3 mobility specialists, teacher consultants, supervisors, and
4 directors.

5 (7) ~~—(6)—~~ "Special education programs and services" means
6 educational and training services designed for handicappers and
7 operated by local school districts, local act school districts,
8 intermediate school districts, the Michigan school for the **deaf**
9 **and** blind, ~~the Michigan school for the deaf,~~ the department of
10 ~~mental~~ **community** health, the ~~department of social services~~
11 **family independence agency**, or a combination ~~thereof~~ **of these**,
12 and ancillary professional services for handicappers rendered by
13 agencies approved by the state board. The programs shall include
14 vocational training, but need not include academic programs of
15 college or university level.

16 (8) **"Special school election" or "special election" means a**
17 **school district election to fill a vacancy on the school board or**
18 **submit a ballot question to the school electors that is held on a**
19 **regular election date established under section 641 of the**
20 **Michigan election law, MCL 168.641.**

21 (9) ~~—(7)—~~ "State approved nonpublic school" means a nonpublic
22 school that complies with ~~Act No. 302 of the Public Acts of~~
23 ~~1921, being sections 388.551 to 388.558 of the Michigan Compiled~~
24 ~~Laws~~ **1921 PA 302, MCL 388.551 to 388.558.**

25 (10) ~~—(8)—~~ "State board" means the state board of education
26 unless clearly otherwise stated.

27 (11) ~~—(9)—~~ "Department" means the department of education

1 created and operating under sections 300 to 305 of the executive
2 organization act of 1965, ~~Act No. 380 of the Public Acts of~~
3 ~~1965, being sections 16.400 to 16.405 of the Michigan Compiled~~
4 ~~Laws~~ **1965 PA 380, MCL 16.400 to 16.405.**

5 (12) ~~(10)~~ "State school aid" means allotments from the
6 general appropriating act for the purpose of aiding in the
7 support of the public schools of the state.

8 (13) ~~(11)~~ "The state school aid act of 1979" means ~~Act~~
9 ~~No. 94 of the Public Acts of 1979, being sections 388.1601 to~~
10 ~~388.1772 of the Michigan Compiled Laws~~ **the state school aid act**
11 **of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.**

12 Sec. 11a. (1) Beginning on ~~the effective date of this~~
13 ~~section~~ **July 1, 1996**, each school district formerly organized as
14 a primary school district or as a school district of the fourth
15 class, third class, or second class shall be a general powers
16 school district under this act.

17 (2) Beginning on ~~the effective date of this section~~ **July 1,**
18 **1996**, a school district operating under a special or local act
19 shall operate as a general powers school district under this act
20 except to the extent that the special or local act is
21 inconsistent with this act. Upon repeal of a special or local
22 act that governs a school district, that school district shall
23 become a general powers school district under this act.

24 (3) A general powers school district has all of the rights,
25 powers, and duties expressly stated in this act; may exercise a
26 power implied or incident to ~~any~~ **a** power expressly stated in
27 this act; and, except as provided by law, may exercise a power

1 incidental or appropriate to the performance of ~~any~~ a function
2 related to operation of the school district in the interests of
3 public elementary and secondary education in the school district,
4 including, but not limited to, all of the following:

5 (a) Educating pupils. In addition to educating pupils in
6 grades K-12, this function may include operation of preschool,
7 lifelong education, adult education, community education,
8 training, enrichment, and recreation programs for other persons.

9 (b) Providing for the safety and welfare of pupils while at
10 school or a school sponsored activity or while en route to or
11 from school or a school sponsored activity.

12 (c) Acquiring, constructing, maintaining, repairing,
13 renovating, disposing of, or conveying school property,
14 facilities, equipment, technology, or furnishings.

15 (d) Hiring, contracting for, scheduling, supervising, or
16 terminating employees, independent contractors, and others to
17 carry out school district powers. A school district may
18 indemnify its employees.

19 (e) Receiving, accounting for, investing, or expending school
20 district money; borrowing money and pledging school district
21 funds for repayment; and qualifying for state school aid and
22 other public or private money from local, regional, state, or
23 federal sources.

24 (4) A general powers school district may enter into
25 agreements or cooperative arrangements with other entities,
26 public or private, or join organizations as part of performing
27 the functions of the school district.

1 (5) A general powers school district is a body corporate and
2 shall be governed by a school board. An act of a school board is
3 not valid unless approved, at a meeting of the school board, by a
4 majority vote of the members lawfully serving on the board.

5 (6) The board of a general powers school district shall adopt
6 bylaws. These bylaws may establish or change board procedures,
7 the number of board officers, titles and duties of board
8 officers, and any other matter related to effective and efficient
9 functioning of the board. Regular meetings of the board shall be
10 held at least once each month, at the time and place fixed by the
11 bylaws. Special meetings may be called and held in the manner
12 and for the purposes specified in the bylaws. Board procedures,
13 bylaws, and policies in effect on the effective date of this
14 section shall continue in effect until changed by action of the
15 board.

16 (7) The board of a school district shall be elected as
17 provided under this act and the Michigan election law. ~~— Act~~
18 ~~No. 116 of the Public Acts of 1954, being sections 168.1 to~~
19 ~~168.992 of the Michigan Compiled Laws.—~~ The number of members of
20 the board of a general powers school district ~~and the term of~~
21 ~~office for a board member of a general powers school district~~
22 shall remain the same as ~~they were~~ for that school district
23 before ~~the effective date of this section unless either or both~~
24 ~~are~~ **July 1, 1996 unless** changed by the school electors of the
25 school district at a regular or special **school** election. A
26 ~~proposition~~ **ballot question** for changing the number of board
27 members ~~or term of office~~ may be placed on the ballot by action

1 of the board or by petition submitted by school electors as
2 provided under ~~this act~~ **chapter XIV of the Michigan election**
3 **law, MCL 168.301 to 168.315.**

4 ~~(8) On the effective date of this section, the board of each~~
5 ~~school district shall continue to be the board of the school~~
6 ~~district and to function in that capacity. A person lawfully~~
7 ~~-serving on the effective date of this act as a member of the~~
8 ~~board of a school district shall continue to be a member of the~~
9 ~~board and shall continue in office for the remainder of the term~~
10 ~~for which the person was elected or appointed.~~

11 **(8) Members of the board of a general powers school district**
12 **shall be elected by the school electors for terms of 4 or 6**
13 **years, as provided by the school district's bylaws. At each**
14 **regular school election, members of the board shall be elected to**
15 **fill the positions of those whose terms will expire. A term of**
16 **office begins as provided in section 302 of the Michigan election**
17 **law, MCL 168.302, and continues until a successor is elected and**
18 **qualified.**

19 **(9) The board of a general powers school district may submit**
20 **to the school electors of the school district a question that is**
21 **within the scope of the powers of the school electors and that**
22 **the board considers proper for the management of the school**
23 **system or the advancement of education in the school district.**
24 **Upon the adoption of a question by the board, the board shall**
25 **submit the question to the school electors by complying with**
26 **section 312 of the Michigan election law, MCL 168.312.**

27 **(10) A special election may be called by the board of a**

1 general powers school district as provided under chapter XIV of
2 the Michigan election law, MCL 168.301 to 168.315.

3 (11) ~~(9)~~ Unless expressly provided in ~~the amendatory act~~
4 ~~that added this section~~ 1995 PA 289, the powers of a school
5 board or school district are not diminished by this section or by
6 ~~the amendatory act that added this section~~ 1995 PA 289.

7 (12) ~~(10)~~ A school district operating a public library,
8 public museum, or community recreational facility as of ~~the~~
9 ~~effective date of the amendatory act that added this section~~
10 July 1, 1996 may continue to operate the public library, public
11 museum, or community recreational facility.

12 Sec. 14. A petition under, ~~sections~~ **or that is necessary**
13 **to meet a requirement of, section** 11a, 411a, 412a, 503, 614, 617,
14 690, 701, 853, 860, 931, ~~1026, 1032, 1066,~~ or 1311e, including
15 the circulation and signing of the petition, is subject to
16 section 488 of the Michigan election law, ~~1954 PA 116,~~
17 MCL 168.488. A person who violates a provision of the Michigan
18 election law ~~, 1954 PA 116, MCL 168.1 to 168.992,~~ applicable to
19 a petition described in this section is subject to the penalties
20 prescribed for that violation in the Michigan election law. ~~—~~
21 ~~1954 PA 116, MCL 168.1 to 168.992.~~

22 Sec. 503. (1) An authorizing body is not required to issue
23 a contract to any person or entity. Public school academy
24 contracts shall be issued on a competitive basis taking into
25 consideration the resources available for the proposed public
26 school academy, the population to be served by the proposed
27 public school academy, and the educational goals to be achieved

1 by the proposed public school academy.

2 (2) If a person or entity applies to the board of a school
3 district for a contract to organize and operate 1 or more public
4 school academies within the boundaries of the school district and
5 the board does not issue the contract, the person or entity may
6 petition the board to place the question of issuing the contract
7 on the ballot to be decided by the school electors of the school
8 district. The petition shall contain all of the information
9 required to be in the contract application under section ~~502(3)~~
10 **502** and shall be signed by a number of school electors of the
11 school district equal to at least 15% of the total number of
12 school electors of that school district. The petition shall be
13 filed with the ~~secretary of the board~~ **school district filing**
14 **official**. If the board receives a petition meeting the
15 requirements of this subsection, the board shall ~~place~~ **have** the
16 question of issuing the contract **placed** on the ballot at its next
17 ~~annual~~ **regular** school election held at least 60 days after
18 receiving the petition. If a majority of the school electors of
19 the school district voting on the question vote to issue the
20 contract, the board shall issue the contract.

21 (3) Within 10 days after issuing a contract for a public
22 school academy, the ~~board of the~~ authorizing body shall submit
23 to the ~~state board~~ **superintendent of public instruction** a copy
24 of the contract and of the application under section 502.

