

COMMUNITY COLLEGE ACT OF 1966 (EXCERPT)
Act 331 of 1966

CHAPTER 2

COMMUNITY COLLEGE DISTRICT COMPRISED OF SCHOOL DISTRICTS

389.31 Community college district; resolution requesting organization; approval of superintendent of public instruction.

Sec. 31. (1) A school district or 2 or more school districts that operate grades kindergarten through 12 may form a community college district. If resolutions of the boards of education of school districts requesting the organization of the community college district are filed with the secretary of the board of education of the intermediate school district having the highest valuation in the proposed community college district area, he or she shall refer the questions of organizing the community college district and the proposed annual tax rate to the superintendent of public instruction for approval. If the board of education of a single school district adopts a resolution requesting the organization of a community college district, the secretary of the board of education of that district shall refer those questions to the superintendent of public instruction for approval.

(2) For the purpose of this chapter, a school district operating grades kindergarten through 12 may form a community college district even though a part of the district is within an existing community college district. Except as provided in section 46, that part of the school district shall not be included in the area of the community college district and an elector who resides in that part of the school district is not eligible to vote at the organizational election or at any community college district election.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.32 Filing copy of approval; inclusion of community college propositions in proceedings for annual election; special election; approval by majority of electors.

Sec. 32. (1) If 2 or more school districts file resolutions to organize a community college district, the secretary of the board of education of the intermediate school district shall file a copy of the approval specified in section 31 with the secretary of the board of education of each component school district and the school district filing official. If the filing with each component school district and the school district filing official, or receipt of approval from the state board of education by the secretary of the board of education of a single school district, occurs at least 60 days but not more than 6 months before the next annual school election, the school district filing official shall include the necessary community college propositions in the proceedings for the annual election.

(2) If the approval is filed with the school district filing official of the component school districts or approval is received by the secretary of the board of education of a single school district more than 6 months before the date of the next school election, each board of education shall call a special election to be held in not less than 60 days on a regular election day. A majority of the electors of the school district voting on the propositions shall approve the organization of the community college district.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1967, Act 231, Imd. Eff. July 10, 1967;—Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974;—Am. 2003, Act 306, Eff. Jan. 1, 2005.

389.33 Organizational election; propositions submitted.

Sec. 33. At the organizational election the following issues shall be submitted to the electors:

- (a) Proposition to establish the community college district. The ballots shall read substantially as follows:
(list names of school districts)

Shall a community college district comprised of be established in accordance with Act No. of the Public Acts of 1966?

- (b) Proposition to establish the maximum annual tax rate.
(c) Election of the first board of trustees.

History: 1966, Act 331, Eff. Oct. 1, 1966.

389.34 Community college district consisting of single school district; board of trustees; election and terms of members.

Sec. 34. (1) If the community college district consists of a single school district, the community college district is directed and governed by a board of trustees consisting of 7 members, elected at large in the territory of the district or proposed district on a nonpartisan basis. At the organizational election, the electors shall elect 3 members for 6-year terms, 2 for 4-year terms, and 2 for 2-year terms. After the initial terms, at the next regular community college election immediately preceding the expiration of a member's term of

office, the electors shall elect the member's successor for a term of 6 years.

(2) If an organizational election is held at the same time as a regular school election in November, the term of office of each member elected shall commence on January 1 following the organizational election.

(3) If an organizational election is held on a date other than the date of a regular school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on the January 1 following the regular school election in November. If the organizational election is held on a date other than the regular election date of the component school district, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until January 1 following the date of the regular election of the component district held not less than 1 year nor more than 2 years after the date of the organizational election.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974;—Am. 1978, Act 36, Imd. Eff. Feb. 24, 1978;—Am. 1982, Act 381, Eff. Mar. 30, 1983;—Am. 2000, Act 488, Imd. Eff. Jan. 11, 2001;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.34a Community college district consisting of 2 or more school districts; board of trustees; election and terms of members.

Sec. 34a. (1) If the community college district organized under this chapter consists of 2 or more school districts, the community college district shall be directed and governed by a board of trustees that consists of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election, 3 members shall be elected for 6-year terms, 2 members for 4-year terms, and 2 members for 2-year terms. Thereafter, at the next regular community college election immediately preceding the expiration of their terms of office, their successors shall be elected for terms of 6 years.

(2) If the organizational election is held at the same time as the regular school election in November, the term of each member elected shall commence on the January 1 following the organizational election.

