

HOUSE BILL No. 4338

March 12, 2003, Introduced by Reps. Ruth Johnson, Drolet, Rocca, Woodward and Voorhees and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 611, 612, 613, 614, 616, 617, and 703 (MCL 380.611, 380.612, 380.613, 380.614, 380.616, 380.617, and 380.703), sections 611 and 703 as amended by 1981 PA 87 and sections 614 and 617 as amended by 2002 PA 157; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 611. (1) ~~An~~ **Subject to subsections (2) and (3), an**
2 intermediate school district shall be under the supervision and
3 control of an intermediate school board composed of 5 members
4 elected under this part, except that in an intermediate school
5 district which adopts sections 615 to 617 for popular election of
6 its members, or in an intermediate school district reorganized
7 under section 701, the number of intermediate school board

1 members shall be 7. ~~In~~ **Subject to subsections (2) and (3), in**
2 an intermediate school district whose boundaries are enlarged by
3 a ~~dissolution~~ **disorganization** under section 703, the number of
4 intermediate school board members, at the option of the
5 intermediate school board, may be 7.

6 **(2) Beginning with the June 2004 annual school election, all**
7 **intermediate school districts shall be under the supervision and**
8 **control of an intermediate school board consisting of 7 members**
9 **popularly elected as provided under section 617.**

10 **(3) If as of the effective date of the amendatory act that**
11 **added this subsection an intermediate school district does not**
12 **have a popularly elected intermediate school board, a first**
13 **popularly elected intermediate school board shall be elected in**
14 **that intermediate school district at the June 2004 annual school**
15 **election as provided under section 617. On July 1, 2004, this**
16 **popularly elected intermediate school board shall take over the**
17 **supervision and control of the intermediate school district and**
18 **the intermediate school board that had been elected under section**
19 **614 is dissolved.**

20 Sec. 612. (1) ~~A~~ **Subject to subsection (2), a school**
21 **elector of a constituent district ~~shall be~~ is eligible to**
22 **election or appointment to membership on the intermediate school**
23 **board. ~~A~~**

24 **(2) Until July 1, 2004, a member of a board of a constituent**
25 **district ~~shall be~~ is eligible to election or appointment to**
26 **membership on the intermediate school board. **Beginning with the****
27 **June 2004 school election, a member of a board of a constituent**

1 district is not eligible to election or appointment to membership
2 on the intermediate school board while serving as a member of the
3 board of the constituent district.

4 (3) Beginning July 1, 2004, a member of an intermediate
5 school board shall not hold any other elective public office
6 including, but not limited to, office as a member of the board of
7 a constituent district. If a member of an intermediate school
8 board violates this subsection, the member forfeits his or her
9 office as a member of the intermediate school board.

10 (4) ~~(2)~~ A member of an intermediate school board who is a
11 member of a constituent district board shall not participate in
12 proceedings conducted pursuant to part 11 to detach territory
13 from or attach territory to the constituent district of which he
14 or she is a board member.

15 Sec. 613. (1) The intermediate school board shall meet
16 annually on or before the fourth Monday of July and shall
17 organize by electing a president, a vice-president, a secretary,
18 and a treasurer. ~~The~~

19 (2) **Until July 1, 2004, the** president and vice-president
20 shall be members of the intermediate school board, but the
21 secretary and treasurer need not be. **Beginning July 1, 2004, all**
22 **officers shall be members of the intermediate school board.**

23 (3) The officers shall perform duties provided by law and
24 prescribed by the policies and regulations of the intermediate
25 school board not inconsistent with this part or other laws of the
26 state.

27 (4) The treasurer shall post with the secretary a bond in an

1 amount approved by the intermediate school board, conditioned
2 upon the faithful performance of the treasurer's duties.

3 Sec. 614. **(1) This section applies only until election of a**
4 **popularly elected intermediate school board as described in**
5 **section 611(2) and (3).**

6 **(2) ~~(1)~~** Except as provided in section 615, the members of
7 the intermediate school board shall be elected biennially on the
8 first Monday in June by a body composed of 1 member of the board
9 of each constituent school district, who shall be designated by
10 the board of which that person is a member. The secretary shall
11 send a notice by certified mail of the hour and place of meeting
12 to the secretary of the board of each constituent district at
13 least 10 days before the meeting. The president and secretary of
14 the intermediate school board shall act as chairperson and
15 secretary.