25 (4) An authorizing body shall adopt a resolution establishing
26 the method of selection, length of term, and number of members of
27 the board of directors of each public school academy subject to

1 its jurisdiction.

2 (5) A contract issued to organize and administer a public
3 school academy shall contain at least all of the following:

4 (a) The educational goals the public school academy is to
5 achieve and the methods by which it will be held accountable. To
6 the extent applicable, the pupil performance of a public school
7 academy shall be assessed using at least a Michigan education
8 assessment program (MEAP) test or an assessment instrument
9 developed under section 1279. ~~for a state endorsed high school~~
10 ~~diploma.~~

11 (b) A description of the method to be used to monitor the
12 public school academy's compliance with applicable law and its
13 performance in meeting its targeted educational objectives.

14 (c) A description of the process for amending the contract
15 during the term of the contract.

16 (d) All of the matters set forth in the application for the
17 contract.

18 (e) For a public school academy authorized by a school
19 district, an agreement that employees of the public school
20 academy will be covered by the collective bargaining agreements
21 that apply to employees of the school district employed in
22 similar classifications in schools that are not public school
23 academies.

24 (f) Procedures for revoking the contract and grounds for
25 revoking the contract, including at least the grounds listed in
26 section 507.

27 (g) A description of and address for the proposed physical

1 plant in which the public school academy will be located.

2 (h) Requirements and procedures for financial audits. The
3 financial audits shall be conducted at least annually by a
4 certified public accountant in accordance with generally accepted
5 governmental auditing principles.

6 (6) A public school academy shall comply with all applicable
7 law, including all of the following:

8 (a) The open meetings act, ~~Act No. 267 of the Public Acts of~~
9 ~~1976, being sections 15.261 to 15.275 of the Michigan Compiled~~
10 ~~Laws~~ **1976 PA 267, MCL 15.261 to 15.275.**

11 (b) The freedom of information act, ~~Act No. 442 of the~~
12 ~~Public Acts of 1976, being sections 15.231 to 15.246 of the~~
13 ~~Michigan Compiled Laws~~ **1976 PA 442, MCL 15.231 to 15.246.**

14 (c) ~~Act No. 336 of the Public Acts of 1947, being~~
15 ~~sections 423.201 to 423.217 of the Michigan Compiled Laws~~ **1947**
16 **PA 336, MCL 423.201 to 423.217.**

17 (d) ~~Act No. 166 of the Public Acts of 1965, being~~
18 ~~sections 408.551 to 408.558 of the Michigan Compiled Laws~~ **1965**
19 **PA 166, MCL 408.551 to 408.558.**

20 (e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and
21 1274.

22 (7) A public school academy and its incorporators, board
23 members, officers, employees, and volunteers have governmental
24 immunity as provided in section 7 of ~~Act No. 170 of the Public~~
25 ~~Acts of 1964, being section 691.1407 of the Michigan Compiled~~
26 ~~Laws~~ **1964 PA 170, MCL 691.1407.** An authorizing body and its
27 board members, officers, and employees are immune from civil

1 liability, both personally and professionally, for ~~any acts~~ **an**
2 **act** or ~~omissions~~ **omission** in authorizing a public school
3 academy if the authorizing body or the person acted or reasonably
4 believed he or she acted within the authorizing body's or the
5 person's scope of authority.

6 (8) A public school academy is exempt from all taxation on
7 its earnings and property. Instruments of conveyance to or from
8 a public school academy are exempt from all taxation including
9 taxes imposed by ~~Act No. 134 of the Public Acts of 1966, being~~
10 ~~sections 207.501 to 207.513 of the Michigan Compiled Laws 1966~~
11 **PA 134, MCL 207.501 to 207.513**. A public school academy may not
12 levy ad valorem property taxes or ~~any other~~ **another** tax for any
13 purpose. However, operation of 1 or more public school academies
14 by a school district or intermediate school district does not
15 affect the ability of the school district or intermediate school
16 district to levy ad valorem property taxes or ~~any other~~ **another**
17 tax.

18 (9) A public school academy may acquire by purchase, gift,
19 devise, lease, sublease, installment purchase agreement, land
20 contract, option, or by any other means, hold and own in its own
21 name buildings and other property for school purposes, and
22 interests therein, and other real and personal property,
23 including, but not limited to, interests in property subject to
24 mortgages, security interests, or other liens, necessary or
25 convenient to fulfill its purposes. For the purposes of
26 condemnation, a public school academy may proceed under the
27 uniform condemnation procedures act, ~~Act No. 87 of the Public~~

1 ~~Acts of 1980, being sections 213.51 to 213.77 of the Michigan~~
2 ~~Compiled Laws— 1980 PA 87, MCL 213.51 to 213.75, excluding~~
3 ~~sections 6 to 9 of that act, being sections 213.56 to 213.59 of~~
4 ~~the Michigan Compiled Laws— MCL 213.56 to 213.59, or other~~
5 applicable statutes, but only with the express, written
6 permission of the authorizing body in each instance of
7 condemnation and only after just compensation has been determined
8 and paid.

9 Sec. 613. The intermediate school board shall meet annually
10 on or before the fourth Monday of ~~July and~~ **December or, if the**
11 **intermediate school district's regular election is in May, on or**
12 **before the fourth Monday of June. The intermediate school board**
13 shall organize by electing a president, a vice-president, a
14 secretary, and a treasurer. The president and vice-president
15 shall be members of the intermediate school board, but the
16 secretary and treasurer need not be. The officers shall perform
17 duties provided by law and prescribed by the policies and
18 regulations of the intermediate school board not inconsistent
19 with this part or other laws of the state. The treasurer shall
20 post with the secretary a bond in an amount approved by the
21 intermediate school board, conditioned upon the faithful
22 performance of the treasurer's duties.

23 Sec. 614. (1) Except as provided in section 615 **and subject**
24 **to section 642 of the Michigan election law, MCL 168.642,** the
25 members of the intermediate school board shall be elected
26 biennially on the first Monday in June by a body composed of 1
27 member of the board of each constituent school district, who

1 shall be designated by the board of which that ~~person~~
2 **individual** is a member. The secretary shall send a notice by
3 certified mail of the hour and place of meeting to the secretary
4 of the board of each constituent **school** district at least 10 days
5 before the meeting. The president and secretary of the
6 intermediate school board shall act as chairperson and
7 secretary.

8 (2) Except as provided in section 703, the term of office of
9 each member elected to the intermediate school board ~~shall be~~
10 ~~for~~ **is** 6 years and ~~shall begin~~ **begins** on July 1 following
11 election. Not more than 2 members of the intermediate school
12 board shall be from the same school district unless there are
13 fewer districts than there are positions to be filled.

14 (3) A vacancy shall be filled by the remaining members of the
15 intermediate school board until the next biennial election at
16 which time the vacancy shall be filled for the balance of the
17 unexpired term. Notice of the vacancy shall be filed with the
18 state board within 5 days after the vacancy occurs. If the
19 vacancy is not filled within 30 days after it occurs, the vacancy
20 shall be filled by the state board.

21 (4) Subject to subsection (6), a candidate for election to
22 the intermediate school board shall be nominated by petitions
23 that are signed by a number of school electors of the combined
24 constituent school districts of the intermediate school district,
25 as follows:

26 (a) If the population of the intermediate school district is
27 less than 10,000 according to the most recent federal census, a

1 minimum of 6 and a maximum of 20.

2 (b) If the population of the intermediate school district is
3 10,000 or more according to the most recent federal census, a
4 minimum of 40 and a maximum of 100.

5 (5) A school elector may sign as many petitions as there are
6 vacancies to fill. Nominating petitions and an affidavit as
7 provided in section 558 of the Michigan election law, 1954
8 PA 116, MCL 168.558, shall be filed with the ~~secretary of the~~
9 ~~intermediate school board~~ **school district filing official** not
10 later than 30 days before the date of the biennial election under
11 subsection (1). The ~~secretary~~ **school district filing official**
12 shall determine the sufficiency of the petitions and the
13 eligibility of the candidates nominated. The ~~secretary~~ **school**
14 **district filing official** shall provide ballots for the biennial
15 election, listing on the ballots the names of all candidates
16 properly nominated. The chairperson of the biennial election may
17 accept nominations for a vacancy from the floor only if no
18 nominating petitions have been filed for the vacancy. ~~Section~~
19 ~~1066 applies to the form and manner of circulation of nominating~~
20 ~~petitions for a candidate for membership on the intermediate~~
21 ~~school board.~~

22 (6) Instead of filing nominating petitions, a candidate for
23 election to the intermediate school board may pay a nonrefundable
24 filing fee of \$100.00 to the ~~secretary of the intermediate~~
25 ~~school board~~ **school district filing official**. If this fee is
26 paid by the due date for nominating petitions, the payment has
27 the same effect under this section as the filing of nominating

1 petitions.

2 ~~(7) The president shall appoint 2 persons not members of the~~
 3 ~~intermediate school board or candidates for election as a board~~
 4 ~~of canvassers and they shall canvass the vote following~~
 5 ~~balloting. This becomes the official canvass.~~

6 Sec. 616. (1) An intermediate school board may submit to
 7 the school electors of the constituent districts comprising the
 8 intermediate school district the question of adoption of sections
 9 615 to 617. The question shall be in substantially the following
 10 form:

11 "Shall sections 615 to 617 of the **revised** school code, ~~of~~
 12 ~~1976, as amended,~~ providing for the popular election of members
 13 of the intermediate school board, be effective within the
 14 constituent districts of _____ (name of intermediate school
 15 district)?