(3) If the organizational election is held on a date other than the date of the regular school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on January 1 following the next regular school election in November. If the organizational election is held on a date other than the regular school election, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until January following the date of the regular school election.

History: Add. 1978, Act 36, Imd. Eff. Feb. 24, 1978;—Am. 1982, Act 381, Eff. Mar. 30, 1983;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.35 Conditions to establishment of community college district.

Sec. 35. (1) A community college district shall be established if:

- (a) A majority of the electors of each school district voting thereon approve the organization of the district.
- (b) A board of trustees in the required number is elected by a majority of the electors voting thereon.

(2) If the proposition to organize the district fails of a proper majority, or if a board of trustees in the proper number is not elected, a community college district shall not be established.

(3) A combined majority of the electors of the component school districts voting thereon shall approve the establishment of the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive approval of a proper majority of the electors of the component school districts voting thereon and a community college district is established under the provisions of this section, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the board of trustees for that purpose. If the proposition to establish the maximum annual tax rate fails after being submitted 3 times, the community college district is dissolved.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1967, Act 285, Imd. Eff. Aug. 1, 1967;—Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.35a Conditions to organization of community college district consisting of single school district.

Sec. 35a. (1) A community college district consisting of a single school district shall be organized under the control of a separate governing board if:

(a) The board of education of the school district adopts a resolution requesting the organization of the community college under the control of a separate governing board. The secretary of the board of education shall refer the resolution to the state board of education for approval.

(b) A majority of the electors of the school district voting thereon approve the organization.

(c) A board of trustees for the community college is elected by a majority of the electors voting thereon

pursuant to section 34.

(2) The community college district shall not be organized under a separate governing board if all the requirements of subsection (1) are not fulfilled.

History: Add. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.36 Vote eligibility.

Sec. 36. If part of a local school district is in another community college district, only those electors residing in that part of the school district not in the other community college district are eligible to vote in the organizational election or in subsequent community college elections.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2003, Act 306, Eff. Jan. 1, 2005.

389.37 Canvass of election results.

Sec. 37. The appropriate board of county canvassers under section 24a of the Michigan election law, MCL 168.24a, shall conduct a canvass of the results of an election under this chapter. The board of county canvassers shall conduct the canvass within 3 days of the election.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974;—Am. 2000, Act 488, Imd. Eff. Jan. 11, 2001;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2013, Act 53, Imd. Eff. June 11, 2013.

389.38 Regular community college election; separate propositions.

Sec. 38. At a regular community college election, separate propositions may be submitted to the electors in addition to the election of trustees of the community college district when authorized by the board of trustees.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2005, Act 62, Imd. Eff. July 7, 2005.

389.39 Community college district special elections.

Sec. 39. (1) The board of trustees of a community college district organized under this chapter may request that the school district filing official call a special election. The secretary of the board shall file a copy of the resolution of the board requesting the call of a special election with the secretaries of each component local and intermediate school district, the school district filing official, and the clerk of each component county, as applicable, at least 60 days before the date of the election. The request to the school district filing official and the resolution of the board shall contain a statement of the propositions to be submitted to the electors.

(2) The board of education of each component local and intermediate school district and the clerk of each component county, as applicable, shall request that the school district filing official call the special election on the regular election day specified in the resolution of the board of trustees.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2003, Act 306, Eff. Jan. 1, 2005.

389.40 Repealed. 2003, Act 306, Eff. Jan. 1, 2005.

Compiler's note: The repealed section pertained to payment of expenses of community college elections.

389.41 Annexation to community college district; filing of resolution, approval, and ballot questions; approval by electors; territory subject to taxes; eligibility of electors.

Sec. 41. (1) By adoption of a resolution, the board of trustees of a community college district organized under this chapter may initiate annexation to the community college district, in the manner provided in this act, of that portion of a local school district, intermediate school district, county, or township that is not already included in a community college district.

(2) Before an annexation election described in subsection (3), the board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. If the board receives that approval, the secretary of the board of trustees shall, subject to section 646a of the Michigan election law, MCL 168.646a, file certified copies of the annexation resolution, the approval, and the wording of the ballot questions described in subsection (3) with the clerk of the county in which the territory to be annexed is located.

(3) After the resolution, approval, and ballot questions are filed under subsection (2), the clerk of the county shall place before the electors the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.

(4) If both propositions receive majority approval of the electors voting on the propositions, the effective date of the annexation is the date the election is certified by the appropriate board of county canvassers.

