COMMUNITY COLLEGE ACT OF 1966

Act 331 of 1966

AN ACT to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to authorize community college districts to operate a new jobs training program, enter into certain training agreements, and issue bonds to finance the training program; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1998, Act 153, Eff. Mar. 23, 1999 ;-- Am. 2008, Act 359, Imd. Eff. Dec. 23, 2008

The People of the State of Michigan enact:

CAUTION! This document is from an archive and may contain outdated information.

389.1 Community college act of 1966; short title.

Sec. 1.

This act shall be known and may be cited as the "community college act of 1966".

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

389.2 Violation of Michigan election law applicable to petitions; penalties.

Sec. 2.

A petition under section 83 or 152, including the circulation and signing of the petition, is subject to the Michigan election law. A person who violates a provision of the Michigan election law applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law.

History: Add. 1998, Act 153, Eff. Mar. 23, 1999 ;-- Am. 2003, Act 306, Eff. Jan. 1, 2005

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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 Notes: 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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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 Notes: 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.

CAUTION! This document is from an archive and may contain outdated information.

(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.

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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 Notes: 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 Notes: 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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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 Notes: 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 Notes: 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.

CAUTION! This document is from an archive and may contain outdated information.

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

Compiler's Notes: 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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

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

CAUTION! This document is from an archive and may contain outdated information.

Part 2

Chapter 11
GENERAL POWERS AND DUTIES OF DISTRICTS

389.101 Community college districts; provisions governing.

Sec. 101.

Each community college district shall be subject to and governed by the provisions of part 2 except as to those matters which are specifically or by necessary implication provided for in the particular chapter relative to the class or kind of community college district to which the district belongs.

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

389.103 Community college as corporate entity.

Sec. 103.

(1) A community college district is a body corporate and may sue and be sued, and may take, condemn, use, hold, sell, lease, and convey real property without restriction as to location and personal property including property received by gift, devise, or bequest, as the interest of the community college district may require. A community college district is presumed to have been legally organized if it has exercised the franchises and privileges of a community college district for a period of at least 2 years; and such a community college district and its trustees are entitled to all rights, privileges, and immunities, and are subject to all duties and liabilities conferred upon community college districts by law.

(2) In addition to the powers expressly stated in this act, a community college district and its board of trustees may exercise a power implied by or incident to any of its powers expressly stated in this act and, except as otherwise provided by law, may exercise a power incidental or

appropriate to the performance of any function related to operation of the community college district in the interests of educational and other programs and services offered by the community college district.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997

389.105 Definitions.

Sec. 105.

As used in this act:

(a) "Area", in the term "area vocational-technical education program", means the geographical territory of the district, and any territory outside of the district that is designated as the service area of the district by the superintendent of public instruction. A community college is eligible to receive state aid and assistance appropriated by the legislature for the aid and support of junior colleges or community colleges.

(b) "Area vocational-education program" means a program of organized systematic instruction designed to prepare the following individuals for useful employment in recognized occupations:

(i) An individual who has completed or left high school and who is available for full-time study in preparation for entering the labor market.

(ii) An individual who has already entered the labor market and who needs training to achieve stability or advancement in employment.

(iii) An individual enrolled in high school. If a program or course is provided for an individual enrolled in high school, the superintendent of the school district in which the individual is enrolled or his or her designated representative shall request that the program or course be provided to the individual.

(c) "Community college" means an educational institution providing collegiate and noncollegiate level education primarily to individuals above the twelfth grade age level within commuting distance. The term includes an area vocational-technical education program that may result in the granting of an associate degree or other diploma or certificate. The term does not include an educational institution or program that grants baccalaureate or higher degrees other than a baccalaureate degree in cement technology, maritime technology, energy production technology, or culinary arts.

(d) "General election" or "general state election" means the term general election as defined in section 2 of the Michigan election law, MCL 168.2.

(e) "Michigan election law" means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(f) "Regular election" means that term as defined in section 3 of the Michigan election law, MCL 168.3.

(g) "School district" means a school district, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under this act.

(h) "School district filing official" means the school district election coordinator as defined in section 4 of the Michigan election law, MCL 168.4, or an authorized agent of the school district election coordinator.

(i) "Special election" means that term as defined in section 4 of the Michigan election law, MCL 168.4.

CAUTION! This document is from an archive and may contain outdated information.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 2003, Act 306, Eff. Jan. 1, 2005 ;-- Am. 2012, Act 495, Imd. Eff. Dec. 28, 2012

Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

389.107 Administering, conducting, and canvassing election and special election.

Sec. 107.

(1) An election under this act shall be called, administered, conducted, and canvassed as provided in this act and the Michigan election law.

(2) A special election under this act shall be held on a regular election day established under section 641 of the Michigan election law, MCL 168.641.

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

CAUTION! This document is from an archive and may contain outdated information.

389.109 Community college district; legal name.

Sec. 109.

(1) Until changed by board resolution, every community college district shall have the legal name of "Community College District of ....." (the name of the county or counties when organized under chapter 1, the names of the component school districts when organized under chapter 2, or the name of the intermediate school district or districts when the community college district is organized under chapter 3).

(2) The board of any community college district by resolution may adopt a distinctive name for the community college district, which name, after being approved by the state board of education, shall be the legal name of the district for all purposes. The board in like manner may change the name of the district. The adoption of a distinctive name or the change in name of any district shall have no effect upon existing obligations incurred in the former name of the district or upon the district ownership of any real or personal property.

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

389.111 Board of trustees; time, place, and notice of meetings; election and terms of officers; conducting business in compliance with open meetings act.

Sec. 111.

(1) The first meeting of the board of trustees following the organizational election of a community college district shall be called by the secretary of the intermediate board of education of the county that has the highest valuation within the community college district. The meeting shall be held within 15 days following the statutory date on which the newly elected members take office, at a time and place designated by the secretary. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) The organizational board meeting of a community college district operating under chapter 1, 2, or 3 shall be held at the first meeting of the board of trustees in January following the date of the regular community college election.

(3) At the first meeting of a first or succeeding board of trustees, the board shall elect a chairperson and a vice chairperson, who shall be members of the board of trustees, and a secretary and a treasurer, who need not be members of the board of trustees. The officers shall be elected for a term of 2 years, subject to change of officers by resolution of the board.

(4) The board shall conduct its business in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1977, Act 248, Imd. Eff. Dec. 6, 1977 ;-- Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997 ;-- Am. 2016, Act 374, Eff. Mar. 22, 2017

389.112 Board of trustees; compensation; expenses.

Sec. 112.