16 Yes ()

17 No ()".

18 (2) The intermediate school board shall submit the question
 19 upon receipt of resolutions adopted by a majority of the boards
 20 of constituent districts and representing more than 1/2 of the
 21 combined memberships of the constituent districts of the
 22 intermediate school district as of the latest pupil membership
 23 count day. The resolutions of the constituent district boards
 24 shall be adopted between ~~December~~ **March** 1 and the next
 25 succeeding ~~March~~ **July** 1. The question shall be presented to
 26 the school electors of the constituent districts at the next
 27 ~~annual~~ **regular school** election after resolutions of constituent

1 district boards meeting the requirements of this section have
2 been filed with the ~~secretary of the intermediate school board~~
3 **school district filing official.**

4 (3) If a majority of the school electors votes in favor of
5 popular election, members of the intermediate school board shall
6 be elected at the next ~~annual~~ **regular school** election and
7 biennially thereafter at the ~~annual~~ **regular** school elections of
8 the constituent districts. ~~If a constituent district holds its~~
9 ~~annual election on a date other than the second Monday in June,~~
10 ~~an election for the purpose of choosing members of the~~
11 ~~intermediate school board shall be held in that district on the~~
12 ~~second Monday in June.~~

13 (4) An intermediate school district ~~which~~ **that** adopts
14 sections 615 to 617 may ~~in the same manner~~ terminate the
15 popular election of members of the intermediate school board **in**
16 **the same manner.**

17 Sec. 617. (1) ~~Subject to subsection (4), in~~ **In** an
18 intermediate school district in which sections 615 to 617 are
19 effective, a candidate for the office of member of the
20 intermediate school board shall be nominated, ~~by filing~~
21 ~~nominating petitions and an affidavit~~ **and members shall be**
22 **elected,** as provided in ~~section 558~~ **chapter XIV** of the Michigan
23 election law, ~~1954 PA 116, MCL 168.558,~~ with the secretary of
24 ~~the board of the intermediate school district before 4 p.m. of~~
25 ~~the ninth Monday before the election~~ **MCL 168.301 to 168.315.**

26 ~~(2) The nominating petitions shall be in the form provided~~
27 ~~in section 1066. Nominating petitions shall contain signatures~~

~~1 of school electors who are registered to vote in the city or
2 township in which they reside in a number as follows:~~

~~3 (a) If the population of the intermediate school district is
4 less than 10,000 according to the most recent federal census, a
5 minimum of 6 and a maximum of 20.~~

~~6 (b) If the population of the intermediate school district is
7 10,000 or more according to the most recent federal census, a
8 minimum of 40 and a maximum of 100.~~

~~9 (3) Each sheet of the nominating petition shall be circulated
10 in 1 city or township only.~~

~~11 (4) Instead of filing nominating petitions, a candidate for
12 election to the intermediate school board may pay a nonrefundable
13 filing fee of \$100.00 to the secretary of the intermediate school
14 board. If this fee is paid by the due date for nominating
15 petitions, the payment has the same effect under this section as
16 the filing of nominating petitions.~~

~~17 (5) Within 14 days after the last date for filing, the
18 secretary of the intermediate school board shall certify the
19 names and addresses of those candidates whose petitions are found
20 to be sufficient to the secretaries of the boards of the
21 constituent school districts. The secretary of the intermediate
22 school board shall certify the number to be elected. The
23 secretary of the intermediate school board shall notify the
24 county clerk of the names and addresses of the candidates not
25 later than 3 days after the last day for candidate withdrawal.
26 However, if the third day is a Saturday, Sunday, or legal
27 holiday, the notice may be sent on the next day that is not a~~

1 ~~Saturday, Sunday, or legal holiday.~~

2 ~~—— (6) The intermediate school board shall provide ballots for~~
3 ~~the election of members of the intermediate school board and~~
4 ~~distribute the ballots to the secretaries of each of the~~
5 ~~constituent school districts not less than 20 days before the~~
6 ~~annual school elections.~~

7 (2) ~~—(7)—~~ At the first election, 3 members of an intermediate
8 school board shall be elected for a term of 6 years, 2 for a term
9 of 4 years, and 2 for a term of 2 years. After the first
10 election, their successors shall be elected biennially for terms
11 of 6 years.

12 ~~(8) The intermediate school board of an intermediate school~~
13 ~~district adopting sections 615 to 617 shall fill a vacancy in the~~
14 ~~intermediate school board's membership by appointing a member to~~
15 ~~serve until the next biennial election, at which time a member~~
16 ~~shall be elected for the balance of the unexpired term.~~

17 Sec. 629. (1) An intermediate school board may borrow,
18 subject to the revised municipal finance act, 2001 PA 34,
19 MCL 141.2101 to 141.2821, sums of money on terms the intermediate
20 school board considers necessary for 1 or more of the following
21 purposes:

22 (a) For temporary purposes for which the intermediate school
23 board may give notes of the intermediate school district. The
24 intermediate school board shall not borrow a sum that exceeds the
25 amount that has been voted by the intermediate school board or
26 the school electors of the intermediate school district.

27 (b) To purchase sites for buildings; to purchase, erect,

1 complete, remodel, improve, furnish, refurnish, equip, or reequip
2 buildings and facilities the board is authorized to acquire,
3 including, but not limited to, general administrative,
4 vocational, or special education buildings or facilities, or
5 parts of those buildings or facilities, or additions to those
6 buildings or facilities, and prepare, develop, or improve sites
7 for those buildings or facilities; to purchase and install
8 information technology systems, together with the equipment and
9 software, as are necessary for programs conducted by the
10 intermediate school district under section 627(2); and to issue
11 and sell bonds of the intermediate school district in the form
12 and on the terms the board considers advisable.

13 (2) An intermediate school board shall not borrow money or
14 issue bonds for a sum that, together with the total outstanding
15 bonded indebtedness of the intermediate school district, exceeds
16 $\frac{1}{9}$ of 1% of the state equalized valuation of the taxable
17 property within the district, unless the question of borrowing
18 the money or issuing bonds is submitted first to a vote of the
19 school electors of the intermediate school district held under
20 ~~sections 661 and 662~~ **section 661** and approved by the majority
21 of the registered school electors voting on the question.
22 Regardless of the amount of outstanding bonded indebtedness of
23 the intermediate school district, a vote of the school electors
24 is not necessary in order to issue bonds for a purpose described
25 in section 1274a or to issue bonds under section 11i of the state
26 school aid act of 1979, 1979 PA 94, MCL 388.1611i. Money may be
27 borrowed and bonds may be issued for the purposes stated in this

1 section in an amount equal to that provided by part 17. For the
2 purposes of this subsection, bonds authorized by vote of the
3 school electors for special education facilities under part 30
4 and for area vocational-technical education facilities under
5 sections 681 to 690 and bonds issued under section 11i of the
6 state school aid act of 1979, ~~1979 PA 94,~~ MCL 388.1611i, shall
7 not be included in computing the total outstanding bonded
8 indebtedness of an intermediate school district.

9 (3) Not later than 30 days after receipt of notice that the
10 question of issuing bonds under this section to purchase and
11 install information technology systems as are necessary for a
12 cooperative program under section 627(2) will be submitted to the
13 school electors of the intermediate school district, the board of
14 a constituent school district by resolution may elect not to
15 participate in the cooperative program and not to conduct an
16 election on the question within the constituent school district.

17 Sec. 661. (1) ~~The~~ **Subject to the Michigan election law,**
18 **the** intermediate school board may submit questions to the
19 **intermediate** school electors of the intermediate school district
20 at ~~an annual~~ **a regular** or special **school** election held in each
21 of the constituent districts. A question shall not be submitted
22 to the intermediate school electors unless the question is within
23 the lawful authority of the **intermediate school** electors ~~of the~~
24 ~~intermediate school district~~ to decide.

25 (2) A person who is a school elector of a constituent
26 district of an intermediate school district and who is registered
27 in the city or township in which that person resides is an

1 **intermediate school** elector of that intermediate school
2 district.

3 ~~(3) If a question is submitted to intermediate school~~
4 ~~electors at an annual school election, and a constituent district~~
5 ~~does not hold its annual election on the second Monday of June,~~
6 ~~the intermediate school board shall call a special election in~~
7 ~~that constituent district to be held on the same date as the~~
8 ~~annual school election.~~

9 ~~(4) The secretary shall be the chief election officer of the~~
10 ~~intermediate school district with authority to delegate election~~
11 ~~duties to a member of the administrative staff.~~

12 Sec. 681. (1) An intermediate school district may establish
13 an area vocational-technical education program and operate the
14 program under sections 681 to 690 if approved by a majority of
15 the intermediate school electors of the intermediate school
16 district voting on the question. The election shall be called
17 and conducted ~~pursuant to sections 661 and 662~~ **in accordance**
18 **with this act and the Michigan election law.** The establishment
19 of the area vocational-technical education program may be
20 rescinded by the same process.

21 (2) The question of establishing an area vocational-technical
22 education program may be submitted to the intermediate school
23 electors of an intermediate school district at ~~an annual~~ **a**
24 **regular school** election or at a special election held in each of
25 the constituent districts. ~~The~~ **Subject to section 641 of the**
26 **Michigan election law, MCL 168.641,** the intermediate school board
27 shall determine the date of the election and shall give notice

1 ~~under section 662~~ to the ~~secretary of each constituent~~
 2 ~~district~~ **school district filing official** at least 60 days in
 3 advance of the date the ~~proposition~~ **ballot question** is to be
 4 submitted to the intermediate school electors.

5 (3) The ballot for referring the question of adopting
 6 sections 681 to 690 and establishing an area vocational-technical
 7 education program to the intermediate school electors of an
 8 intermediate school district shall be substantially in the
 9 following form:

10 "Shall _____, state
 11 (legal name of intermediate school district)
 12 of Michigan, come under sections 681 to 690 of the **revised** school
 13 code ~~of 1976~~ and establish an area vocational-technical education
 14 program which is designed to encourage the operation of area
 15 vocational-technical education programs if the annual property tax
 16 levied for this purpose is limited to _____ mills?
 17 Yes ()
 18 No ()".

