

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

PART 1

CHAPTER 1

COMMUNITY COLLEGE DISTRICT COMPRISED OF COUNTIES

389.11 Formation of community college district; approval.

Sec. 11. (1) Subject to subsection (2), 1 or more counties may join to form a community college district by a majority vote of the electors residing in the proposed district. Before the election is held, the board or joint boards of education of the intermediate school districts of the counties affected must obtain the approval of the formation of the proposed community college district and the proposed maximum annual tax rate from the superintendent of public instruction.

(2) For the purposes of this chapter, a county may form a community college district even though a portion of that county is a part of an existing community college district. That portion of the county shall not be included in the area of the proposed community college district and the electors who reside in that portion of the county are not eligible to vote at the organizational election or at any succeeding community college district elections.

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

389.12 Organizational election; time of holding.

Sec. 12. (1) If approval of a proposed community college district is filed with the school district filing official at least 77 days but not more than 6 months before the next general state election, the school district filing official shall include the necessary community college propositions with the proceedings for the general election.

(2) If approval of a proposed community college district is filed with the school district filing official more than 6 months before the next general state election, the school district filing official shall call a special election for the purpose of submitting to the electors the propositions relating to the establishment of the community college district to be held on the next regular election day that is not less than 77 days after the approval is filed.

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

389.13 Organizational election; propositions submitted.

Sec. 13. At the organizational election there shall be submitted the following issues:

(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

Shall a community college district comprised of County (or counties) 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.

389.14 Community college board of trustees; number and terms.

Sec. 14. (1) A 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 their terms of office, the electors shall elect members for 6-year terms. In a community college district that is comprised of 3 counties and is in operation on the effective date of this act, the board of trustees shall continue to consist of 9 members, 3 from each county, elected for 6-year terms.

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

(3) When an organizational election is held on a date other than the date of a general state 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 general state election. However, the period of time from the date of the organizational election until January 1 following the next general state election is in addition to the regular terms to which each member was elected.

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

389.15 Community college districts comprised of counties; establishment; annual tax rate.

Sec. 15. (1) A community college district shall be established if:

(a) A majority of the electors of each of the counties included in the proposed community college district voting thereon approve the organization of the district.

(b) A board of trustees in the required number is elected by each county 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 counties 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 counties 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.

389.16 Organizational elections; conduct.

Sec. 16. The general election laws, including the voting of absent voters, the days on which elections are held, the hours for the opening and closing of the polls at elections, and provisions for preserving the purity of elections and for preventing fraud and corruption, govern all elections under this act so far as the same are applicable and not inconsistent with this act. County and local election officials shall perform their election duties for regular and special elections held in accordance with this chapter, including the proper giving of notices of registration and election.

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

389.17 Organizational election; canvass of results.

Sec. 17. Subject to section 24a of the Michigan election law, MCL 168.24a, the county board of canvassers shall conduct the canvass of the results of an organizational election or other election of a community college district organized under this chapter.

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.

389.18 Regular community college district elections; when held; special propositions.

Sec. 18. Regular elections of the community college district shall be held on the same date as the general state elections. At regular elections, in addition to the election of trustees, special propositions may be submitted to the vote of the electors when authorized by the board of trustees.

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

389.19 Special elections.

Sec. 19. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the county clerks at least 60 days prior to the date of the election. The resolution of the board shall contain a statement of the propositions to be submitted to the electors.

(2) Upon receipt of the resolution each county clerk shall notify the county and local election officials of the calling of the special election. The election officials shall perform their regular election duties.

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

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

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

389.21 Annexations to district; procedure.

Sec. 21. (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 county, township, intermediate school district, or local school district that is not already included within the area of a community college district.

(2) Before an annexation election described in subsection (3), the board of trustees shall obtain 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 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.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1997, Act 147, Imd. Eff. Dec. 1, 1997;—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;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

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.

CHAPTER 3

COMMUNITY COLLEGE DISTRICT COMPOSED OF INTERMEDIATE SCHOOL DISTRICTS

389.51 Formation of community college district by intermediate school districts; designation of territory; approval of superintendent of public instruction; submission of language for propositions to county clerk.

Sec. 51. The board of an intermediate school district or the boards of 2 or more intermediate school districts acting as a single board may form a community college district under this chapter. The board of the intermediate school district or joint board of the intermediate school districts shall designate the territory of the proposed community college district and 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 superintendent of public instruction approves, he or she shall notify the board of the intermediate school district or joint board, which shall, subject to section 646a of the Michigan election law, MCL 168.646a, submit the language for the propositions to the clerk of the county in which the designated territory is located.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.52 Placement of question before electors.