16 **(3) ~~(2)~~** Except as provided in section 703, the term of
17 office of each member elected to the intermediate school board
18 shall be for 6 years and shall begin on July 1 following
19 election. Not more than 2 members of the intermediate school
20 board shall be from the same school district unless there are
21 fewer districts than there are positions to be filled.

22 **(4) ~~(3)~~** A vacancy shall be filled by the remaining members
23 of the intermediate school board until the next biennial election
24 at which time the vacancy shall be filled for the balance of the
25 unexpired term. Notice of the vacancy shall be filed with the
26 state board within 5 days after the vacancy occurs. If the
27 vacancy is not filled within 30 days after it occurs, the vacancy

1 shall be filled by the state board.

2 **(5)** ~~-(4)-~~ Subject to subsection ~~-(6)-~~ **(7)**, a candidate for
3 election to the intermediate school board shall be nominated by
4 petitions that are signed by a number of school electors of the
5 combined constituent school districts of the intermediate school
6 district, as follows:

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

10 (b) If the population of the intermediate school district is
11 10,000 or more according to the most recent federal census, a
12 minimum of 40 and a maximum of 100.

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

1 (7) ~~-(6)-~~ Instead of filing nominating petitions, a
 2 candidate for election to the intermediate school board may pay a
 3 nonrefundable filing fee of \$100.00 to the secretary of the
 4 intermediate school board. If this fee is paid by the due date
 5 for nominating petitions, the payment has the same effect under
 6 this section as the filing of nominating petitions.

7 (8) ~~-(7)-~~ The president shall appoint 2 persons not members
 8 of the intermediate school board or candidates for election as a
 9 board of canvassers and they shall canvass the vote following
 10 balloting. This becomes the official canvass.

11 Sec. 616. **(1) This section applies only until election of a**
 12 **popularly elected intermediate school board as described in**
 13 **section 611(2) and (3).**

14 (2) ~~-(1)-~~ An intermediate school board may submit to the
 15 school electors of the constituent districts comprising the
 16 intermediate school district the question of adoption of sections
 17 615 to 617. The question shall be in substantially the following
 18 form:

19 "Shall sections 615 to 617 of the **revised** school code, ~~-of~~
 20 ~~1976, as amended,~~ providing for the popular election of members
 21 of the intermediate school board be effective within the
 22 constituent districts of _____ (name of intermediate school
 23 district)?

24 Yes ()

25 No ()".

26 (3) ~~-(2)-~~ The intermediate school board shall submit the

1 question upon receipt of resolutions adopted by a majority of the
2 boards of constituent districts and representing more than 1/2 of
3 the combined memberships of the constituent districts of the
4 intermediate school district as of the latest pupil membership
5 count day. The resolutions of the constituent district boards
6 shall be adopted between December 1 and the next succeeding March
7 1. The question shall be presented to the school electors of the
8 constituent districts at the next annual election after
9 resolutions of constituent district boards meeting the
10 requirements of this section have been filed with the secretary
11 of the intermediate school board.

12 (4) ~~-(3)-~~ If a majority of the school electors votes in favor
13 of popular election, members of the intermediate school board
14 shall be elected at the next annual election and biennially
15 thereafter at the annual school elections of the constituent
16 districts. If a constituent district holds its annual election
17 on a date other than the second Monday in June, an election for
18 the purpose of choosing members of the intermediate school board
19 shall be held in that district on the second Monday in June.

20 (5) ~~-(4)-~~ An intermediate school district which adopts
21 sections 615 to 617 may in the same manner terminate the popular
22 election of members of the intermediate school board.