No member of the board of trustees except the secretary and treasurer may receive any compensation for any services rendered the district. Expenses of board members may be reimbursed when the expenses are authorized by the board of trustees.

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

389.113 Board of trustees; quorum; vote required; conducting business at public meeting; record of meeting; availability of record to public; duties of chairperson, secretary, and treasurer.

Sec. 113.

(1) A majority of the board of trustees is a quorum, but an act is not valid unless voted at a meeting of the board by a majority vote of the members elect of the board and a proper record made of the vote. The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976. The trustees shall keep a written or printed record of each regular or special meeting of the board, which record shall be available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) The chairperson, secretary and treasurer shall perform those duties as may be provided by law and prescribed by the bylaws and rules of the board of trustees not inconsistent with this act or the laws of this state.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1977, Act 248, Imd. Eff. Dec. 6, 1977

389.114 Board of trustees; bonds of officers and employees.

Sec. 114.

The treasurer and such other officers or employees as shall handle money on behalf of the community college district shall first secure a suitable bond from a responsible bonding company, which bond shall be paid for by the board of trustees.

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

CAUTION! This document is from an archive and may contain outdated information.

389.121 Board of trustees; general powers.

Sec. 121.

The board of trustees of the community college district has the power to make plans for, to promote, or to acquire, construct, own, develop, maintain, and operate a community college and an area vocational-technical education program. The board of trustees may do all of the following:

(a) Locate, acquire, purchase, or lease in the name of the community college district a site or sites within or without the territory of the community college district for college buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls, and supporting facilities as may be necessary; purchase, lease, acquire, erect or build and equip buildings, structures, and other improvements for college or area vocational-technical education buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls, and supporting facilities as may be necessary; enter into installment purchase contracts for real or personal property; pay for real or personal property out of the funds of the community college district provided for that purpose; sell or exchange any real or personal property of the community college district that is no longer required for school purposes, and give proper deeds, bills of sale, or other instruments passing title to the real or personal property.

(b) Establish and carry on schools and departments or courses of study and other educational programs as may be consistent with the purposes of this act, and take over and succeed to the operation of a community college or vocational-technical department or departments previously operated by school districts within the community college district.

(c) Establish, equip, and maintain agricultural, trade, and other vocational-technical departments and have general control over them for community college or area vocational-technical program purposes.

(d) Establish education programs and grant a baccalaureate degree in cement technology, maritime technology, energy production technology, or culinary arts.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997 ;-- Am. 2012, Act 495, Imd. Eff. Dec. 28, 2012

CAUTION! This document is from an archive and may contain outdated information.

389.122 Board of trustees; powers.

Sec. 122.

The board of trustees may do all of the following:

(a) Borrow, subject to the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, for community college purposes, including capital expenditures, money on the terms it considers desirable and give notes of the district for those purposes. If a newly organized community college district borrows in anticipation of the collection of the first tax levy of the district, the loan shall not exceed 50% of the estimated amount of the first tax levy.

(b) Borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money as it considers necessary and issue bonds of the community college district, to purchase sites for buildings, playgrounds, athletic fields, or agricultural farms; to purchase or erect and equip any building or buildings that it is authorized to purchase and erect; or to make any permanent improvement that it is authorized to make. The board shall not make a loan or issue bonds for any sum that, together with the total outstanding bonded indebtedness of the district, including bonds voted but not issued, exceeds the total of 1-1/2% of the first $250,000,000.00 plus 1% of the excess over $250,000,000.00 of the last confirmed state

equalized valuation of all taxable property in the district unless the proposition of making the loan or of issuing bonds is submitted first to a vote of the qualified electors of the district, at a regular or special election, and approved by the majority of the electors voting at the election, in which event the board may make a loan or issue bonds in an amount that does not exceed 15% of the total taxable value of the district.

(c) Provide for the acquisition or financing of energy conservation and operational improvements to be made to community college facilities or infrastructure and pay for the improvements or the financing or refunding of the improvements from operating funds of the district or from the savings that result from the energy conservation and operational improvements. Energy conservation and operational improvements may include, but are not limited to, heating, ventilating, or air-conditioning system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating, ventilating, or air-conditioning controls, entrance or exit way closures, information technology improvements associated with an energy conservation and operational improvement, and municipal utility improvements associated with an energy conservation and operational improvement. The board of trustees may acquire, finance, or refund 1 or more energy conservation and operational improvements by installment contract, which may include a lease-purchase agreement described in this subdivision, or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation and operational improvements is paid from a portion of the savings that result from the energy conservation and operational improvements. The term of an installment contract, a lease-purchase agreement described in this subdivision, or notes issued under this subdivision shall not exceed 20 years from the date of the final completion of the energy conservation and operational improvements or the useful life of the aggregate energy conservation and operational improvements, whichever is less. Notes issued under this subdivision are full faith and credit, tax limited obligations of the community college district, payable from tax levies and the general fund as pledged by the board of trustees. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. A lease-purchase agreement issued pursuant to this subsection shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall not be a municipal security or a debt as those terms are defined in that act. This subdivision does not limit in any manner the borrowing or bonding authority of a community college as provided by law. An installment contract described in this subdivision may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the board of trustees to terminate that contract. Payments under a lease-purchase agreement shall be a current operating expense subject to annual appropriations of funds by the board of trustees and shall obligate the board of trustees only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The board of trustees may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation and operational improvements, provided that the board of trustees has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation and operational improvements. The lease-purchase agreement will terminate immediately and absolutely and without further obligation on the part of the board of trustees at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the board of trustees

CAUTION! This document is from an archive and may contain outdated information

under the lease-purchase agreement. During the term of the lease-purchase agreement, the board of trustees shall be the vested owner of the energy conservation and operational improvements and may grant a security interest in the energy conservation and operational improvements to the provider of the lease-purchase agreement. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the board of trustees, the provider of the lease-purchase agreement shall release its security interest in the energy conservation and operational improvements.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1984, Act 148, Imd. Eff. June 25, 1984 ;-- Am. 2002, Act 72, Imd. Eff. Mar. 15, 2002 ;-- Am. 2003, Act 306, Eff. Jan. 1, 2005 ;-- Am. 2014, Act 485, Imd. Eff. Jan. 13, 2015 ;-- Am. 2017, Act 133, Eff. Jan. 24, 2018

389.122a Energy conservation improvements; reports; forms.

Sec. 122a.

(1) If energy conservation improvements are made as provided in section 122, the board of trustees shall report the following information to the Michigan public service commission within 60 days of the completion of the improvements:

(a) Name of each facility to which an improvement is made and a description of the conservation improvement.

