

SUBSTITUTE FOR
HOUSE BILL NO. 4661

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 411a and 416 (MCL 380.411a and 380.416), as
amended by 2004 PA 303.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411a. (1) This section applies to a first class school
2 district only if the question under section 410 is not approved in
3 the first class school district.

4 (2) Four members of the board of a first class school district
5 shall be elected at large. The following provisions apply to the
6 terms, nomination, and election of the at large members of the
7 board of a school district organized as a first class school
8 district:

9 (a) Four members shall be elected for a term of 4 years at the

1 general election to be held in the next November after the question
2 under section 410 is presented to the school electors of the first
3 class school district and every 4 years after that November.

4 (b) Each candidate shall be nominated at a primary held in
5 conjunction with the preceding primary election conducted pursuant
6 to section 534 of the Michigan election law, 1954 PA 116, MCL
7 168.534. The nominating petitions shall contain not less than 500
8 or more than 1,000 signatures of registered school electors of the
9 city in which the first class school district is located; shall
10 meet the requirements of section 544c of the Michigan election law,
11 1954 PA 116, MCL 168.544c; and shall be filed with the clerk of the
12 city in which the first class school district is located on or
13 before 4 p.m. of the twelfth Tuesday before the primary election.
14 The city clerk may compare the signatures on the petitions with the
15 signatures appearing on the registration records, or in some other
16 proper manner determine whether the signatures appearing on the
17 petition are genuine and comply with the requirements of this
18 section. With the petitions, a candidate shall file an affidavit as
19 provided in section 558 of the Michigan election law, 1954 PA 116,
20 MCL 168.558. The clerk of the city shall notify the county clerk of
21 the name and address of each candidate not later than 3 days after
22 the last day for candidate withdrawal. However, if the third day is
23 a Saturday, Sunday, or legal holiday, the notice may be made on the
24 next day that is not a Saturday, Sunday, or legal holiday.

25 (c) Each member shall commence his or her term of office on
26 January 1 following his or her election.

27 (3) The board of a first class school district shall elect its

1 officers during the month of January ~~of each odd numbered year~~
2 **FOLLOWING THE ELECTION OF BOARD MEMBERS.** The president of the board
3 shall be a member of the board, and the duties of the president
4 shall be determined by the board.

5 (4) A board member of a first class school district who is
6 recalled may be a candidate for the same office at the next
7 election for an office at which the recalled member is otherwise
8 eligible.

9 (5) The term of office of each board member serving in a
10 school district that becomes a first class school district after
11 April 15, 2004 expires on the next succeeding December 31 of an
12 even numbered year, except that if the school district becomes a
13 first class school district later than April 1 of an even numbered
14 year, the term of office of each board member expires on December
15 31 of the next succeeding even numbered year after the year in
16 which the district became a first class school district. For a
17 district becoming a first class school district after April 15,
18 2004, 4 school board members shall be elected in the general
19 election of the even numbered year in which the terms of office
20 expire, and the 4 school board members elected shall commence 4-
21 year terms on January 1 of the odd numbered year following the
22 general election.

23 (6) If a vacancy occurs on the first class school district
24 board from among the at large members, the vacancy shall be filled
25 by majority vote of the remaining first class school district board
26 members at a meeting called by the president of the board for that
27 purpose. If a person is appointed to fill a vacancy for which the

1 unexpired term is more than 1 year and 8 months, that person shall
2 serve until January 1 following the next general election. At that
3 first general election the vacancy shall be filled for the
4 unexpired term. A vacancy shall not be filled later than 60 days
5 before a primary election at which at large board members are to be
6 nominated.

7 (7) A candidate for the office of board member at large or a
8 person appointed to fill a vacancy on the board pursuant to
9 subsection (6) shall be 18 years of age or older at the time of his
10 or her election or appointment and shall be a registered school
11 elector residing in the first class school district in which the
12 person becomes a candidate or which the person is appointed to
13 represent. If an at large member's residence is moved from the
14 first class school district during the at large member's term of
15 office, it constitutes a vacating of office.

16 Sec. 416. (1) This section applies to a first class school
17 district only if the question under section 410 is not approved in
18 the first class school district.

19 (2) The officers of the first class school district board
20 shall be a president, vice-president, secretary, and treasurer. ~~The~~
21 **SUBJECT TO SUBSECTION (7), THE** board, a majority of which ~~shall~~
22 ~~constitute~~ **CONSTITUTES** a quorum, shall elect its president and
23 vice-president biennially from among the members of the board. In
24 case of a vacancy in the office of president, the vice-president
25 shall succeed to the office of president for the balance of the
26 unexpired term. The secretary and treasurer shall be appointed by
27 the board but shall not be members of the board and shall receive a

1 salary fixed by the board.

2 (3) The president, vice-president, and secretary shall perform
3 the duties prescribed by the bylaws and regulations of the board.
4 The duties of the treasurer shall be determined by the school
5 district general superintendent, as approved by the board.

6 (4) The officers of the board who in the discharge of the
7 duties of their respective positions handle funds belonging to the
8 first class school district shall be required to give bonds for the
9 faithful performance of their duties in accordance with the bylaws
10 and regulations of the board. The premium of the bonds shall be
11 paid from the funds of the board.

12 (5) The school district treasurer shall have the custody of
13 all money belonging to the school district and shall pay out money
14 pursuant to section 433. The funds shall be deposited with
15 depositories selected by the board, and the interest derived shall
16 be paid into the general fund of the board.

17 (6) The board shall require from the school district treasurer
18 a separate bond of not less than \$200,000.00 to protect the funds
19 of the board.

20 (7) **ALL OF THE FOLLOWING APPLY TO THE BOARD MEMBERS ELECTED BY**
21 **THE BOARD IN 2006 AS PRESIDENT AND VICE PRESIDENT OF THE BOARD:**

22 (A) **THE INITIAL TERM AS PRESIDENT AND VICE PRESIDENT FOR EACH**
23 **OF THOSE BOARD MEMBERS IS CONTINUED UNTIL A SUCCESSOR IS ELECTED BY**
24 **THE BOARD FOR EACH IN JANUARY OF 2008.**

25 (B) **SUCCESSORS FOR EACH OF THOSE OFFICERS AS DESCRIBED IN**
26 **SUBDIVISION (A) SHALL BE ELECTED BIENNIALY BY THE BOARD AS**
27 **PROVIDED UNDER SUBSECTION (2).**