23 Sec. 617. (1) Subject to subsection (4), in an intermediate
24 school district in which sections 615 to 617 are effective, **and**
25 **in all intermediate school districts beginning with the 2004**
26 **school election**, a candidate for the office of member of the
27 intermediate school board shall be nominated by filing nominating

1 petitions and an affidavit as provided in section 558 of the
2 Michigan election law, 1954 PA 116, MCL 168.558, with the
3 secretary of the board of the intermediate school district before
4 4 p.m. of the ninth Monday before the election.

5 (2) The nominating petitions shall be in the form provided in
6 section 1066. Nominating petitions shall contain signatures of
7 school electors who are registered to vote in the city or
8 township in which they reside in a number as follows:

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

12 (b) If the population of the intermediate school district is
13 10,000 or more according to the most recent federal census, a
14 minimum of 40 and a maximum of 100.

15 (3) Each sheet of the nominating petition shall be circulated
16 in 1 city or township only.

17 (4) Instead of filing nominating petitions, a candidate for
18 election to the intermediate school board may pay a nonrefundable
19 filing fee of \$100.00 to the secretary of the intermediate school
20 board. If this fee is paid by the due date for nominating
21 petitions, the payment has the same effect under this section as
22 the filing of nominating petitions.

23 (5) Within 14 days after the last date for filing, the
24 secretary of the intermediate school board shall certify the
25 names and addresses of those candidates whose petitions are found
26 to be sufficient to the secretaries of the boards of the
27 constituent school districts. The secretary of the intermediate

1 school board shall certify the number to be elected. The
2 secretary of the intermediate school board shall notify the
3 county clerk of the names and addresses of the candidates not
4 later than 3 days after the last day for candidate withdrawal.
5 However, if the third day is a Saturday, Sunday, or legal
6 holiday, the notice may be sent on the next day that is not a
7 Saturday, Sunday, or legal holiday.

8 (6) The intermediate school board shall provide ballots for
9 the election of members of the intermediate school board and
10 distribute the ballots to the secretaries of each of the
11 constituent school districts not less than 20 days before the
12 annual school elections.

13 (7) **Members of the intermediate school board shall be elected**
14 **at the annual school elections of the constituent districts. If**
15 **a constituent district holds its annual election on a date other**
16 **than the second Monday in June, an election for the purpose of**
17 **choosing members of the intermediate school board shall be held**
18 **in that district on the second Monday in June.**

19 (8) ~~-(7)-~~ At the first election, 3 members of an intermediate
20 school board shall be elected for a term of 6 years, 2 for a term
21 of 4 years, and 2 for a term of 2 years. After the first
22 election, their successors shall be elected biennially for terms
23 of 6 years. **The term of office shall begin on July 1 following**
24 **election.**

25 (9) ~~-(8)-~~ The intermediate school board of an intermediate
26 school district adopting sections 615 to 617, **and each**
27 **intermediate school board beginning July 1, 2004, shall fill a**

1 vacancy in the intermediate school board's membership by
2 appointing a member to serve until the next biennial election, at
3 which time a member shall be elected for the balance of the
4 unexpired term.

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

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

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

1 ~~dissolution~~ **disorganization** to the board of each of its
2 constituent districts and to the intermediate school board of
3 each intermediate school district whose boundaries would be
4 enlarged by the proposal.

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

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

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

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

8 (7) ~~Within~~ **Except as otherwise provided in this subsection,**
9 **within** 30 days after a district attaches to a contiguous
10 intermediate school district under this section, the board of the
11 intermediate school district whose boundaries have been enlarged
12 by the ~~dissolution~~ **disorganization** may appoint 2 school
13 electors of constituent districts, 1 of whom shall be an elector
14 of the attached district, to membership on the intermediate
15 school board. Intermediate school board members appointed
16 pursuant to this subsection shall serve until July 1 after the
17 next biennial election. The intermediate school board may
18 determine 1 initial term of less than 6 years for 1 of the
19 additional members to be elected at the biennial election.
20 Notification of an appointment shall be filed with the state
21 board. **This subsection applies only until July 1, 2004.**

22 Enacting section 1. Section 615 of the revised school code,
23 1976 PA 451, MCL 380.615, is repealed effective July 1, 2004.