(b) Actual energy consumption during the 12-month period before completion of the improvement.

(c) Project costs and expenditures.

(d) Estimated annual energy savings.

(2) If energy conservation improvements are made as provided in section 122, the board of trustees shall report to the Michigan public service commission, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the Michigan public service commission.

History: Add. 1984, Act 148, Imd. Eff. June 25, 1984 ;-- Am. 1990, Act 228, Imd. Eff. Oct. 8, 1990
Compiler's Notes: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

389.123 Board of trustees; powers.

Sec. 123.

The board of trustees may:

(a) Have the care and custody of the community college property and provide suitable facilities, sanitary conditions, and medical inspection for the community college of the district.

(b) Establish and collect tuition and fees for resident and nonresident students. A waiver of tuition shall not be granted by the board, except:

(i) The board of trustees may waive tuition for a student participating in a reciprocal agreement for exchange of educational services, if the agreement is approved by the state board of education.

CAUTION! This document is from an archive and may contain outdated information.

(ii) The board of trustees may waive tuition for a student who meets the admission requirements of the board and is 60 years of age or older.

(c) Establish and maintain or continue a library or museum, which may be separately operated if desired, for the community college, if the board of trustees considers it advisable to establish and maintain or continue a library or museum and to provide for its care and management.

(d) Select and employ administrative officers, teachers, and other employees it finds necessary to operate the community college district and establish the terms and conditions of their service or employment. If the board of trustees provides medical, optical, or dental benefits to employees and their dependents, the board shall provide those benefits in accordance with the public employees health benefit act and shall comply with that act.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1970, Act 181, Imd. Eff. Aug. 3, 1970 ;-- Am. 1972, Act 252, Imd. Eff. Aug. 3, 1972 ;-- Am. 1975, Act 219, Imd. Eff. Aug. 26, 1975 ;-- Am. 1980, Act 5, Imd. Eff. Feb. 11, 1980 ;-- Am. 2007, Act 109, Imd. Eff. Oct. 1, 2007

Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

CAUTION! This document is from an archive and may contain outdated information.

389.123a Applicant serving or has served in military, national guard, or military reserves, or is spouse or dependent; question to be included in admission application.

Sec. 123a.

The board of trustees shall ensure that the community college include in its admission application process a specific question as to whether an applicant for admission is currently serving or has ever served as a member of the military, the national guard, or the military reserves, or is the spouse or dependent of an individual who is currently serving or has ever served as a member of the military, the national guard, or the military reserves, in order to more quickly identify potential educational assistance available to that applicant.

History: Add. 2014, Act 482, Eff. Apr. 13, 2015

389.123b Admission applicant serving or served as member of military, national guard, or military reserves; duties of board of trustees; "transcript' defined.

Sec. 123b.

(1) The board of trustees shall ensure that the community college does all of the following in its admission application process if it knows that an applicant for admission is currently serving, or has ever served, as a member of the military, the national guard, or the military reserves:

(a) Inform the applicant that he or she may receive academic credit for college-level training and education he or she received while serving in the military.

(b) Inform the applicant that he or she may submit a transcript of his or her college-level military training and education to the community college.

(c) If the applicant submits a transcript described in subdivision (b), evaluate that transcript and notify the applicant of what transfer credits are available to the applicant from the community college for his or her college-level military training and education.

(2) As used in this section, "transcript" includes a joint services transcript prepared for the applicant under the American council on education registry of credit recommendations.

History: Add. 2014, Act 483, Eff. Apr. 13, 2015

389.124 Board of trustees; additional powers.

Sec. 124.

The board of trustees may do all of the following:

(a) Contract with, appoint, and employ a suitable person as chief executive officer of the community college. The person employed as chief executive officer shall not be a member of the board of trustees and shall possess at least an earned bachelor's degree from an accredited college or university. The chief executive officer shall hold office for a term fixed by the board of trustees, not to exceed 5 years, shall perform duties as the board of trustees may determine, and shall make reports in writing to the board of trustees and to the department of education annually, or more often if required, in regard to all matters pertaining to the educational interests of the community college district.

(b) Delegate to the chief executive officer of the community college the board's authority to do any of the following:

(i) Select and employ personnel of the community college. If the chief executive officer provides medical, optical, or dental benefits to employees and their dependents under this subparagraph, the chief executive officer shall provide those benefits in accordance with the public employees health benefit act and shall comply with that act.

(ii) Pay claims and demands against the community college.

(iii) Purchase, lease, or otherwise acquire personal property for the community college.

(iv) Invest community college funds, subject to section 142(4).

(v) Subject to terms and conditions established by the board of directors, accept contributions, capital grants, gifts, donations, services, or other financial assistance from any public or private entity.

(c) Appoint and employ a business manager responsible to the chief executive officer of the community college for the community college district and fix his or her term of office.

(d) Select and employ other administrative officers, teachers, and other employees and engage services as necessary to effectuate its purposes.

CAUTION! This document is from an archive and may contain outdated information.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997 ;-- Am. 2007, Act 109, Imd. Eff. Oct. 1, 2007 ;-- Am. 2008, Act 237, Imd. Eff. July 17, 2008

Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

389.125 Board of trustees; payment of claims against community college district; gifts; bylaws.

Sec. 125.

The board of trustees may:

(a) Certify to the treasurer of the community college district for payment out of the funds thereof all claims and demands against the board or community college district, which shall be allowed by the board under rules and regulations it may establish.

(b) Borrow money or other property and accept contributions, capital grants, gifts, donations, services or other financial assistance from the United States of America or any agency or instrumentality thereof.

(c) Accept by gift or devise private property. They may accept from any county, township or other governmental unit any contribution authorized by its governing body as provided in sections 791 to 795 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.791 to 340.795 of the Compiled Laws of 1948. They shall likewise be entitled to receive from the state all grants of state aid, in the same manner and proportion, as any other community college.

(d) Adopt bylaws, rules and regulations for its own government and for the control and government of the community college district.

(e) Acquire and hold in the name of the district all real property and improvements acquired and erected under the provisions of this act.

(f) To do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the community college.

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

389.126 Board of trustees; acquiring lands or erecting or equipping buildings; financing.

Sec. 126.

