

SUBSTITUTE FOR
HOUSE BILL NO. 4464

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 861 (MCL 380.861) and by adding section
861a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 861. (1) ~~Within~~ EXCEPT AS OTHERWISE PROVIDED IN
2 SECTION 861A, WITHIN 10 days after the date of the official can-
3 vass of the consolidation election, the intermediate school board
4 of the intermediate school district containing the territory of
5 the consolidated school district shall appoint school electors of
6 the district in the number required by the classification of the
7 school district to act as a board for the district. If a consol-
8 idated school district includes territory in more than 1
9 intermediate school district, the appointment shall be made by
10 the intermediate school board of each intermediate school

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1 district acting jointly as a single board. Within 7 days after
2 appointment, each member shall file with the intermediate super-
3 intendent an acceptance of the office, accompanied by a written
4 affidavit setting forth the fact of eligibility as provided in
5 section 1102. Except as otherwise provided in subsection (2) AND
6 SECTION 861A, each appointed board member shall hold office until
7 June thirtieth next following appointment ~~—A—~~ AND A new board
8 shall be elected at the first annual election held after the
9 effective date of consolidation in the manner prescribed in
10 FORMER part 3 or FORMER part 4 for the election of a first
11 board.

12 (2) ~~—If—~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 861A, IF
13 the effective date of the consolidation is between the thirtieth
14 day prior to the annual election and December 31, the board
15 appointed by the intermediate school board at its first meeting
16 shall call a district election to be held within 45 days after
17 the day of the meeting. At the election, a board of the requi-
18 site number of members shall be elected for terms required for
19 the election of a first board in FORMER section 111 or FORMER
20 section 211. The election shall be in lieu of the first annual
21 election, and the first year of each term of office shall extend
22 until July 1 following the next succeeding annual election. The
23 board shall hold its first meeting and elect officers as provided
24 in FORMER section 114 or FORMER section 231.

25 SEC. 861A. (1) IF AGREED TO BY RESOLUTION ADOPTED BY THE
26 BOARDS OF EACH OF THE SCHOOL DISTRICTS BEFORE THE DATE OF THE
27 CONSOLIDATION ELECTION, AND IF THE CONSOLIDATION ELECTION IS HELD

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1 BEFORE JUNE 1, 1997, ALL OF THE FOLLOWING APPLY TO THE MEMBERSHIP
2 OF THE BOARD OF A CONSOLIDATED SCHOOL DISTRICT FORMED BY THE CON-
3 SOLIDATION OF 2 SCHOOL DISTRICTS THAT ARE WHOLLY WITHIN THE SAME
4 INTERMEDIATE SCHOOL DISTRICT:

5 (A) WITHIN 10 DAYS AFTER THE DATE OF THE OFFICIAL CANVASS OF
6 THE CONSOLIDATION ELECTION, THE INTERMEDIATE SCHOOL BOARD OF THE
7 INTERMEDIATE SCHOOL DISTRICT CONTAINING THE TERRITORY OF THE CON-
8 SOLIDATED SCHOOL DISTRICT SHALL APPOINT 9 SCHOOL ELECTORS TO
9 SERVE AS THE BOARD OF THE CONSOLIDATED SCHOOL DISTRICT. OF THESE
10 BOARD MEMBERS, 5 SHALL BE PERSONS WHO WERE SERVING AS OF THE DATE
11 OF THE CONSOLIDATION ELECTION AS MEMBERS OF THE BOARD OF THE
12 ORIGINAL SCHOOL DISTRICT WITH THE GREATER NUMBER OF PUPILS AS OF
13 THAT DATE, AND 4 SHALL BE PERSONS WHO WERE SERVING AS OF THE DATE
14 OF THE CONSOLIDATION ELECTION AS MEMBERS OF THE BOARD OF THE
15 ORIGINAL SCHOOL DISTRICT WITH THE LESSER NUMBER OF PUPILS AS OF
16 THAT DATE. WITHIN 7 DAYS AFTER APPOINTMENT, EACH MEMBER SHALL
17 FILE WITH THE INTERMEDIATE SUPERINTENDENT AN ACCEPTANCE OF
18 OFFICE, ACCOMPANIED BY A WRITTEN AFFIDAVIT SETTING FORTH THE
19 FACTS OF ELIGIBILITY FOR OFFICE.

20 (B) THE TERM OF A MEMBER APPOINTED UNDER SUBDIVISION (A)
21 EXPIRES ON THE DATE THAT THE TERM FOR WHICH HE OR SHE WAS ELECTED
22 AS A MEMBER OF THE BOARD OF THE ORIGINAL SCHOOL DISTRICT WOULD
23 HAVE EXPIRED. THE MEMBER MAY SEEK ELECTION TO A NEW TERM ON THE
24 BOARD OF THE CONSOLIDATED SCHOOL DISTRICT IN THE MANNER PROVIDED
25 BY LAW.

26 (C) IN EACH YEAR BEFORE 2001 IN WHICH THE TERM OF A BOARD
27 MEMBER EXPIRES UNDER SUBDIVISION (B), A SUCCESSOR SHALL BE

1 ELECTED AT THE REGULAR SCHOOL ELECTION IN THE CONSOLIDATED SCHOOL
2 DISTRICT. A BOARD MEMBER ELECTED UNDER THIS SUBDIVISION SHALL BE
3 A RESIDENT OF THE TERRITORY OF THE SAME FORMER SCHOOL DISTRICT AS
4 THE BOARD MEMBER WHOSE TERM EXPIRED AND WHOM HE OR SHE IS REPLAC-
5 ING, BUT ELECTION SHALL BE BY VOTE OF THE SCHOOL ELECTORS OF THE
6 ENTIRE CONSOLIDATED SCHOOL DISTRICT. THE ELIGIBILITY OF A CANDI-
7 DATE FOR OFFICE UNDER THIS SUBDIVISION SHALL BE VERIFIED BY THE
8 SECRETARY OF THE CONSOLIDATED SCHOOL DISTRICT. FOR EACH BOARD
9 MEMBER POSITION BEING FILLED AT THE ELECTION, THE ELIGIBLE PERSON
10 RECEIVING THE GREATEST NUMBER OF VOTES SHALL BE DECLARED
11 ELECTED.

12 (D) BEGINNING JULY 1, 2001, THE RESIDENCY REQUIREMENTS OF
13 SUBDIVISION (C) NO LONGER APPLY AND THE BOARD OF THE CONSOLIDATED
14 SCHOOL DISTRICT SHALL CONSIST OF 7 MEMBERS ELECTED AT LARGE FROM
15 THE CONSOLIDATED SCHOOL DISTRICT. IF AT THE SCHOOL ELECTION OF
16 THE CONSOLIDATED SCHOOL DISTRICT HELD IN JUNE 2001 THE NUMBER OF
17 TERMS TO BE FILLED WOULD OTHERWISE RESULT IN MORE THAN 7 MEMBERS
18 ON THE BOARD, THEN THE NUMBER OF TERMS FILLED AT THAT ELECTION
19 SHALL BE ONLY the number that will result in 7 members.

20 (e) All members elected under this section shall serve for
21 terms of 4 years unless the terms are changed as provided under
22 section 11a.

23 (2) Except as specifically provided in this section, all
24 other sections of this part and this act apply to a consolidated
25 school district described in this section.