19 (4) Beginning in 1995, the number of mills of ad valorem
 20 property taxes an intermediate school board may levy for area
 21 vocational-technical education program operating purposes under
 22 sections 681 to 690 is limited to the following:

23 (a) If the intermediate school district did not levy any
 24 millage in 1993 for area vocational-technical education program
 25 operating purposes under sections 681 to 690, the intermediate
 26 school board, with the approval of the intermediate school
 27 electors, may levy not more than 1 mill for those purposes.

1 (b) If the intermediate school district levied millage in
 2 1993 for area vocational-technical education program operating
 3 purposes under sections 681 to 690, the intermediate school
 4 board, with the approval of the intermediate school electors, may
 5 levy mills for those purposes at a rate not to exceed 1.5 times
 6 the number of mills authorized for those purposes in the
 7 intermediate school district in 1993. Approval of the
 8 intermediate school electors is not required for the levy under
 9 this subdivision of previously authorized mills until that
 10 authorization expires.

11 (5) An intermediate school district shall not hold more than
 12 2 elections in a calendar year concerning the authorization of a
 13 millage rate for area vocational-technical education program
 14 operating purposes under sections 681 to 690.

15 Sec. 682. Subject to section 681(4), an intermediate school
 16 board operating under sections 681 to 690 may direct that the
 17 question of increasing the millage limit on the annual property
 18 tax levied for area vocational-technical education be submitted
 19 to the intermediate school electors of the intermediate school
 20 district. The election shall be called and conducted ~~under~~
 21 ~~sections 661 and 662~~ **in accordance with section 661**. The ballot
 22 shall be substantially in the following form:

23 "Shall the _____ mill limitation on the annual property
 24 tax previously approved by the electors of
 25 _____, state of Michigan,
 26 (legal name of intermediate school district)
 27 for the establishment and operation of area vocational-technical

1 education programs be increased by _____ mills?

2 Yes ()

3 No ()".

4 Sec. 687. (1) An intermediate school board in which an area
5 vocational-technical education program is established, by a
6 majority vote of the intermediate school electors voting on the
7 question at ~~an annual~~ **a regular school election** or at a special
8 election called for that purpose, may borrow money and issue
9 bonds of the intermediate school district subject to the revised
10 municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, to
11 defray all or part of the cost of purchasing, erecting,
12 completing, remodeling, improving, furnishing, refurnishing,
13 equipping, or reequipping area vocational-technical buildings and
14 other facilities, or parts of buildings and other facilities or
15 additions to buildings and other facilities; acquiring,
16 preparing, developing, or improving sites, or parts of sites or
17 additions to sites, for area vocational-technical buildings and
18 other facilities; refunding all or part of existing bonded
19 indebtedness; or accomplishing a combination of the foregoing
20 purposes. An intermediate school district shall not issue bonds
21 under this part for an amount greater than 1.5% of the total
22 assessed valuation of the intermediate school district.

23 (2) A bond qualified under section 16 of article IX of the
24 state constitution of 1963 and implementing legislation shall not
25 be included for purposes of calculating the foregoing 1.5%
26 limitation.

27 (3) An intermediate school board may submit a proposal to

1 issue bonds of the intermediate school district, authorized under
 2 this section, to the intermediate school electors at the same
 3 election at which the intermediate school electors vote on the
 4 establishment of an area vocational-technical education program.
 5 If these questions are presented to the school electors at the
 6 same election, the board shall include the bond proposal in the
 7 60-day notice given the boards of constituent districts. The
 8 establishment of an area vocational-technical education program
 9 shall become effective if approved by a majority of the
 10 intermediate school electors voting on the question. The
 11 authority to issue bonds is effective only if a majority of the
 12 intermediate school electors approve both the establishment of
 13 the area vocational-technical education program and the issuance
 14 of bonds.

15 (4) The ballot used in submitting the question of borrowing
 16 money and issuing bonds under this section shall be in
 17 substantially the following form:

18 "Shall _____ (here state the legal name of the
 19 intermediate school district designating the name of a district
 20 of not less than 18,000 pupils or first class school district
 21 that has elected not to come under this act as far as an area
 22 vocational-technical education program is concerned) state of
 23 Michigan, borrow the sum of not to exceed \$_____ and issue
 24 its bonds therefor, for the purpose of _____?"

25 Yes ()

26 No ()".

27 Sec. 690. (1) A school district of not less than 18,000

1 pupils, a first class school district, or a school district
2 offering or making available to its pupils a comprehensive
3 vocational education program approved by the state board, may
4 elect not to come under an area vocational-technical education
5 program by resolution adopted by its board not later than 30 days
6 after receipt of notice that the question of establishing the
7 area vocational-technical education program will be submitted to
8 the school electors of the district.

9 (2) A school district electing not to come under the area
10 vocational-technical education program may thereafter elect to
11 come under the program if at a special or ~~annual~~ **regular school**
12 election a majority of the school electors voting approve the
13 operation of the area vocational-technical education program and
14 the annual tax rate for that purpose in effect in the other
15 constituent districts of the intermediate school district.

16 (3) Except as provided in this subsection, in an intermediate
17 school district where the school electors have voted upon and
18 failed to approve the ballot question set forth in section 681, a
19 combination of 2 or more contiguous constituent districts, by
20 resolution of their boards, may elect to establish an area
21 vocational-technical education program, if approved by resolution
22 of the intermediate district board and designated by the state
23 board. The requirement of contiguity of constituent districts
24 does not apply if 1 or more of the districts that constitute the
25 basis of contiguity declare their intent, by board resolution,
26 not to be part of the proposed area vocational-technical
27 education program. At any time within 6 months after the

1 enactment of the resolution establishing the program in a local
2 school district, school electors equal in number to not less than
3 5% of the votes cast in the most recent school election may
4 petition their local school district board to submit the
5 resolution to the **school district filing official for submission**
6 **to the** electorate, in a form and manner to be prescribed by the
7 **secretary of state, ~~board,~~** and the district's participation in
8 the program shall be terminated if not approved by a majority of
9 the school electors voting on the question.

10 (4) Area vocational-technical education programs established
11 ~~pursuant to~~ **under** this section shall receive ~~any~~ appropriate
12 state funding or ~~any~~ federal funding allocated by the state
13 board on exactly the same basis as area vocational-technical
14 education programs and centers established by intermediate school
15 districts. Constituent districts establishing an approved area
16 vocational-technical education program ~~pursuant to~~ **under** this
17 section may designate, by board resolution, specific amounts of
18 either authorized operating millage or operating millage being
19 requested from the school electors to be utilized solely for the
20 area vocational-technical education program, in a manner to be
21 prescribed by the state board, and the specified amount of
22 millage shall be regarded as area vocational-technical education
23 millage rather than local school district operating millage in
24 all computations made by the state board to determine state aid.
25 The revenue obtained from the millage designated, together with
26 appropriate state and federal funds, may be expended for the same
27 purposes specified for intermediate district programs in sections

1 684 and 685, including contracts with the intermediate school
2 district, another local school district, or a community college
3 for area vocational-technical education programs, facilities, and
4 services. ~~When~~ **If** constituent districts establish area
5 vocational-technical education programs ~~pursuant to~~ **under** this
6 section, buildings, sites, and equipment may be jointly acquired,
7 owned, or leased.

8 (5) A contiguous school district desiring to become part of
9 an area vocational-technical education program established
10 ~~pursuant to~~ **under** this section may do so with the approval of
11 each participating school district, the intermediate school
12 district, and the state board. Constituent districts operating
13 an approved area vocational-technical education program ~~pursuant~~
14 ~~to~~ **under** this section may subsequently elect not to participate,
15 or may thereafter elect to participate, in an intermediate school
16 district vocational-technical education program in exactly the
17 same manner prescribed in this section for school districts of
18 not less than 18,000 pupils, a first class school district, or a
19 school district offering or making available to its pupils a
20 comprehensive vocational education program approved by the state
21 board.

22 Sec. 701. (1) Two or more adjoining intermediate school
23 districts may combine to form a single intermediate school
24 district when the reorganization is approved by a majority of the
25 electors of each intermediate school district voting on the
26 question in the ~~annual~~ **regular school** elections of the
27 constituent districts.

1 (2) The question of combining intermediate school districts
2 may be submitted by a resolution of the intermediate school
3 boards meeting in joint session.

4 (3) The question shall be submitted ~~when~~ **if** petitions
5 signed by a number of school electors of each intermediate school
6 district equal to not less than 5% of the number of pupil
7 memberships on the latest pupil membership count day of the
8 combined constituent districts of the intermediate school
9 district are filed with the ~~secretary of 1 of the intermediate~~
10 ~~school boards~~ **school district filing official**. Within 30 days
11 after receiving sufficient petitions, **the school district filing**
12 **official shall notify the secretary of the intermediate school**
13 **district and** the secretary shall apply for approval to the ~~state~~
14 ~~board~~ **superintendent of public instruction**. The ~~secretary~~
15 ~~shall cause~~ **school district filing official shall submit** the
16 question ~~to be submitted~~ **in accordance with section 661** at the
17 next ~~annual~~ **regular** school election after the ~~state board~~
18 **superintendent of public instruction** approves the merger.

19 (4) The ballots ~~shall be furnished by each intermediate~~
20 ~~school board for its constituent districts and~~ **for a ballot**
21 **question under this section** shall be in substantially the
22 following form:

23 "Shall the following intermediate school districts be
24 organized as a single intermediate school district?