Sec. 52. The secretary of the board of the intermediate school district, or the secretary of the board of the intermediate school district that has the highest valuation in the proposed community college district for a community college formed by 2 or more intermediate school districts, shall, subject to section 646a of the Michigan election law, MCL 168.646a, file a copy of the approval of the superintendent of public instruction described in section 51 together with the propositions to be submitted to the electors described in section 51

with the clerk of the county in which the territory of the proposed community college district is located. After the approval and propositions are filed with the clerk of the county in accordance with this subsection, the clerk of the county shall place the question before the electors.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1967, Act 231, Imd. Eff. July 10, 1967;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.53 Organizational election; propositions submitted.

Sec. 53. At the organizational election there shall be submitted the following issues:

(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

Shall a community college district comprised of _____ (Name of intermediate school district or districts)

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.

389.54 Board of trustees; election of members; terms.

Sec. 54. (1) A community college district is directed and governed by a board of trustees, that consists of 7 members except as provided in subsection (4), 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, the electors shall elect members for 6-year terms.

(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 January 1 following the next regular school election. If the organizational election is held on a date other than the regular election date of the component school districts, 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 districts held not less than 1 year nor more than 2 years from the date of the organizational election.

(4) If a county is annexed to a community college district under this chapter, the electors of the annexed county shall elect 2 additional members to the board of trustees of the community college district, elected at large in the annexed county on a nonpartisan basis for a term of 6 years. The term of office of an additional member shall commence 15 days after the date of certification of his or her election, at either a general election or a special election of the annexed county held within 6 months after the election approving of the annexation. Each additional member, and his or her replacement if a vacancy occurs during the 6-year term, shall be an elector of the annexed county. After the initial 6-year term, the 2 additional board positions are abolished, and the board of trustees shall consist of 7 members, elected as provided in subsection (1).

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;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.55 Establishment of community college district composed of intermediate school districts; annual tax rate.

Sec. 55. (1) A community college district is established under this chapter only if both of the following occur:

(a) A majority of the electors voting in the proposed community college district area approve the organization of the district.

(b) A board of trustees in the proper number is elected by a majority of the voting electors.

(2) A majority of the electors voting in the community college district shall approve of the proposition establishing the maximum annual tax rate for the community college district. If the proposition to establish the maximum annual tax rate does not receive the required vote of the electors, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the school district filing official at the request of the board of trustees. 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. 2003, Act 306, Eff. Jan. 1, 2005.

389.56 Community college district elections; voting eligibility.

Sec. 56. 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 and in subsequent elections of the community college district.

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

Compiler's note: Act 269 of 1955, referred to in this section, was repealed by Act 451 of 1976.

389.57 Canvass of election results.

Sec. 57. The appropriate board of county canvassers prescribed in section 24a of the Michigan election law, MCL 168.24a, shall conduct a canvass of the results of the election within 3 days after an election under this chapter.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1967, Act 231, Imd. Eff. July 10, 1967;—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.

389.58 Regular community college election; submission of special propositions.

Sec. 58. At a regular community college election, in addition to the election of trustees, special propositions may be submitted to the electors when authorized by the board of trustees.

History: 1966, Act 331, Eff. Oct. 1, 1966;—Am. 1967, Act 231, Imd. Eff. July 10, 1967;—Am. 1971, Act 13, Imd. Eff. Apr. 25, 1971;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2005, Act 62, Imd. Eff. July 7, 2005.

389.59 Special community college election; request by board of trustees.

Sec. 59. 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 calling a special election with the secretary of each component local and intermediate school district and the clerk of each component county, as applicable, at least 60 days before the date of the election. The resolution shall contain a statement of the proposition to be submitted to the electors. 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.

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

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

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

389.61 Annexation to community college district; approval from superintendent of public instruction; filing of resolution, approval, and wording of ballot questions; placement of question before electors; effective date; territory subject to taxes; eligibility of electors.

Sec. 61. (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 an intermediate school district, local school district, county, or township that is not already included within a community college district.

(2) Before an annexation election described in this subsection, the board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. If it 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 this subsection with the clerk of the county in which the territory to be annexed is located. After the resolution, approval, and ballot questions are filed in accordance with this subsection, 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.

(3) 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.

(4) 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.

(5) 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.

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

389.62 Election for annexations to district; date.

Sec. 62. (1) In an annexation of 1 or more local school districts, if the resolution and approval are filed with each secretary more than 90 or less than 21 days before the date of the regular school election, the board of education of each district shall request that the school district filing official call a special election for voting on the propositions of annexation. 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 each district shall request that the school district filing official submit annexation propositions to the electors at the regular school election.