Notwithstanding the provisions of sections 121 and 122, the board of trustees may acquire lands or acquire or erect and equip buildings or maintain them to be used as residence halls, apartments, dining facilities, student centers, health centers, parking facilities, stadiums, athletic fields, gymnasiums, auditoriums, and other educational facilities and finance the acquisition of those by borrowing money and issuing bonds or other obligations under the terms and provisions as it considers best, and the board shall obligate itself for the repayment of the bonds or other obligations, together with interest, solely out of the income and revenues from the facilities or other facilities acquired or any combination of these facilities or from allocations and pledges of fees and charges required to be paid by students enrolling in the college, or any combination of these. The bonds shall be for a period not to exceed 50 years, and shall never constitute a debt of this state or any political subdivision of this state. The bonds shall be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1967, Act 121, Imd. Eff. June 27, 1967 ;-- Am. 2002, Act 182, Imd. Eff. Apr. 23, 2002

389.127 Board of trustees; borrowing money and issuing obligations; purpose; pledging state appropriations; pledging full faith and credit of district; limitations; notes or obligations as first budget obligation; pledge as statutory lien; duties of state treasurer; approval of transactions to insure timely payment of note or obligation; expenses; notes or obligations subject to MCL 141.2101 to 141.2821; form, terms, and sale of notes or obligations; repayment.

Sec. 127.

(1) The board of trustees may also borrow money and issue its notes or other obligations to secure funds for operating expenses or to pay previous obligations incurred for operating purposes under this or any other statute. The board may pledge state appropriations made and not yet received, federal grants or payments, allocations of fees and charges required to be paid by students enrolling in the college, or any combination of these revenues, for payment of

CAUTION! This document is from an archive and may contain outdated information.

the notes or other obligations. A note or obligation pledging a state appropriation is not state indebtedness and shall carry a statement to that effect.

(2) Subject to applicable charter, statutory, and constitutional limitations, the board may pledge the full faith and credit of the district for notes or obligations issued pursuant to this section. If the funds primarily pledged for the payment of notes or obligations to which the full faith and credit of the district has been pledged are insufficient, the notes or obligations shall be a first budget obligation of the district payable from any available funds.

(3) A pledge pursuant to this section shall constitute a statutory lien that shall be valid and binding from the time the pledge is made without any physical delivery or further act or recording, notice, or filing of any kind. If state appropriations are pledged for payment of notes or obligations issued pursuant to this section, the district may direct the state treasurer to pay all or a part of payments due to the district to a paying agent, trustee, or escrow agent for payment of the notes or obligations. The state treasurer shall comply with those instructions, but this section shall not be construed to require the state treasurer to make payment if funds are not available or at a time or in an amount other than would be payable to the district pursuant to law or to give rise to any liability of the state to holders of notes or obligations for failure of the state or the state treasurer to comply with this section.

(4) In connection with the issuance of notes or obligations pursuant to this section, the board may approve agreements, insurance contracts, lines of credit, letters of credit, commitments to purchase notes or obligations, or other transactions to insure timely payment of any note or obligation. The district may pay from the proceeds of the notes the costs incidental to the issuance of the notes and other incidental expenses, including fees or charges for transactions to provide a separate security to insure timely payment of the notes or obligations.

(5) Notes or obligations issued pursuant to this section shall be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The notes or obligations shall be in the form, have the terms, and be sold in a manner as determined by the board.

(6) Notes or obligations assessed pursuant to this section shall be fully repaid within the ensuing 12 months.

History: Add. 1982, Act 342, Imd. Eff. Dec. 20, 1982 ;-- Am. 2002, Act 152, Imd. Eff. Apr. 8, 2002

CAUTION! This document is from an archive and may contain outdated information

389.128 Public safety officers or police officers; grant of powers and authority; public hearings; public safety advisory committee.

Sec. 128.

(1) Subject to subsections (2) and (3), the board of trustees of a community college created under this act may grant to the public safety officers or police officers of that community college the powers and authority of a peace or law enforcement officer. Public safety officers or police officers granted the powers and authority under this act shall have the same powers and authority of a peace officer under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 776.22, and as provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(2) Before granting the powers and authority provided under subsection (1), a board of trustees of a community college shall conduct not less than 2 public hearings.

(3) The board of trustees of a community college shall not grant the powers and authority described in subsection (1) unless that board of trustees creates a public safety advisory committee. The public safety advisory committee shall be comprised of 2 members of the faculty and 2 members of the staff of the community college. The public safety advisory committee shall receive and address grievances by persons against the public safety officers or

police officers or against the public safety department or police department of that community college. The committee may recommend to the board of trustees or the administration of that community college that disciplinary measures be taken against a public safety officer or police officer who is found responsible for misconduct in office.

History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998 ;-- Am. 1998, Act 281, Imd. Eff. July 27, 1998

389.129 Public safety officers or police officers; jurisdiction.

Sec. 129.

(1) The jurisdiction of public safety officers or police officers granted powers and authority of peace or law enforcement officers under section 128 shall include all property owned or leased by the community college in this state and extends to the public right-of-way traversing or contiguous to that property.

(2) The jurisdiction of public safety officers or police officers under subsection (1) is limited to the protection of persons and property on the property of that community college unless a response is made off campus at the specific request of another law enforcement agency or under a mutual aid agreement with another law enforcement agency.

History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998 ;-- Am. 1998, Act 281, Imd. Eff. July 27, 1998

CAUTION! This document is from an archive and may contain outdated information.

389.130 Public safety officers or police officers; minimum standards.

Sec. 130.

Public safety officers or police officers of a community college to whom the powers and authority of a peace or law enforcement officer are granted under section 1 shall meet the minimum standards of the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616.

History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998

389.131 Monthly uniform crime reports.

Sec. 131.

The public safety department or police department of each community college shall submit monthly uniform crime reports pertaining to crimes within the department's jurisdiction to the department of state police in the same manner as uniform crime reports are submitted under section 1 of 1968 PA 319, MCL 28.251.

History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998 ;-- Am. 1998, Act 281, Imd. Eff. July 27, 1998

389.141 Board of trustees; annual budget, estimate.

Sec. 141.

The board of trustees shall prepare annually on a day to be determined by the board of such district but before the third Monday in April of each year, an estimate of the amount of taxes or appropriation deemed necessary for the ensuing fiscal year for the purposes of expenditures authorized by law as within the powers of the board.

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

389.142 Investment of funds; restrictions; commingling prohibited; disposition of earnings; limitation on investment or deposit of funds; compliance with divestment from terror act; definitions.

Sec. 142.

(1) Subject to subsections (3) and (4), the treasurer of a community college district, if authorized by resolution of the board of trustees, may invest debt retirement funds, building and site funds, building and site sinking funds, or general funds of the district, but investment is restricted to the following:

(a) Bonds, bills, or notes of the United States, or of an agency or instrumentality of the United States.