25 (List names of intermediate school districts)

26 Yes ()

27 No ()".

1 (5) If the consolidation is approved by a majority of the
2 school electors voting on the question in each of the
3 participating intermediate school districts, the reorganization
4 ~~shall become~~ **is** effective in the combined intermediate school
5 districts 30 days after the ~~annual~~ **regular school** election at
6 which the question is submitted. The reorganized intermediate
7 school district ~~shall be~~ **is** a single intermediate school
8 district subject to this part.

9 (6) The members of the intermediate school boards of the
10 original intermediate school districts shall act as an interim
11 board until a board of the combined intermediate school district
12 is elected. The interim board ~~shall possess~~ **has** all the powers
13 and duties of an intermediate school board under this part. The
14 person chosen by the interim intermediate school board as
15 intermediate superintendent shall serve only until a successor is
16 chosen by the elected intermediate school board. The secretary
17 of the intermediate school board having the largest number of
18 pupils in membership in its combined constituent districts at the
19 time of reorganization shall call a meeting of the members of the
20 interim intermediate school board for the purpose of organization
21 within 15 days after the effective date of the reorganization.
22 The ~~secretary of the interim intermediate school board~~ **school**
23 **district filing official** shall provide for the election of a
24 board of the reorganized intermediate school district under
25 ~~section 617~~ **chapter XIV of the Michigan election law,**
26 **MCL 168.301 to 168.315.** At the first election there shall be
27 elected 3 members of a board for 6 years, 2 for 4 years, and 2

1 for 2 years. Their successors shall be elected biennially ~~on~~
2 ~~the first Monday of June~~ for terms of 6 years. ~~The time from~~
3 ~~the date of election to the next July 1 shall be considered 1~~
4 ~~year.~~

5 (7) The reorganized intermediate school district shall
6 operate as a single intermediate school district from the
7 effective date of the reorganization. Within 10 days after the
8 reorganization, all accounts of the reorganized intermediate
9 school districts shall be audited in the manner established by
10 the interim intermediate school board. The contracts of the
11 intermediate superintendents in force on the effective date of
12 reorganization ~~shall~~ continue in effect ~~to~~ **until the** time of
13 their termination except as to position as intermediate
14 superintendents.

15 (8) If, ~~prior to~~ **before** reorganization of the intermediate
16 school districts each of the combining intermediate school
17 districts adopted special education programs by referendum
18 ~~pursuant to~~ **as provided in** part 30 and approved the same annual
19 property tax rates for the education of handicapped persons, the
20 special education programs and the annual property tax rates
21 shall continue in effect in the reorganized intermediate school
22 district.

23 Sec. 702. (1) An intermediate school district may be
24 annexed to another intermediate school district if the
25 intermediate school board of the annexing intermediate school
26 district approves the annexation by resolution, and a majority of
27 the school electors of the intermediate school district to be

1 annexed voting on the question at ~~an annual~~ **a regular** or
2 special **school** election in the intermediate school district
3 approve the annexation. If prior to annexation the annexing
4 intermediate school district adopts a special education program
5 by referendum ~~pursuant to~~ **as provided in** part 30, the
6 intermediate school electors of the intermediate school district
7 to be annexed must vote to adopt that special education program
8 and annual tax rate. The vote on the question shall be by ballot
9 furnished by the ~~intermediate school board of~~ **school district**
10 **filing official for** the intermediate school district to be
11 annexed. Before the election is held, the annexing intermediate
12 school board shall obtain the approval of the ~~state board~~
13 **superintendent of public instruction** of the proposed annexation.

14 (2) Within 10 days after the election, ~~each constituent~~
15 ~~district secretary~~ **the school district filing official** shall
16 file the result with the secretary of the intermediate school
17 ~~district~~ **board**, and 5 days later the intermediate school board
18 secretary shall file the election result with the secretary of
19 the **intermediate school** board of the annexing intermediate school
20 district. Within 15 days after the annexation election the
21 intermediate school board of the annexed intermediate school
22 district shall account to the intermediate school board of the
23 annexing intermediate school district for the ~~funds~~ **money** and
24 property in its hands and shall turn over the ~~same~~ **money and**
25 **property** to that **intermediate school** board. Property and money
26 belonging to the annexed intermediate school district ~~shall~~
27 ~~become~~ **becomes** the property of the annexing intermediate school

1 district. The outstanding indebtedness of the annexed
2 intermediate school district ~~shall become~~ **becomes** the liability
3 of the annexing intermediate school district. Upon receipt of
4 the ~~funds~~ **money** and property, the members of the annexed
5 intermediate school board shall be released from liability
6 ~~therefor~~ **for the money and property** and their offices
7 terminated.

8 (3) The annexation is effective on the latest date on which
9 the election was held in a constituent district of the annexed
10 intermediate school district. The secretary of the intermediate
11 school board of the annexing intermediate school district shall
12 give written notice of the annexation to the ~~state board~~
13 **superintendent of public instruction** within 15 days after the
14 annexation election. Within 30 days after annexation, the board
15 of the annexing intermediate school district shall appoint 2
16 school electors of the annexed intermediate school district to
17 membership on the intermediate school board of the reorganized
18 intermediate school district, who shall serve until **January 1 or,**
19 **if the intermediate school district's regular school election is**
20 **held in May, until** July 1 after the next ~~biennial~~ **intermediate**
21 **school district** election. Notification of the appointments shall
22 be filed with the ~~state board~~ **superintendent of public**
23 **instruction.** If the appointments are not made within the 30
24 days, the ~~state board~~ **superintendent of public instruction**
25 shall make the appointments. At the next ~~biennial~~ **intermediate**
26 **school district** election, members of the intermediate school
27 board shall be elected in the number and for the terms required

1 in section 701. The terms of the members of the intermediate
2 school board whose terms have not expired shall determine the
3 terms of the additional members to be elected.

4 Sec. 703. (1) An intermediate school district comprised of
5 less than 5 constituent districts and having no bonded
6 indebtedness may be disorganized and its constituent districts
7 attached to contiguous intermediate school districts under this
8 section.

9 (2) The board of each constituent district may request the
10 intermediate school board to prescribe a plan for disorganization
11 of the intermediate school district. Each request shall
12 designate another intermediate school district to which the
13 constituent district desires to be attached. The intermediate
14 school board shall prescribe, by resolution, a plan under which
15 each of the constituent districts will be attached in whole to
16 contiguous intermediate school districts designated in the
17 requests. If the designated intermediate school district is not
18 contiguous, the intermediate school board's plan may prescribe
19 attachment to a contiguous intermediate school district.

20 (3) The intermediate superintendent of the intermediate
21 school district ~~which~~ **that** is to be disorganized shall give 30
22 days' notice of the time and place of the meeting of the
23 intermediate school board and of the proposed plan for
24 disorganization by publication of the notice in a newspaper of
25 general circulation in the intermediate school district. The
26 intermediate school board shall present the adopted plan for
27 dissolution to the board of each of its constituent districts and

1 to the intermediate school board of each intermediate school
2 district whose boundaries would be enlarged by the proposal.

3 (4) The intermediate superintendent of each intermediate
4 school district whose boundaries would be enlarged by the
5 dissolution shall give 30 days' notice of the time and place of
6 the meeting of the intermediate school board and of the
7 recommended plan for enlargement of the intermediate school
8 district by publication of the notice in a newspaper of general
9 circulation in the intermediate school district.

10 (5) If the intermediate school board of each affected
11 intermediate school district approves the plan for
12 disorganization, the intermediate school board of the
13 intermediate school district to be dissolved shall refer the
14 matter to the ~~state board~~ **superintendent of public instruction**
15 for approval. The action of the ~~state board~~ **superintendent of**
16 **public instruction** declaring the intermediate school district
17 dissolved ~~shall be~~ **is** final. Disorganization of the
18 intermediate school district and attachment of its constituent
19 districts to contiguous intermediate school districts ~~shall be~~
20 ~~effective~~ **takes effect** on July 1 after the date of the approval
21 of the ~~state board~~ **superintendent of public instruction**.

22 (6) The intermediate school boards of the intermediate school
23 districts to which territory is attached by dissolution shall
24 meet jointly, sitting as a single board, and make an equitable
25 distribution of the money, property, and other assets belonging
26 to the disorganized **intermediate school** district among the
27 intermediate school districts affected. The territory of

1 constituent districts transferred to other intermediate school
2 districts by dissolution shall be subject to all taxes levied for
3 purposes of the intermediate school district to which
4 transferred, including taxes for the retirement of bonded
5 indebtedness, special education programs, and area
6 vocational-technical education programs.

7 (7) Within 30 days after a district attaches to a contiguous
8 intermediate school district under this section, the board of the
9 intermediate school district whose boundaries have been enlarged
10 by the dissolution may appoint 2 school electors of constituent
11 districts, 1 of whom shall be an elector of the attached
12 district, to membership on the intermediate school board.
13 Intermediate school board members appointed ~~pursuant to~~ **under**
14 this subsection ~~shall~~ serve until **January 1 or, if the**
15 **intermediate school district's regular school election is held in**
16 **May, until** July 1 after the next ~~biennial~~ **intermediate school**
17 **district** election. The intermediate school board may determine 1
18 initial term of less than 6 years for 1 of the additional members
19 to be elected at the ~~biennial~~ **intermediate school district**
20 election. Notification of an appointment shall be filed with the
21 ~~state board~~ **superintendent of public instruction.**

22 Sec. 705. (1) Beginning in 1997, and **in** each year after
23 1997, a regional enhancement property tax may be levied by an
24 intermediate school district at a rate not to exceed 3 mills to
25 enhance other state and local funding for local school district
26 operations if approved by a majority of the intermediate school
27 electors voting on the question.

