

HOUSE BILL No. 5745

June 8, 2016, Introduced by Rep. Nesbitt 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
6 question at a regular or special school election in the
7 intermediate school district approve the annexation. If ~~prior to~~
8 **BEFORE** annexation the annexing intermediate school district adopts
9 a special education program by referendum as provided in part 30,
10 the intermediate school electors of the intermediate school

1 district to be annexed must vote to adopt that special education
2 program and annual tax rate. The vote on the question shall be by
3 ballot furnished by the school district filing official for the
4 intermediate school district to be annexed. Before the election is
5 held, the annexing intermediate school board shall obtain the
6 approval of the superintendent of public instruction of the
7 proposed annexation.

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

26 (3) The annexation is effective on the latest date on which
27 the election was held in a constituent district of the annexed

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

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

25 (2) The board of each constituent district may request the
26 intermediate school board to prescribe a plan for disorganization
27 of the intermediate school district. Each request shall designate

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

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

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

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

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

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

21 (7) Within 30 days after a district attaches to a contiguous
22 intermediate school district under this section, the board of the
23 intermediate school district whose boundaries have been enlarged by
24 the dissolution may appoint 2 school electors of constituent
25 districts, 1 of whom shall be an elector of the attached district,
26 to membership on the intermediate school board. Intermediate school
27 board members appointed under this subsection serve until January 1

1 or, if the intermediate school district's regular school election
2 is held in ~~May~~, **MARCH**, until July 1 after the next intermediate
3 school district election. The intermediate school board may
4 determine 1 initial term of less than 6 years for 1 of the
5 additional members to be elected at the intermediate school
6 district election. Notification of an appointment shall be filed
7 with the superintendent of public instruction.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless Senate Bill No. ____ or House Bill No. 5744 (request no.
12 05606'16) of the 98th Legislature is enacted into law.