(b) Negotiable certificates of deposit, saving accounts, or other interest-earning deposit accounts of a financial institution.

(c) Bankers' acceptances that are issued by a bank that is a member of the federal deposit insurance corporation.

(d) Commercial paper that is supported by an irrevocable letter of credit issued by a bank that is a member of the federal deposit insurance corporation.

(e) Commercial paper of corporations rated prime by at least 1 of the standard rating services.

(f) Mutual funds, trusts, or investment pools composed entirely of instruments that are eligible collateral.

(g) Repurchase agreements against eligible collateral, the market value of which must be maintained during the life of the agreements at levels equal to or greater than the amounts advanced. An undivided interest in the instruments pledged for these agreements must be granted to the community college.

(h) Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by a community college.

(i) Certificates of deposit issued in accordance with the following conditions:

(i) The funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(ii) The financial institution arranges for the investment of the funds in certificates of deposit in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the community college district.

(iii) The full amount of the principal and any accrued interest of each certificate of deposit is insured by an agency of the United States.

(iv) The financial institution acts as custodian for the community college district with respect to each certificate of deposit.

(v) At the same time that the funds of the community college district are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially invested by the community college district through the financial institution.

(j) Deposit accounts that meet all of the following conditions:

CAUTION! This document is from an archive and may contain outdated information.

(i) The funds are initially deposited in a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(ii) The financial institution arranges for the deposit of the funds in deposit accounts in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the community college district.

(iii) The full amount of the principal and any accrued interest of each deposit account is insured by an agency of the United States.

(iv) The financial institution acts as custodian for the community college district with respect to each deposit account.

(v) On the same date that the funds of the community college district are deposited under subparagraph (ii), the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially deposited by the community college district in the financial institution.

(k) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by at least 1 standard rating service.

(2) The board of trustees, chief executive officer, or treasurer of a community college district shall not commingle money in the funds of the community college district for the purpose of making an investment authorized by this section, and all earnings on an investment shall become a part of the fund for which the investment was made.

(3) The board of trustees, chief executive officer, or treasurer of a community college district shall not invest or deposit any funds of the community college district in any financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(4) The board of trustees, chief executive officer, or treasurer of a community college district shall comply with the divestment from terror act in making investments or depositing funds under this act.

(5) As used in this section:

(a) "Eligible collateral" means any securities that otherwise would qualify for outright purchase under this act.

(b) "Financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1976, Act 401, Imd. Eff. Jan. 5. 1977 ;-- Am. 1979, Act 78, Imd. Eff. Aug. 1, 1979 ;-- Am. 1984, Act 299, Imd. Eff. Dec. 21, 1984 ;-- Am. 1997, Act 23, Imd. Eff. June 12, 1997 ;-- Am. 2008, Act 237, Imd. Eff. July 17, 2008 ;-- Am. 2009, Act 179, Imd. Eff. Dec. 15, 2009 ;-- Am. 2012, Act 153, Imd. Eff. May 30, 2012 ;-- Am. 2014, Act 480, Imd. Eff. Jan. 13, 2015

389.143 Board of trustees; audit of accounts.

Sec. 143.

The board of trustees shall provide for a system of accounting meeting the approval of the state board of education. All accounts shall be audited once each year by a certified public accountant and a summary of the audit shall be published in a newspaper of general circulation in the community college district. The fiscal and accounting year shall commence with July 1 in each year. Copies of the reports of audits shall be filed as required by the state

CAUTION! This document is from an archive and may contain outdated information

board of education and shall be available at all reasonable times for public inspection, as a condition of receiving any state aid for the subsequent fiscal year.

History: 1966, Act 331, Eff. Oct. 1, 1966
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

389.144 Levy and collection of taxes; use of funds; limitation; determination and certification of rate and amount of taxes; manner and time of levy and collection; summer property tax levy; applicability of subsection (3); disposition of money collected; subjects of taxation.

Sec. 144.

(1) The board of trustees of each community college district may levy for the purposes specified as within the power of the board a tax that does not exceed the rate previously or subsequently authorized by the qualified electors of the district or the rate derived through the previous adoption by the electors of the district of former 1955 PA 188, or the rate that is allocated to the community college district in accordance with the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. The funds may be used for all purposes authorized, except that to the extent permitted under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued may be imposed without limitation as to rate or amount. This limitation may be increased to not more than 5 mills if approved by a majority of the qualified electors voting on the question at a regular or special election of the community college district.

(2) Except as provided in subsection (3), the board of trustees shall determine the total taxes required for any year and shall certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer of each city and township in which the territory of the community college district is situated on or before September 1 of each year, except that the board of trustees may provide by resolution that taxes to be raised against property within any city or township, any portion of which lies within the community college district boundaries, may be levied and collected in the same manner and at the same time as the city or township taxes or in the same manner and at the same time as school district or intermediate school district taxes are being collected by the city or township under part 26 of the revised school code, 1976 PA 451, MCL 380.1611 to 380.1615.

(3) By resolution of its board on or before May 15 of the year in which it is established, a community college district established under this act between January 1 and May 1 of any calendar year may impose a summer property tax levy of either the total or 1/2 of the community college district property taxes for that tax year. The board resolution shall also determine the total taxes required for that tax year and certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer of each city or township in which the territory of the community college district is situated. Upon receipt of that board resolution, each city and township in which the community college district is situated that collects a summer property tax levy under section 1613 of the revised school code, 1976 PA 451, MCL 380.1613, shall collect the summer levy for that year. The reasonable and actual expenses incurred by a city or township in collecting the community

CAUTION! This document is from an archive and may contain outdated information.

college district property taxes under this subsection, to the extent these expenses are in addition to the expense of collecting and assessing any other taxes at the same time and exceed the amount of any fees imposed for the collection of the community college property taxes, shall be billed to and paid by the community college district. For the purposes of this subsection, reasonable and actual expenses shall not exceed the current collection agreements negotiated with the largest intermediate school district within the community college district. This subsection applies until December 31, 1992.

(4) All money collected by a tax collecting officer from the tax levied under this section shall be returned to the community college district as provided by section 43 of the general property tax act, 1893 PA 206, MCL 211.43, or to the county treasurer who shall pay the taxes so returned immediately to the community college district.