1 (2) If a resolution requesting that the question of a
2 regional enhancement property tax be submitted to the voters is
3 adopted within a 180-day period and transmitted to the
4 intermediate school board by 1 or more boards of its constituent
5 school districts representing a majority of the combined
6 membership of the constituent school districts as of the most
7 recent pupil membership count day and if those resolutions all
8 contain an identical specified number of mills to be levied under
9 this section and an identical specified number of years for which
10 the tax shall be levied, the question of levying a regional
11 enhancement property tax by the intermediate school district
12 shall be placed on the ballot by the intermediate school district
13 at the next ~~annual~~ **regular** school election held in each of the
14 constituent districts. ~~However, if the question is to be~~
15 ~~submitted at an annual school election and a constituent district~~
16 ~~does not hold its annual election on the second Monday in June,~~
17 ~~the intermediate school board shall call a special election in~~
18 ~~that constituent district to be held on the same day as the~~
19 ~~annual school election.~~ If the question is to be submitted to
20 the intermediate school electors of an intermediate school
21 district having a population of more than 1,400,000, the
22 intermediate school board shall call a special election to be
23 held at the next state primary or general election. ~~However,~~
24 ~~if~~ **If** the resolution requirement is met more than 180 days
25 before the next ~~annual~~ **regular** school district elections, ~~to~~
26 ~~be held on the second Monday in June,~~ and if requested in the
27 resolutions, the intermediate school board shall submit the

1 question of levying a regional enhancement property tax within
2 the intermediate school district on the ballot at a special
3 election ~~under section 662~~ called by the intermediate school
4 board for that purpose not earlier than 90 days ~~or later than~~
5 ~~120 days~~ after the resolution requirements are met.

6 (3) Not later than 10 days after receipt by the intermediate
7 school district of the revenue from the regional enhancement
8 property tax, the intermediate school district shall calculate
9 and pay to each of its constituent school districts an amount of
10 the revenue calculated by dividing the total amount of the
11 revenue by the combined membership of the constituent school
12 districts within the intermediate district, as of the most recent
13 pupil membership count day, and multiplying that quotient by the
14 constituent school district's membership, as of the most recent
15 pupil membership count day for which a final department-audited
16 pupil count is available.

17 (4) Regional enhancement property tax under this section may
18 be levied for a term not to exceed 20 years, as specified in the
19 ballot question, and may be renewed for the same term with the
20 approval of a majority of the intermediate school electors voting
21 on the question.

22 (5) The question of levying a regional enhancement property
23 tax under this section shall be presented to the intermediate
24 school electors as a separate question.

25 Sec. 853. (1) Within 30 days after the receipt of the
26 approval of the state board to the consolidation, the
27 intermediate superintendent shall **notify the school district**

1 **filing official, who shall** have petitions prepared for
2 circulation within the designated school districts. The
3 petitions shall be printed or duplicated.

4 (2) A petition under this section shall be substantially in
5 the form prescribed for other petitions under this act and is
6 subject to section 14.

7 (3) ~~Official petitions shall be given by the intermediate~~
8 ~~superintendent to a~~ **Upon the request of a school elector of the**
9 **district proposed to be consolidated, the school district filing**
10 **official shall provide a petition for consolidation to the school**
11 **elector.** ~~of the district proposed to be consolidated.~~ A
12 petition shall be circulated only by a school elector of the
13 district. The statement appearing below the signatures of
14 petitioners shall be dated and signed on each page before filing
15 the petition with the ~~intermediate superintendent~~ **school**
16 **district filing official.**

17 (4) ~~Official petitions shall be returned to the intermediate~~
18 ~~superintendent~~ **A school elector circulating a petition under**
19 **this section shall return the petition to the school district**
20 **filing official** before the expiration date stated on the petition
21 that is the sixtieth day after the ~~receipt by the intermediate~~
22 ~~superintendent of the last certification by a city or township~~
23 ~~clerk as to~~ **school district filing official certifies** the number
24 of registered general electors residing in each of the affected
25 school districts. The expiration date shall be not later than
26 180 days after the date of approval by the state board.

27 Sec. 854. (1) Immediately upon receipt of the approval of

1 the state board to the consolidation, the intermediate
2 superintendent shall request ~~each appropriate city or township~~
3 ~~clerk~~ **the school district filing official** to certify the number
4 of registered general electors residing in each of the affected
5 school districts. ~~Each city or township clerk shall make the~~
6 ~~certification without delay.~~ The number of registered general
7 electors certified ~~shall be~~ **is** the basis for determining the
8 required number of signatures for calling an election on the
9 question of consolidation.

10 (2) The signature of a person registering after the date of
11 certification by the ~~appropriate city or township clerk~~ **school**
12 **district filing official** is a valid signature if the person is
13 registered at the time of signing the petition. Additional
14 registrations ~~shall~~ **do** not affect the number of registered
15 general electors originally certified. ~~to by the respective city~~
16 ~~or township clerks.~~ Only a registered school elector ~~shall be~~
17 **is** eligible to sign a petition and to vote on the question of
18 consolidation.

19 Sec. 855. The ~~intermediate superintendent~~ **school district**
20 **filing official** shall canvass the petitions to determine the
21 number of school electors who have signed them. For the purpose
22 of determining the validity of doubtful signatures, the
23 ~~intermediate superintendent~~ **school district filing official** may
24 ~~cause~~ **have** the signatures ~~to be~~ checked against the
25 registration records by the clerk of a political subdivision in
26 which petitions were circulated or may use other methods ~~the~~
27 ~~intermediate superintendent deems proper~~ **to determine the**

1 **validity of doubtful signatures.** ~~In the absence of fraud on the~~
 2 ~~part of the intermediate superintendent in the determination of~~
 3 ~~the validity of the signatures to a petition or error in the~~
 4 ~~determination of the number of qualified signatures,~~
 5 ~~determination of the adequacy of the number of school electors~~
 6 ~~signing each petition shall be final.~~

7 Sec. 856. (1) If the ~~intermediate superintendent of~~
 8 ~~schools~~ **school district filing official** is presented with
 9 petitions signed by school electors in each **school** district ~~to~~
 10 ~~the number of not less than 50% of the number of registered~~
 11 ~~general electors residing in each primary school district as of~~
 12 ~~the date the intermediate superintendent releases petitions, and~~
 13 ~~by school electors of not less than~~ **in a number at least equal**
 14 **to 5%** of the number of ~~registered general~~ **school** electors
 15 residing in ~~other school districts~~ **each school district**, the
 16 ~~intermediate superintendent shall cause~~ **school district filing**
 17 **official shall submit** the question of consolidation to be
 18 submitted to the vote of the school electors of the school
 19 districts at **the next regular school election or a special**
 20 ~~election. called to be held within 90 days after the receipt of~~
 21 ~~the petitions.~~

22 ~~(2) The special election shall be held on a date approved by~~
 23 ~~the county election scheduling committee under section 639 of Act~~
 24 ~~No. 116 of the Public Acts of 1954, as amended, being section~~
 25 ~~168.639 of the Michigan Compiled Laws.~~

26 **(2) —(3)—** Petitions ~~shall~~ **are** not ~~be~~ required in a school
 27 district operating 12 grades if a resolution adopted by the board

1 of the **school** district requesting consolidation of school
2 districts has been filed with the intermediate superintendent.

3 ~~(4) Each city and township clerk shall certify to the~~
4 ~~intermediate superintendent the number of registered general~~
5 ~~electors residing in a school district upon request of the~~
6 ~~intermediate superintendent.~~

7 Sec. 857. (1) The question of establishing a consolidated
8 school district shall be submitted to the school electors at a
9 **regular school election or at** a special election held for that
10 purpose. In voting to form the consolidated school district, a
11 school district operating 12 grades shall vote separately as a
12 unit. The remaining school districts to be included in the
13 consolidation shall vote together as a unit.

14 ~~(2) The local board shall conduct the election in each~~
15 ~~school district operating 12 grades. The intermediate school~~
16 ~~board, the intermediate superintendent of which called the~~
17 ~~election, shall conduct the election for the other school~~
18 ~~districts voting together as a unit.~~

19 (2) ~~(3)~~ The elections shall be held on the same day and
20 during the same hours. ~~Each school district shall vote as~~
21 ~~provided in part 12.~~

22 Sec. 858. ~~(1) The intermediate superintendent shall give~~
23 ~~notice of the last day of registration and notice of the date,~~
24 ~~place, the propositions to be submitted, and the hours the polls~~
25 ~~will be open for the special election to the school electors of~~
26 ~~the districts operating less than 12 grades in the manner and at~~
27 ~~the times prescribed by sections 1002 and 1058. (2) The~~

1 ~~intermediate superintendent~~ **school district filing official**
 2 shall give written notice to the secretary of the board of each
 3 affected school district ~~operating 12 grades of the day and~~
 4 ~~hours for holding the special election.~~ Each secretary shall
 5 ~~give the statutory notice of the day, place or places, and the~~
 6 ~~hours for holding the election and of the last day of~~
 7 ~~registration.~~ The ~~intermediate superintendent~~ shall notify the
 8 ~~secretary of the board of each school district~~ of the date of
 9 the consolidation election at least 60 days before the election.

10 Sec. 859. (1) The ~~proposition~~ **ballot question** shall be in
 11 substantially the following form:

12 "Shall the territory of the following school districts be
 13 united to form 1 school district?

