

SENATE BILL NO. 132

February 11, 2021, Introduced by Senators NESBITT and WOJNO and referred to the Committee on Elections.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 702 and 703 (MCL 380.702 and 380.703), as amended by 2003 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 702. (1) An intermediate school district may be annexed
2 to another intermediate school district if the intermediate school
3 board of the annexing intermediate school district approves the
4 annexation by resolution, and a majority of the school electors of
5 the intermediate school district to be annexed voting on the

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

13 (2) Within 10 days after the election, the school district
14 filing official shall file the result with the secretary of the
15 intermediate school board, and 5 days later the intermediate school
16 board secretary shall file the election result with the secretary
17 of the intermediate school board of the annexing intermediate
18 school district. Within 15 days after the annexation election the
19 intermediate school board of the annexed intermediate school
20 district shall account to the intermediate school board of the
21 annexing intermediate school district for the money and property in
22 its hands and shall turn over the money and property to that
23 intermediate school board. Property and money belonging to the
24 annexed intermediate school district becomes the property of the
25 annexing intermediate school district. The outstanding indebtedness
26 of the annexed intermediate school district becomes the liability
27 of the annexing intermediate school district. Upon receipt of the
28 money and property, the members of the annexed intermediate school
29 board shall be released from liability for the money and property

1 and their offices terminated.

2 (3) The annexation is effective on the latest date on which
3 the election was held in a constituent district of the annexed
4 intermediate school district. The secretary of the intermediate
5 school board of the annexing intermediate school district shall
6 give written notice of the annexation to the superintendent of
7 public instruction within 15 days after the annexation election.
8 Within 30 days after annexation, the board of the annexing
9 intermediate school district shall appoint 2 school electors of the
10 annexed intermediate school district to membership on the
11 intermediate school board of the reorganized intermediate school
12 district, who shall serve until January 1. ~~or, if the intermediate~~
13 ~~school district's regular school election is held in May, until~~
14 ~~July 1 after the next intermediate school district election.~~
15 Notification of the appointments ~~shall~~**must** be filed with the
16 superintendent of public instruction. If the appointments are not
17 made within the 30 days, the superintendent of public instruction
18 shall make the appointments. At the next intermediate school
19 district election, members of the intermediate school board shall
20 be elected in the number and for the terms required in section 701.
21 The terms of the members of the intermediate school board whose
22 terms have not expired ~~shall~~ determine the terms of the additional
23 members to be elected.

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

28 (2) The board of each constituent district may request the
29 intermediate school board to prescribe a plan for disorganization

1 of the intermediate school district. Each request ~~shall~~**must**
2 designate another intermediate school district to which the
3 constituent district desires to be attached. The intermediate
4 school board shall prescribe, by resolution, a plan under which
5 each of the constituent districts will be attached in whole to
6 contiguous intermediate school districts designated in the
7 requests. If the designated intermediate school district is not
8 contiguous, the intermediate school board's plan may prescribe
9 attachment to a contiguous intermediate school district.

10 (3) The intermediate superintendent of the intermediate school
11 district that is to be disorganized shall give 30 days' notice of
12 the time and place of the meeting of the intermediate school board
13 and of the proposed plan for disorganization by publication of the
14 notice in a newspaper of general circulation in the intermediate
15 school district. The intermediate school board shall present the
16 adopted plan for dissolution to the board of each of its
17 constituent districts and to the intermediate school board of each
18 intermediate school district whose boundaries would be enlarged by
19 the proposal.

20 (4) The intermediate superintendent of each intermediate
21 school district whose boundaries would be enlarged by the
22 dissolution shall give 30 days' notice of the time and place of the
23 meeting of the intermediate school board and of the recommended
24 plan for enlargement of the intermediate school district by
25 publication of the notice in a newspaper of general circulation in
26 the intermediate school district.

27 (5) If the intermediate school board of each affected
28 intermediate school district approves the plan for disorganization,
29 the intermediate school board of the intermediate school district

1 to be dissolved shall refer the matter to the superintendent of
2 public instruction for approval. The action of the superintendent
3 of public instruction declaring the intermediate school district
4 dissolved is final. Disorganization of the intermediate school
5 district and attachment of its constituent districts to contiguous
6 intermediate school districts takes effect on July 1 after the date
7 of the approval of the superintendent of public instruction.

8 (6) The intermediate school boards of the intermediate school
9 districts to which territory is attached by dissolution shall meet
10 jointly, sitting as a single board, and make an equitable
11 distribution of the money, property, and other assets belonging to
12 the disorganized intermediate school district among the
13 intermediate school districts affected. The territory of
14 constituent districts transferred to other intermediate school
15 districts by dissolution ~~shall be~~ **are** subject to all taxes levied
16 for purposes of the intermediate school district to which
17 transferred, including taxes for the retirement of bonded
18 indebtedness, special education programs, and area vocational-
19 technical education programs.

20 (7) Within 30 days after a district attaches to a contiguous
21 intermediate school district under this section, the board of the
22 intermediate school district whose boundaries have been enlarged by
23 the dissolution may appoint 2 school electors of constituent
24 districts, 1 of whom shall be an elector of the attached district,
25 to membership on the intermediate school board. Intermediate school
26 board members appointed under this subsection serve until January
27 1. ~~or, if the intermediate school district's regular school~~
28 ~~election is held in May, until July 1 after the next intermediate~~
29 ~~school district election.~~ The intermediate school board may

1 determine 1 initial term of less than 6 years for 1 of the
2 additional members to be elected at the intermediate school
3 district election. Notification of an appointment ~~shall~~**must** be
4 filed with the superintendent of public instruction.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 130 of the 101st Legislature is enacted into
7 law.