(5) The subjects of taxation for the community college district purposes shall be the same as for state, county, and other school purposes as provided under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1972, Act 223, Imd. Eff. July 25, 1972 ;-- Am. 1982, Act 368, Imd. Eff. Dec. 28, 1982 ;-- Am. 1984, Act 79, Imd. Eff. Apr. 18, 1984 ;-- Am. 1990, Act 287, Imd. Eff. Dec. 14, 1990 ;-- Am. 2002, Act 73, Imd. Eff. Mar. 15, 2002 ;-- Am. 2003, Act 306, Eff. Jan. 1, 2005
Compiler's Notes: For provisions of Act 188 of 1955, referred to in subsection (1), see MCL 390.871 et seq.

CAUTION! This document is from an archive and may contain outdated information.

389.145 Community college district; exemption from taxation; special assessments.

Sec. 145.

The property of the community college district shall be exempt from all taxation and assessment, and no writ of attachment or writ of execution shall be levied upon the property thereof. The board of trustees may enter into an agreement with any city, village or township or with the board of county road commissioners whereby the community college district agrees to pay special assessments for local improvements levied against any community college district property irrespective of the use to which the property is put.

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

Chapter 12
BOARDS OF TRUSTEES

389.151 Community college district; board of trustees, eligibility.

Sec. 151.

Any qualified elector residing within the community college district or proposed community college district is eligible to be chosen as a board member.

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

389.152 Member of community college board; nomination; election.

Sec. 152.

A candidate for the office of member of a community college board shall be nominated, and members shall be elected, as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1967, Act 231, Imd. Eff. July 10, 1967 ;-- Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984 ;-- Am. 1990, Act 11, Imd. Eff. Feb. 26, 1990 ;-- Am. 2003, Act 306, Eff. Jan. 1, 2005 ;-- Am. 2005, Act 62, Imd. Eff. July 7, 2005

389.153 Candidates for board of trustees; withdrawal, notice.

Sec. 153.

After the filing of a nominating petition by or on behalf of a candidate for membership on the board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served upon the official with whom the nominating petition was filed or his duly authorized agent not later than 4:00 p.m. of the third day after the last day for filing the petition unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the official or his duly authorized agent up to 4:00 p.m. on the next secular day.

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

389.154 Candidate for board of trustees; death, withdrawal, removal from district, or disqualification; election.

Sec. 154.

When a candidate for election to the board of trustees dies before the election, withdraws, removes from the community college district or proposed district, or becomes disqualified for any reason, and that person is the only candidate for the term of office of member of the board of trustees, then at the first meeting of the board after the election, the board shall elect, by majority vote of the members of the board, a person who would otherwise meet the qualifications of the office to serve until the next succeeding regular community college election for members of the board of trustees or, in the case of a candidate for election to a board of trustees organized under chapter 5, until the next general election.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984

389.155 Board of trustees; election; certificates of election.

Sec. 155.

The candidate for each term of office who received the highest number of votes cast shall thereby be elected. Within 3 days of the official canvass the secretary of the final board of canvassers of any election for members to the board of trustees shall deliver a certificate of election to each of the candidates declared elected. The delivery may be made in person or by certified mail.

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

389.156 Board of trustees; oath of office and acceptance, filing.

Sec. 156.

(1) Within 15 days after his appointment or after the final canvass of his election, each person elected or appointed as a member of the board of trustees of a community college district shall file with the secretary of the board of trustees his oath of office and his

CAUTION! This document is from an archive and may contain outdated information.

acceptance of office, accompanied by a written affidavit setting forth the fact of his eligibility as provided in section 151. Each person elected or appointed to the board of any community college district shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of member of the board of trustees according to the best of my ability."

(2) Any member elected to the first board of trustees of a community college district shall file his acceptance of office, affidavit of eligibility and oath of office with the secretary of the intermediate board of education of the county having the highest valuation within the community college district.

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

389.157 Board of trustees; vacancies, causes.

Sec. 157.

The office of a member of the board of trustees shall become vacant immediately without declaration of any officer or any acceptance of the board of trustees or its members, upon the death of the incumbent, or his being adjudicated insane or being found to be mentally incompetent by the proper court; his resignation; his removal from office; his conviction of a felony; his election or appointment being declared void by a competent tribunal; his refusal or neglect to file his acceptance of office, or his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; his ceasing to possess the legal qualifications for holding office including his residence qualification.

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

CAUTION! This document is from an archive and may contain outdated information.

389.158 Filling vacancies.

Sec. 158.

If a vacancy in the board of trustees occurs, the remaining members of the board by majority vote shall fill the vacancy immediately with a qualified elector of the community college district. Except as provided in section 83, any person so appointed shall hold office until the next regular community college election held for the election of members to the board of trustees in the community college district at which time the electors of the community college district shall fill the office for the unexpired portion of the term.

History: 1966, Act 331, Eff. Oct. 1, 1966 ;-- Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984

CHAPTER 13
NEW JOBS TRAINING PROGRAMS

389.161 Definitions.

Sec. 161.

As used in this chapter:

(a) "Agreement" means a written agreement between an employer and a community college district concerning a project and any amendments to that agreement.

(b) "Bond" or "bonds" means bonds, notes, or other debt issued by a community college district under this chapter.

(c) "Employer" means a person that is engaged in business and has employees in this state.

(d) "New job" means a full-time job in this state that meets all of the following:

(i) Except as provided in subparagraph (ii) or (iii), is a new, existing, or expanding business of an employer.

(ii) Is not a job of a recalled worker, a replacement job, or any other job that existed in the employer's business within the 1-year period preceding the date of an agreement.

(iii) Is not a job that is part of an employer's business operation located in a municipality in this state, if that job existed in a business operation or a substantially similar business operation of the employer formerly located in another municipality in this state, the employer moved that business operation or substantially similar business operation to its current location, and the employer closed or substantially reduced that former business operation or substantially similar business operation.

(iv) Results in a net increase in employment in this state for that employer.

(v) The wage paid for the job at the time of the contract is at least the county ALICE rate. As used in this subdivision, "county ALICE rate" means an amount equal to the minimum hourly wage rate necessary to pay the minimal estimate of the total household essentials for a household of 1 adult and 1 child in the county in which a job is primarily performed, based on the most recent household survival budget data provided by United for ALICE at unitedforalice.org.

(e) "New jobs credit from withholding" means the credit described in section 163.

(f) "New jobs training program" or "program" means the project or projects established by a community college district for the creation of jobs by providing education and training or retraining of workers for new jobs.

(g) "Program costs" means all necessary and incidental costs of providing program services.

(h) "Program services" includes, but is not limited to, any of the following:

(i) Training or retraining for new jobs.

(ii) Adult basic education and job-related instruction.

(iii) Developmental, readiness, and remedial education.

(iv) Vocational and skill-assessment services and testing.

(v) Training facilities, equipment, materials, and supplies.