14 (Names of school districts to be consolidated to be listed
 15 here)

16 Yes ()

17 No ()".

18 ~~(2) Printed ballots, voting machines, or other voting~~
 19 ~~devices shall be used.~~ The ~~intermediate superintendent~~ shall
 20 ~~supply printed ballots, poll books, and other necessary election~~
 21 ~~supplies to each board of election inspectors of the election~~
 22 ~~unit of the school districts operating less than 12 grades.~~

23 ~~(3) The secretary of the board of each school district~~
 24 ~~operating 12 grades shall provide printed ballots for the~~
 25 ~~election and supply all election materials necessary for the~~
 26 ~~election.~~ The ~~board of each school district operating 12 grades~~
 27 ~~shall appoint the necessary members to the board of election~~

1 ~~inspectors as determined under section 1059.~~

2 ~~—— (4) The members of the intermediate school board shall act as~~
3 ~~the board of election inspectors for the election held in school~~
4 ~~districts operating less than 12 grades. The intermediate board~~
5 ~~may appoint additional persons to a board of election~~
6 ~~inspectors. If more than 1 place for holding the election is~~
7 ~~designated by the intermediate superintendent, the members of the~~
8 ~~intermediate school board shall be apportioned by the~~
9 ~~intermediate superintendent to the boards of election~~
10 ~~inspectors. If a member of the intermediate school board or~~
11 ~~other person appointed to a board of election inspectors is~~
12 ~~unable to be present at the election or is required to leave~~
13 ~~during the hours the polls are open, the remaining members of the~~
14 ~~board of election inspectors may appoint another person to fill~~
15 ~~the vacancy.~~

16 ~~—— (5) Each member of a board of election inspectors shall take~~
17 ~~the constitutional oath of office before entering on the duties~~
18 ~~of an election inspector.~~

19 (2) ~~—(6)—~~ The affirmative vote of a majority of the school
20 electors voting on the question in each of the election units is
21 necessary to effect the consolidation of the school districts.
22 The consolidation is effective as of the date of the official
23 canvass.

24 (3) ~~—(7)—~~ The members of the intermediate school board and
25 other election inspectors acting in the election unit of a school
26 district operating less than 12 grades shall receive the same
27 compensation for conducting the election as is authorized for

1 ~~election inspectors in a general election under the Michigan~~
2 ~~election law, 1954 PA 116, MCL 168.1 to 168.992.~~ If the
3 consolidation becomes effective, expenses incurred for the
4 election in each election unit shall be certified to the board of
5 the consolidated school district. The school board **of the**
6 **consolidated school district** shall pay election ~~costs~~
7 **reimbursements** from the funds of the consolidated school
8 district. If the proposition to consolidate is not approved, the
9 intermediate school board shall determine the expenses of the
10 election held in the election unit operating less than 12 grades
11 and apportion the ~~expenses~~ **required reimbursements** equally
12 among the school districts of the election unit. Each school
13 board of the election unit shall pay the apportionment to the
14 ~~intermediate school board~~ **local unit of government that**
15 **conducted the election.**

16 Sec. 860. (1) If the petitions filed with ~~an intermediate~~
17 ~~superintendent~~ **a school district filing official** under section
18 853 request submission of the question of assuming the bonded
19 indebtedness of 1 or more of the school districts proposing
20 consolidation, or the question of increasing the constitutional
21 limitation on taxes of the consolidated school district for
22 operating purposes to the school electors at the consolidation
23 election, the ~~intermediate superintendent~~ **school district**
24 **filing official** shall include the question or questions in the
25 notice of the election ~~propositions~~ **ballot questions** filed with
26 each of the election units. ~~under section 857.~~

27 (2) A request for including assumption by the consolidated

1 school district of the bonded indebtedness of 1 or more of the
 2 districts proposing consolidation shall be stated on the petition
 3 after the names of the school districts to be consolidated in
 4 substantially the following form:

5 "We petition that the question of assumption and payment by
 6 the proposed consolidated school district of the bonded
 7 indebtedness of _____ be submitted to
 8 the

9 (name of school district or districts)

10 electors at the same election in which the proposed consolidation
 11 is submitted", and if applicable,

12 "We petition that the question of increasing the
 13 constitutional limitation on taxes which may be assessed against
 14 all property in the proposed consolidated school district by
 15 _____ mills for a period of _____ years, ~~19___ to 19___~~ to
 16 ___, inclusive, for operating purposes, be submitted to the
 17 electors at the same election with the question of consolidating
 18 the above listed districts".

19 (3) If the school electors approve the consolidation of
 20 school districts and the assumption of the bonded indebtedness of
 21 an original district, the consolidated school district shall
 22 assume the obligation of the bonded indebtedness. The
 23 consolidated school district shall pay the bonded indebtedness by
 24 spreading debt retirement taxes uniformly over the territory of
 25 the consolidated district. Section 864 ~~shall apply~~ **applies** to
 26 the debt retirement tax levies, the continuing obligations of the
 27 original school districts, and the rights and remedies of a

1 bondholder.

2 Sec. 861. ~~-(1)-~~ Within 10 days after the date of the
3 official canvass of the consolidation election, the intermediate
4 school board of the intermediate school district containing the
5 territory of the consolidated school district shall appoint
6 school electors of the **school** district in the number required by
7 the classification of the school district to act as a board for
8 the **school** district. If a consolidated school district includes
9 territory in more than 1 intermediate school district, the
10 appointment shall be made by the intermediate school board of
11 each intermediate school district acting jointly as a single
12 board. Within 7 days after appointment, each member shall file
13 with the intermediate superintendent an acceptance of the office,
14 accompanied by a written affidavit setting forth the fact of
15 eligibility ~~as provided in section 1102~~ **for office.** ~~Except as~~
16 ~~otherwise provided in subsection (2), each~~ **Each** appointed board
17 member shall hold office until ~~June thirtieth~~ **January 1, or, if**
18 **the consolidated school district's regular election is in May,**
19 **until July 1,** next following appointment. A new board shall be
20 elected at the first ~~annual~~ **regular school** election held after
21 the effective date of consolidation in the manner prescribed ~~in~~
22 ~~part 3 or part 4~~ **by law** for the election of a first board.

23 ~~(2) If the effective date of the consolidation is between~~
24 ~~the thirtieth day prior to the annual election and December 31,~~
25 ~~the board appointed by the intermediate school board at its first~~
26 ~~meeting shall call a district election to be held within 45 days~~
27 ~~after the day of the meeting. At the election, a board of the~~

1 ~~requisite number of members shall be elected for terms required~~
2 ~~for the election of a first board in section 111 or section 211.~~
3 ~~The election shall be in lieu of the first annual election, and~~
4 ~~the first year of each term of office shall extend until July 1~~
5 ~~following the next succeeding annual election. The board shall~~
6 ~~hold its first meeting and elect officers as provided in section~~
7 ~~114 or section 231.~~

8 Sec. 931. (1) An intermediate school board may divide a
9 constituent district ~~which~~ **that** has no bonded indebtedness and
10 attach the parts thereof to 2 or more operating school districts
11 if requested to do so by resolution of the board of the school
12 district to be divided, or if petitioned by not less than 5% of
13 the registered school electors residing in the district on the
14 date the petition is received, and if the school electors of the
15 **school** district, voting on the question at ~~an annual~~ **a regular**
16 or special **school** election, approve the division.

17 (2) The ~~city or township clerk shall certify to the~~
18 ~~intermediate superintendent~~ **school district filing official**
19 **shall certify** the number of registered school electors residing
20 in a school district ~~when requested by the intermediate~~
21 ~~superintendent~~ **as needed for voting on the ballot question.**

22 (3) The resolution of the board of the school district to be
23 divided or the petition of the registered school electors
24 residing in the district may specify the effective date of the
25 division of the school district, which date shall not be later
26 than the end of the fiscal year in which the election takes
27 place.

1 (4) The resolution of the intermediate school board to which
2 the school district to be divided is constituent shall clearly
3 describe the division. The description of the division shall be
4 based on the resolution of the board of the school district to be
5 divided or on the petition of the school electors.

6 Sec. 932. (1) The ~~secretary of the~~ board of the school
7 district to be divided shall call an election at which the
8 question of the division of the school district shall be
9 submitted to the school electors. Vote on the ~~proposition~~
10 **ballot question** shall be by ballot in the form determined by the
11 ~~intermediate school board~~ **school district filing official** and
12 shall clearly describe the division. Before an election is held,
13 the ~~state board~~ **superintendent of public instruction** shall
14 approve the proposed division and the attachment of the parts to
15 existing operating school districts. The election in the school
16 district to be divided shall be held not later than ~~60 days~~ **the**
17 **next available day for a regular school election or special**
18 **school election** following the date of approval by the ~~state~~
19 ~~board~~ **superintendent of public instruction.**

20 (2) The affirmative vote of a majority of the school electors
21 voting on the question ~~shall be~~ **is** necessary to ratify the
22 action of the intermediate school board.

23 (3) Territory attached to an existing operating school
24 district shall be a part of that **school** district for all
25 purposes, including the levy of all taxes ~~which~~ the **school**
26 district to which the territory is attached ~~has the authority~~
27 **is authorized** to levy.

1 (4) Within 5 days after the election, the ~~secretary of the~~
2 ~~board of the school district in which the election is held~~
3 **school district filing official** shall file a certified statement
4 of the vote for division with the intermediate superintendent.

5 (5) Within 30 days after the filing of the certified
6 statement of the vote approving the division, the intermediate
7 school board, by resolution, shall declare the school district
8 divided, attach the territory ~~thereof~~ to the specified
9 operating school districts, and make an equitable distribution of
10 the money, property, and other material belonging to the **school**
11 district among the **school** districts to which the territory is
12 attached.

13 (6) If the effective date is determined by the resolution of
14 the board or by the petition of the school electors under section
15 931, the intermediate school board shall declare the school
16 district divided on that date.

17 Sec. 945. Upon receipt of an order transmitted ~~pursuant~~
18 ~~to~~ **as prescribed by** section 944 and approving the division of
19 the school district, the board of the school district to be
20 annexed, divided, and transferred shall provide by resolution for
21 the election on the question of annexing, dividing, and
22 transferring the school district. ~~—, which~~ **The** election shall be
23 conducted and canvassed in the dividing district ~~pursuant to~~
24 ~~parts 12 and 13~~ **as provided in the Michigan election law.** The
25 question to be submitted to the electors shall be whether the
26 territory of the dividing school district shall be annexed and
27 transferred in the manner specified in the resolution of the

1 dividing school district.