(5) By virtue of annexation, unless otherwise provided in the approved annexation propositions, territory annexed to a community college district is subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(6) If a portion of a county, township, or intermediate or local school district to be annexed lies within a community college district at the time of the annexation election, then the electors residing in that territory are not eligible to vote on the propositions and that territory does not become a part of the community college district.

(7) If a school district that operates grades kindergarten through 12 is annexed to a community college district before July 1, 2004, the school district is entitled to elect a member to the board of trustees of the community college district for a term of 6 years. The first member shall be elected at the first regular community college election after the annexation election.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2000, Act 488, Imd. Eff. Jan. 11, 2001;—Am. 2004, Act 446, Imd. Eff. Dec. 27, 2004;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.42 District or county annexation; date; procedure.

Sec. 42. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 or less than 21 days before the date of a regular school election, the board of education of the district shall request that the school district filing official call a special school election for voting on the annexation on the regular election day specified by the secretary of the board of trustees of the community college district. If the resolution and approval are filed more than 20 days but less than 91 days before the date of the regular school election, the board of education of the local school district shall request that the school district filing official submit the annexation proposition to the electors at the regular school election.

(2) In the annexation of an intermediate school district, the secretary of the intermediate school board of the intermediate school district in writing shall direct the board of education of each component local school district to submit the annexation propositions to the electors of the school district. Each school district shall request that the school district filing official hold the election at the time of the regular school election if notification is given more than 20 but less than 91 days before the date of the regular school election. Otherwise, each board of education shall request that the school district filing official call a special election to consider the annexation propositions.

(3) In the annexation of a county, if the resolution and approval are filed more than 90 days or less than 21 days before the date of the next general election, the school district filing official shall call a special election within the county to consider the annexation propositions. If the resolution and approval are filed less than 91 days but more than 20 days before the next general election, then the annexation propositions shall be submitted to the electors of the county at that election.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2000, Act 488, Imd. Eff. Jan. 11, 2001;—Am. 2003, Act 306, Eff. Jan. 1, 2005.

389.43 District or county annexations; vote requirements.

Sec. 43. (1) At an annexation election, the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation is effective on the date of the election if both propositions receive majority approval of the electors voting on the propositions. A local school district, intermediate school district, or county annexed is subject to taxes levied within the maximum annual tax rate, and, unless otherwise provided in the annexation propositions, to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(2) If any portion of a local school district, intermediate school district, or county to be annexed lies within a community college district at the time of the annexation election, the electors residing in that territory are not eligible to vote on the propositions and the territory does not become a part of the community college district.

(3) In an annexation of a county, if all or any portion of a local school district lies within that county, no elector residing in that local school district may vote on the propositions and no part of the local school district becomes part of the community college district if both of the following are met:

(a) The local school district is not part of an intermediate school district that has at least 80% of its territory in the county to be annexed.

(b) The board of education of the local school district adopts a resolution that the school district elects to be excluded from the annexation, and files a certified copy of the resolution with the county clerk and the board of trustees within 15 days of the date the resolution and approval are filed with the county clerk under section 41(2).

(4) In an annexation of a local school district or intermediate school district, the results of the annexation election shall be canvassed as provided in section 37. In an annexation of a county, the final results of the annexation election shall be canvassed by the county board of canvassers for that county.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2000, Act 488, Imd. Eff. Jan. 11, 2001.

389.44 School districts with community college; transfer of territory.

Sec. 44. Whenever territory which is not already within a community college district is transferred to a school district which is a part of a community college district, the territory shall be a part of the community college district and subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

History: 1966, Act 331, Eff. Oct. 1, 1966.

389.45 Annexation of school district to school district within community college district.

Sec. 45. Whenever a school district which is not within the area of a community college district was heretofore or is hereafter annexed to a school district which is within a community college district, the annexed school district shall be a part of the community college district and subject to taxes levied within the tax rate established in the community college district and to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.

History: 1966, Act 331, Eff. Oct. 1, 1966.

389.46 Boundaries of community college district established by single school district.

Sec. 46. When a community college district is established by a single school district operating a community college as a department of the school district under Act No. 269 of the Public Acts of 1955, as amended, being sections 340.1 to 340.984 of the Michigan Compiled Laws, the boundaries of the community college district shall be coterminous with the boundaries of the school district at the time the community college district is established.

History: Add. 1974, Act 40, Imd. Eff. Mar. 13, 1974.