(vi) Administrative expenses for the new jobs training program.

(vii) Subcontracted services with public universities and colleges in this state, private colleges or universities, or any federal, state, or local departments or agencies.

(viii) Contracted or professional services.

(i) "Project" means a training arrangement that is the subject of an agreement entered into between the community college district and an employer to provide program services.

(j) "State minimum wage" means the minimum hourly wage rate in effect as of the date the employer and the community college district enter into the agreement to establish the project under former 1964 PA 154 or under the workforce opportunity wage act, 2014 PA 138, MCL 408.411 to 408.424, as applicable.

History: Add. 2008, Act 359, Imd. Eff. Dec. 23, 2008 ;-- Am. 2015, Act 130, Imd. Eff. July 22, 2015 ;-- Am. 2023, Act 186, Imd. Eff. Nov. 7, 2023

CAUTION! This document is from an archive and may contain outdated information.

389.162 Agreement by community college and employer; establishment of project; provisions; payments as lien on employer's business property; filing with department of treasury; limitation on entering new agreements.

Sec. 162.

(1) A community college district may enter into an agreement to establish a project with an employer engaged in business activities anywhere in the state. An agreement must meet section 163 and all of the following:

(a) Must provide for program costs that may be paid from a new jobs credit from withholding, to be received or derived from new employment resulting from the project, or from tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part.

(b) Must contain an estimate of the number of new jobs to be created by the employer.

(c) Must include a provision that fixes, on a quarterly basis, the minimum amount of new jobs credit from withholding to be paid for program costs.

(d) Must provide that if the amount received from the new jobs credit from withholding is insufficient to pay program costs, the employer agrees to provide money, at least quarterly, to make up the shortfall, so that the community college district receives for each quarter the minimum amount of new jobs credit from withholding that is provided in the agreement.

(e) Must include the employer's agreement to mortgage, assign, pledge, or place a lien on any real or personal property as required by the community college district as security for its obligations under the agreement.

(f) Must provide for payment of an administrative fee to the community college district in an amount equal to 15% of the aggregate amount to be paid under the agreement.

(g) May contain other provisions the community college district considers appropriate or necessary.

(2) Any payments required to be made by an employer under an agreement are a lien on the employer's business property, real and personal, until paid, have equal precedence with property taxes, and are not divested by a judicial sale. Property subject to the lien established in this subsection may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of property taxes. The purchaser at tax sale obtains the property subject to the remaining payments required under the agreement.

(3) A community college district shall file a copy of an agreement with the department of treasury promptly after its execution.

(4) A community college district shall not enter into any new agreements after December 31, 2033.

History: Add. 2008, Act 359, Imd. Eff. Dec. 23, 2008 ;-- Am. 2015, Act 130, Imd. Eff. July 22, 2015 ;-- Am. 2023, Act 186, Imd. Eff. Nov. 7, 2023

389.163 Program costs of new jobs training program; payment from money received from new jobs credit from withholding; agreement; provisions; amount remitted to community college district; information to be provided to department of treasury.

Sec. 163.

CAUTION! This document is from an archive and may contain outdated information

(1) If any part of the program costs of a new jobs training program are to be paid from receipt of money from a new jobs credit from withholding, the agreement shall contain all of the following provisions:

(a) That program costs are to be paid from money received from a new jobs credit from withholding.

(b) That the new jobs credit from withholding shall be based on salary and wages paid to employees of the employer in the new jobs.

(c) That for each employee in a new job, the employer shall each month pay the amount required to be deducted and withheld by the employer under section 703 of the income tax act of 1967, 1967 PA 281, MCL 206.703, to the community college district in the same manner as the employer returns and pays withholding payments to the revenue division of the department of treasury, and the community college district shall pay the amounts received into a special fund to pay program costs and the principal of and interest on any bonds issued by the community college district to finance or refinance the project in whole or in part.

(d) That the community college district may irrevocably pledge the new jobs credit from withholding, and the special fund into which the withholdings are paid, for the payment of the principal of and interest on bonds issued by a community college district to finance or refinance the project in whole or in part.

(e) That for each new jobs credit from withholding paid to a community college district under subdivision (c), the employer shall certify to the department of treasury that the payment was made pursuant to an agreement and shall provide any other information reasonably requested by the department of treasury.

(f) Any other provisions required by the community college district.

(2) At the end of each calendar quarter, a community college district receiving money from a new jobs credit from withholding shall certify to the department of treasury the amount of new jobs credit from withholding each employer with which the community college district has an agreement has remitted to the community college district in that calendar quarter.

(3) By April 1 of each year, each community college district that received money from a new jobs credit from withholding in the preceding calendar year shall provide all of the following information to the department of treasury for the preceding calendar year:

(a) The name of the community college district.

(b) The name of each employer with which the community college district has an agreement, organized by major industry group under the North American industry classification system published by the office of management and budget.

(c) The amount of money from a new jobs credit from withholding each employer described in subdivision (b) has remitted to the community college district.

(d) The amount of new jobs training revenue bonds the community college district has authorized, issued, or sold.

(e) The total amount of the community college district's debt related to agreements at the end of the calendar year.

(f) The number of degrees or certificates awarded to program participants in the calendar year.

(g) The number of individuals who entered a program at the community college district in the calendar year; who completed the program in the calendar year; and who were enrolled in a program at the end of the calendar year.

(h) The number of individuals who completed a program an employer described in subdivision (b) hired to fill new jobs.

(i) Any other information reasonably requested by the department of treasury.

CAUTION! This document is from an archive and may contain outdated information

History: Add. 2008, Act 359, Imd. Eff. Dec. 23, 2008 ;-- Am. 2015, Act 130, Imd. Eff. July 22, 2015

389.164 New jobs training revenue bonds; sunset.

Sec. 164.

(1) Subject to subsection (16), by resolution of its board of trustees, a community college district may authorize, issue, and sell its new jobs training revenue bonds in anticipation of payments to be received pursuant to an agreement, subject to the requirements of this chapter, to finance costs of new jobs training programs and to pay costs of issuing those bonds. The bonds must be payable in the manner and on the terms and conditions determined, or within the parameters specified, by the board in the resolution authorizing issuance of the bonds. The resolution authorizing the bonds creates a lien on the receipts from new jobs credit from withholding to be received by the community college district pursuant to an agreement or agreements that is a statutory lien and is a first lien subject only to liens previously created. As additional security, in the resolution authorizing the bonds, the board of trustees may also pledge the limited tax full faith and credit of the district and may authorize and enter into an insurance contract, agreement for lines of credit, letter of credit, commitment to purchase obligations, remarketing agreement, reimbursement agreement, tender agreement, or any other transaction necessary to provide security to assure timely payment of any bonds.