2 Sec. 1206. (1) The Michigan election law governs election
3 procedures for a school district, local act school district, or
4 intermediate school district regular school election or special
5 school election.

6 (2) A school district, local act school district, or
7 intermediate school district regular school election or special
8 school election shall be administered and conducted as provided
9 in chapter XIV of the Michigan election law, MCL 168.301 to
10 168.315. A school district, local act school district, or
11 intermediate school district may use general operating funds to
12 reimburse units of local government involved in administering and
13 conducting a regular school election or special school election
14 for the school district, local act school district, or
15 intermediate school district, as required under the Michigan
16 election law.

17 Sec. 1212. (1) If approved by the school electors of the
18 school district, the board of a school district may levy a tax of
19 not to exceed 5 mills on the state equalized valuation of the
20 school district each year for a period of not to exceed 20 years,
21 for the purpose of creating a sinking fund to be used for the
22 purchase of real estate for sites for, and the construction or
23 repair of, school buildings. The sinking fund tax levy is
24 subject to the 15 mill tax limitation provisions of section 6 of
25 article IX of the state constitution of 1963 and the property tax
26 limitation act, ~~Act No. 62 of the Public Acts of 1933, as~~
27 ~~amended, being sections 211.201 to 211.217a of the Michigan~~

1 ~~Compiled Laws~~ 1933 PA 62, MCL 211.201 to 211.217a. A school
 2 district that levies a sinking fund tax under this section shall
 3 have an independent audit of its sinking fund conducted annually,
 4 including a review of the uses of the sinking fund, and shall
 5 submit the audit report to the department of treasury. If the
 6 department of treasury determines from the audit report that the
 7 sinking fund has been used for a purpose other than those
 8 authorized for the sinking fund under this section, the school
 9 district shall repay the misused funds to the sinking fund from
 10 the school district's operating funds and shall not levy a
 11 sinking fund tax under this section after the date the department
 12 of treasury makes that determination.

13 (2) The proposition of levying a sinking fund tax shall be
 14 submitted to the school electors of the school district at ~~an~~
 15 ~~annual~~ a **regular** or special ~~meeting or~~ **school** election.

16 (3) The question of levying taxes for the purpose of creating
 17 a sinking fund shall be by ballot in substantially the following
 18 form:

19 "Shall _____ levy _____ mills
 20 (legal name of school district)

21 to create a sinking fund for the purpose of _____

22 _____

23 for a period of _____ years?

24 Yes ()

25 No ()".

26 (4) For the purposes of this section, millage approved by the
 27 school electors before December 1, 1993 for which the

1 authorization has not expired is considered to be approved by the
2 school electors.

3 Sec. 1216. Except as provided in the revised municipal
4 finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money raised
5 by tax shall not be used for a purpose other than that for which
6 it was raised without the consent of a majority of the school
7 electors of the district voting on the question at ~~an annual or~~
8 ~~special meeting or~~ **a regular or special school** election.

9 Sec. 1351. (1) Until May 1, 1994, a school district may
10 borrow money and issue bonds of the district to defray all or a
11 part of the cost of purchasing, erecting, completing, remodeling,
12 improving, furnishing, refurnishing, equipping, or reequipping
13 school buildings, including library buildings, structures,
14 athletic fields, playgrounds, or other facilities, or parts of or
15 additions to those facilities; acquiring, preparing, developing,
16 or improving sites, or parts of or additions to sites, for school
17 buildings, including library buildings, structures, athletic
18 fields, playgrounds, or other facilities; purchasing school
19 buses; participating in the administrative costs of an urban
20 renewal program through which the school district desires to
21 acquire a site or addition to a site for school purposes;
22 refunding all or part of existing bonded indebtedness; or
23 accomplishing a combination of the purposes set forth in this
24 subsection. In addition, until December 31, 1991 a school
25 district may borrow money and issue bonds to defray all or part
26 of the cost of purchasing textbooks.

27 (2) Except as otherwise provided in this subsection, a school

1 district shall not borrow money or issue bonds for a sum that,
2 together with the total outstanding bonded indebtedness of the
3 district, exceeds 5% of the state equalized valuation of the
4 taxable property within the district, unless the proposition of
5 borrowing the money or issuing the bonds is submitted to a vote
6 of the school electors of the district at ~~an annual or special~~
7 **a regular or special school** election and approved by the majority
8 of the school electors voting on the question. Regardless of the
9 amount of outstanding bonded indebtedness of the school district,
10 a vote of the school electors is not necessary in order to issue
11 bonds for a purpose described in section 1274a or to issue bonds
12 under section 11i of the state school aid act of 1979, ~~1979~~
13 ~~PA 94,~~ MCL 388.1611i. For the purposes of this subsection,
14 bonds issued under section 11i of the state school aid act of
15 1979, ~~1979 PA 94,~~ MCL 388.1611i, shall not be included in
16 computing the total outstanding bonded indebtedness of a school
17 district.

18 (3) A school district shall not issue bonds under this part
19 for an amount greater than 15% of the total assessed valuation of
20 the district, except as provided in section 1356. A bond
21 qualified under section 16 of article IX of the state
22 constitution of 1963 and implementing legislation shall not be
23 included for purposes of calculating the 15% limitation. Bonds
24 issued under this part are subject to the revised municipal
25 finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that
26 bonds issued for a purpose described in section 1274a may be sold
27 at a public or publicly negotiated sale at the time or times, at

1 the price or prices, and at a discount as determined by the board
2 of the school district.

3 (4) Bonds or notes issued by a school district or
4 intermediate school district under this part or section 442, 629,
5 or 1274a shall be full faith and credit tax limited obligations
6 of the district pledging the general funds, voted and allocated
7 tax levies, or any other money available for such a purpose and
8 shall not allow or provide for the levy of additional millage for
9 payment of the bond or note without a vote of the qualified
10 electorate of the district.

11 Sec. 1361. (1) School district elections upon the issuance
12 of bonds shall be held and conducted ~~as elections in~~
13 ~~registration districts~~ in accordance with ~~part 13~~ **this act and**
14 **chapter XIV of the Michigan election law, MCL 168.301 to 168.315.**
15 Members of the **school** board ~~of education~~ shall not serve on a
16 board of election inspectors.

17 (2) The question shall be submitted by ballot in
18 substantially the following form:

19 "Shall,
20 (here state the legal name of the school district)
21 county/or counties of and state of
22 Michigan, borrow the sum of not to exceed
23 dollars (\$.....) and issue its bonds therefor,
24 for the purpose of?"

25 Yes ()

26 No ()".

27 (3) Anything contained in the ballot not specified in this

1 section shall be considered surplusage and of no legal effect.

2 Sec. 1451. (1) A school district, ~~other than a primary~~
3 ~~school district,~~ by a majority vote of the school electors at
4 ~~an annual~~ a **regular** or special **school** election, may establish a
5 public library.

6 (2) The school electors of a school district in which a
7 library is established may vote a district tax for the support of
8 the public library at ~~an annual~~ a **regular** or special **school**
9 election of the district. The board of the school district may
10 vote a tax for the maintenance and support of the public
11 library.

12 (3) A tax authorized or voted under this part shall be levied
13 and collected in the same manner as other school district taxes
14 are levied and collected.

15 (4) The millage allowed under this section may be levied
16 without a vote of the school electors of the school district
17 until the millage authorization expires. The rate of a tax
18 authorized or voted under this section shall not exceed the
19 number of mills levied by the school district under this section
20 in 1993 that were not included in the operating millage reported
21 by the school district to the department as of April 1, 1993 or
22 the number of mills levied by the school district under this
23 section in 1993 that the school district does not want considered
24 as operating millage reported by the school district as of April
25 1, 1994, whichever is greater.

26 (5) The board of a school district shall not hold an election
27 to levy mills under this section after December 31, 1993.

1 Sec. 1722. (1) The question of adopting sections 1722 to
 2 1729 may be submitted to the school electors of an intermediate
 3 school district at ~~an annual~~ **a regular school** election or at a
 4 special election held in each of the constituent districts.
 5 Sections 1722 to 1729 shall be effective if approved by a
 6 majority of the school electors of an intermediate school
 7 district voting at an election called and conducted under
 8 ~~sections~~ **section** 661. ~~and 662.~~

9 (2) Sections 1722 to 1729 shall continue in effect in an
 10 intermediate school district reorganized ~~pursuant to~~ **under**
 11 section 701.

12 Sec. 1724. Subject to section 1724a, an intermediate school
 13 board operating under sections 1722 to 1729 may direct that the
 14 question of increasing the millage limit on the annual property
 15 tax levied for special education be submitted to the school
 16 electors of the intermediate school district. The election shall
 17 be called and held in the manner provided in ~~sections 661 and~~
 18 ~~662~~ **section 661**. The ballot shall be substantially in the
 19 following form:

20 "Shall the _____ mill limitation on the
 21 annual property tax previously approved by the electors of the
 22 _____, state of
 23 (legal name of the intermediate school district)
 24 Michigan, for the education of handicapped persons be increased by
 25 _____ mills?

26 Yes ()

House Bill No. 4820 as amended December 11, 2003

1 No ()".

2 Enacting section 1. The following sections and parts of the
3 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, are
4 repealed effective January 1, 2005:

5 (a) Section 662, MCL 380.662.

6 (b) Parts 12 to 14, MCL 380.1001 to 380.1106.

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

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

12 (a) Senate Bill No. 877.

13 (b) House Bill No. 4822.

14 (c) House Bill No. 4823.

15 (d) House Bill No. 4824.

16 (e) House Bill No. 4825.

17 (f) House Bill No. 4826.

18 (g) House Bill No. 4827.

19 (h) House Bill No. 4828.

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