(2) In an 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 that component school district. Each school district shall request that the school district filing official call and hold the election at the time of the regular school election if notification is given to each school district 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 an annexation of a county, if the resolution and approval are filed more than 90 or less than 21 days before the date of the next general election, the county clerk 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.

389.63 Election for annexation to district; voting requirements.

Sec. 63. (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. Subject to subsection (2), annexation is effective on the date of the election if both propositions receive majority approval of the electors voting on the propositions. Unless otherwise provided in the approved annexation propositions, a local school district, intermediate school district, or county annexed is subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.

(2) If any portion of an intermediate school district, local 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 excluded from voting 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 61(2).

(4) In an annexation of 1 or more local school districts or an intermediate school district, the results of the annexation election shall be canvassed as provided in section 57. 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.

389.64 Transfer of territory of school districts within community college district.

Sec. 64. Whenever territory which is not within a community college district is transferred to a school district which is a part of a community college district, the territory shall become a part of the community college district and shall be 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.

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

Sec. 65. Whenever a school district which is not within a community college district which was heretofore or is hereafter annexed to a school district which is within a community college district, the annexed school district becomes a part of the community college district, and is 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.

CHAPTER 4 ESTABLISHMENT OF DISTRICT BY PETITION

389.71 Approval of establishment of district by petition.

Sec. 71. Whenever the secretary of the board of education of an intermediate school district is requested in writing by not less than 25 school electors of the county, school district or intermediate school district to initiate proceedings for the organization of a community college district, he shall refer the question of organizing the community college district to the state board of education for its approval. The state board of education may approve or deny the proposal to initiate proceedings to effectuate the proposed community college district organization. Upon the approval of the petition by the state board of education, proceedings for the establishment of the community college district shall be held in accordance with the provisions of chapters 1, 2 or 3 for the respective type of community college district.

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

CHAPTER 5 INTERMEDIATE SCHOOL DISTRICTS OF MORE THAN 1,000,000

389.81 Intermediate school district of more than 1,500,000 constituted as community college district; scope; action of board.

Sec. 81. An intermediate school district that has a population of more than 1,500,000 on or after the effective date of this chapter is a community college district that includes all of the territory of the intermediate district except that portion presently included in an established community college district or included in a school district operating a community college as a department of the school district under the provisions of former 1955 PA 269. An established community college district or community college department of a district school system described in this section may become a part of the new community college district under this chapter by action of its board of trustees or board of education or by annexation under this chapter.

History: Add. 1967, Act 285, Imd. Eff. Aug. 1, 1967;—Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984;—Am. 2000, Act 488, Imd. Eff. Jan. 11, 2001.

Compiler's note: Act 269 of 1955, referred to in this section, was repealed by Act 451 of 1976, Eff. Jan. 13, 1977.

389.82 Board of trustees; composition; reapportionment to determine boundary lines of trustee district using 1990 federal decennial census; costs; reapportionment to determine boundary lines of trustee district using 2000 federal decennial census.

Sec. 82. (1) A community college district established under this chapter shall have a board of trustees composed of 9 members determined and elected or appointed to fill a vacancy as provided in section 83. Until January 1, 1993, each member shall represent a trustee district established under former section 82A. Beginning January 1, 1993, each member shall represent a trustee district established under subsection (2) or (3).

(2) Before April 1, 1992, the board of trustees of a community college established under this chapter shall reapportion the territory of the community college district to determine the boundary lines of the 9 trustee districts, using the 1990 federal decennial census. The trustee districts shall be compact, contiguous, and as equal as possible in population and shall be drawn to adjust for malapportionment by commencing redistricting from existing districts. The trustee districts established under this subsection shall be in effect until reapportionment of the trustee districts under subsection (3). All costs for the reapportionment under this subsection shall be paid by the state until a tax levy is authorized under section 84.

(3) Beginning with the 2000 federal decennial census, after each federal decennial census the board of trustees of a community college established under this chapter shall reapportion the territory of the community college district to determine the boundary lines of the 9 trustee districts. The trustee districts shall be compact and as equal as possible in population and shall be drawn to adjust for malapportionment by commencing redistricting from existing districts.

History: Add. 1984, Act 96, Imd. Eff. Apr. 23, 1984;—Am. 1992, Act 20, Imd. Eff. Mar. 19, 1992;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

Compiler's note: Former MCL 389.82, deriving from Act 331 of 1966 and pertaining to rights and powers of community college

district, was repealed by Act 77 of 1973.

389.82a Repealed. 1992, Act 20, Imd. Eff. Mar. 19, 1992.

Compiler's note: The repealed section pertained to the establishment of community college trustee districts, the composition of an apportionment commission, and the determination of boundary lines for trustee districts.

389.83 Board of trustees; election and terms of members; nomination of candidate for trustee; contents, requirements, and filing of nominating petitions; validity of signatures; limitation; commencement of term; qualifications of candidate; effect of ceasing residency in trustee district; vacancies; special elections.

Sec. 83. (1) A member of the board of trustees of a community college established under this chapter shall be elected for a term of 6 years unless he or she is elected to fill a vacancy for the unexpired term under subsection (5).

(2) A candidate for trustee shall be nominated at a nonpartisan primary election conducted under the Michigan election law. The nominating petitions must contain not less than 250 or more than 500 signatures of registered school electors of the appropriate trustee district and must be filed with the school district filing official for the community college district on or before 4 p.m. of the fifteenth Tuesday before the primary election. A signature on a nominating petition is not valid unless the petitioner is a registered school elector of the trustee district in which the candidate is running for election. The school district filing official may compare the signatures on the petitions with the signatures appearing on the registration records or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. Not more than 2 candidates shall be nominated at the primary election for each trustee district.

(3) Each of the 9 trustees shall commence his or her term of office on January 1 following his or her election.

(4) A candidate for the office of board member representing a trustee district or a person elected or appointed to fill a vacancy under subsection (5) must be 18 years of age or older at the time of his or her election or appointment and must be an elector residing in the trustee district in which the person becomes a candidate or that the person is appointed to represent. If a member representing a trustee district ceases to reside in the trustee district during the trustee's term of office, it is a vacating of office.

(5) If a vacancy occurs on the board of trustees, the vacancy must be filled from among electors of the trustee district by majority vote of the remaining board members. If a person is appointed to fill a vacancy in a trustee district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that next general election the vacancy must be filled for the unexpired term. A vacancy must not be filled later than 60 days before a primary election at which voting district board members are to be nominated.

(6) Special elections may be called in the same manner as in chapters 1 and 2.

History: Add. 1967, Act 285, Imd. Eff. Aug. 1, 1967;—Am. 1969, Act 282, Imd. Eff. Aug. 11, 1969;—Am. 1973, Act 87, Imd. Eff. Aug. 5, 1973;—Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984;—Am. 1990, Act 11, Imd. Eff. Feb. 26, 1990;—Am. 1992, Act 20, Imd. Eff. Mar. 19, 1992;—Am. 2003, Act 306, Eff. Jan. 1, 2005;—Am. 2018, Act 628, Eff. Mar. 28, 2019.

389.84 Annual tax rate; submission to electors; limitation.

Sec. 84. The board of trustees of a community college district formed under this chapter shall submit to the electors of the community college district the proposition to establish the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive a proper majority of the electors voting in the community college district at the first election held for that purpose, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the school district filing official at the request of the board of trustees for that purpose. The board of trustees shall not request that the school district filing official call an election for that purpose more often than once in any 9-month period.

History: Add. 1967, Act 285, Imd. Eff. Aug. 1, 1967;—Am. 1969, Act 282, Imd. Eff. Aug. 11, 1969;—Am. 2003, Act 306, Eff. Jan. 1, 2005.

389.85 Annexation by board of trustees; approval from superintendent of public instruction; filing of resolution, approval, and wording of ballot questions; placement of question before electors; effective date; territory subject to taxes; eligibility of electors.

Sec. 85. (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 an intermediate school district, local school district, county, or township that is not

already included within a community college district.

(2) Before an annexation election described in this subsection, the board of trustees shall obtain the approval of the proposed annexation from the superintendent of public instruction. If it 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 this subsection with the clerk of the county in which the territory to be annexed is located. After the resolution, approval, and ballot questions are filed in accordance with this subsection, 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.

(3) 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.

(4) 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.

(5) 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.

History: Add. 2000, Act 488, Imd. Eff. Jan. 11, 2001;—Am. 2016, Act 374, Eff. Mar. 22, 2017.

389.86 Annexation by district; action by board of education.

Sec. 86. (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 the regular school election, the board of education of the district shall request that the school district filing official call a special election for voting on the propositions of annexation. 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 district shall request that the school district filing official submit the annexation propositions 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 that component school district. Each school district shall request that the school district filing official call and 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.

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

389.87 Annexation election; voting.

Sec. 87. (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 proposition.

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

History: Add. 2000, Act 488, Imd. Eff. Jan. 11, 2001.

389.88 Annexed school district as part of community college district.

Sec. 88. A school district annexed by a community college district under this chapter becomes a part of the community college district, is subject to taxes levied within the tax rate established in the community college district, and, unless otherwise provided in the approved annexation propositions, is subject to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.

History: Add. 2000, Act 488, Imd. Eff. Jan. 11, 2001.