(2) Bonds described in subsection (1) must be authorized by resolution of the board of trustees, and must bear the date or dates, and must mature at the time or times, not exceeding 20 years from the date of issue, provided in the resolution. The bonds must bear interest at the rate or rates, fixed or variable or a combination of fixed and variable, be in the denominations, be in the form, either coupon or registered, carry the registration privileges, be executed in the manner, be payable in the medium of payment and at the place or places, and be subject to the terms of redemption provided in the resolution or resolutions. The bonds of the community college district may be sold at a competitive or negotiated sale at par, premium, or discount as determined in the authorizing resolution.

(3) A community college district may issue bonds described in subsection (1) with respect to a single project or multiple projects as determined by the board of trustees in the resolution authorizing the issuance of the bonds. The board of trustees may determine to sell the bonds in conjunction with the sale of bonds by another community college district.

(4) Any resolution authorizing any bonds under this section, or any issue of bonds of those bonds, may contain provisions concerning any of the following, and those provisions are part of the contract with the holders of the bonds:

(a) Pledging all or any part of any fees or available funds of the community college district, or other money received or to be received, to secure the payment of the bonds or of any issue of bonds, and subject to any agreements with bondholders as may then exist.

(b) Pledging all or any part of the assets of the community college district, including mortgages and obligations securing the assets, to secure the payment of the bonds or of any issue of bonds, subject to any agreements with bondholders as may then exist.

(c) The setting aside of reserves or sinking funds and the regulation and disposition of reserves or sinking funds.

(d) Limitations on the purpose to which the proceeds of sale of bonds may be applied and pledging the proceeds to secure the payment of the bonds or of any issue of bonds.

(e) Limitations on the issuance of additional bonds; the terms on which additional bonds may be issued and secured; and the refunding of outstanding or other bonds.

CAUTION! This document is from an archive and may contain outdated information.

(f) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent to the amendment or abrogation, and the manner in which bondholders may give that consent.

(g) Vesting in a trustee or trustees the property, rights, powers, and duties in trust determined by the board of trustees of the community college district.

(h) Any other matters that in any way affect the security or protection of the bonds.

(i) Delegating to an officer or other employee of the community college district, or an agent designated by the community college district, the power to cause the issue, sale, and delivery of the bonds within limits on those bonds established by the community college district concerning any of the following:

(i) The form of the bonds.

(ii) The maximum interest rate or rates of the bonds.

(iii) The maturity date or dates of the bonds.

(iv) The purchase price of the bonds.

(v) The denominations of the bonds.

(vi) The redemption premiums of the bonds.

(vii) The nature of the security for the bonds.

(viii) Any other terms and conditions concerning issuance of the bonds prescribed by the board of trustees of the community college district.

(5) All of the following apply to any pledge of money or other assets made by a community college district to secure any bonds or issue of bonds under this section:

(a) The pledge is valid and binding from the time when the pledge is made.

(b) The money or other assets pledged are immediately subject to the lien of the pledge when received, without any physical delivery of the money or assets or any further act.

(c) The lien of the pledge is valid and binding as against all parties having claims of any kind, in tort, contract, or otherwise, against the community college district, whether or not those parties have notice of the lien.

(d) The community college district is not required to record the resolution or any other instrument creating the pledge.

(6) The board of trustees of a community college district and any person executing bonds subject to this section are not personally liable on the bonds or subject to any personal liability or accountability by reason of the issuance of the bonds.

(7) A community college district issuing bonds under this section may purchase bonds of the community college district out of any funds available for that purpose, subject to any agreements with bondholders in effect at that time. Unless the board of the community college district determines by resolution that the payment of a higher price is in the best interests of the community college district, the community college shall not purchase those bonds at a price that exceeds 1 of the following, as applicable:

(a) If the bonds are redeemable at the time of purchase, the redemption price applicable at that time plus accrued interest to the next interest payment date on the bonds.

(b) If the bonds are not redeemable at the time of purchase, the redemption price applicable on the first date after the purchase on which the bonds are redeemable, plus accrued interest to that date.

(8) Bonds issued under this section are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued under this section are subject to the maximum rate permitted under section 305 of the revised municipal finance act, 2001 PA 34, MCL 141.2305.

CAUTION! This document is from an archive and may contain outdated information

(9) The issuance of bonds under this section is subject to the agency financing reporting act, 2002 PA 470, MCL 129.171 to 129.177.

(10) Bonds issued under this section must not be considered to be within any limitation of outstanding debt limit applicable to the community college district, including any limitation contained in section 122, but must be considered as authorized in addition to any limitation of outstanding debt limit applicable to the community college district.

(11) By resolution of its board of trustees, a community college district may refund all or any part of its outstanding bonds issued under this section by issuing refunding bonds. A community college district may issue refunding bonds whether the outstanding bonds to be refunded have or have not matured, are or are not redeemable on the date of issuance of the refunding bonds, or are or are not subject to redemption before maturity.

(12) A community college district may issue refunding bonds under subsection (11) in a principal amount greater than the principal amount of the outstanding bonds to be refunded if necessary to effect the refunding under the refunding plan.

(13) A community college district may use the proceeds of refunding bonds issued under subsection (11) to pay interest accrued, or to accrue, to the earliest or any subsequent date of redemption, purchase, or maturity of the outstanding bonds to be refunded, redemption premium, if any, and any commission, service fee, and other expense necessary to be paid in connection with the outstanding bonds to be refunded. A community college district may also use the proceeds of refunding bonds to pay part of the cost of issuance of the refunding bonds, interest on the refunding bonds, a reserve for the payment of principal, interest, and redemption premiums on the refunding bonds, and other necessary incidental expenses, including, but not limited to, placement fees and fees or charges for insurance, letters of credit, lines of credit, or commitments to purchase the outstanding bonds to be refunded.

(14) A community college district may apply the proceeds of refunding bonds issued under subsection (11) and other available money to payment of the principal, interest, or redemption premiums, if any, on the refunded outstanding bonds at maturity or on any prior redemption date or may deposit the proceeds or other money in trust to use to purchase and deposit in trust direct obligations of the United States, direct noncallable and nonprepayable obligations that are unconditionally guaranteed by the United States government as to full and timely payment of principal and interest, noncallable and nonprepayable coupons from those obligations that are stripped pursuant to United States Treasury programs, and resolution funding corporation bonds and strips, the principal and interest on which when due, together with other available money, will provide funds sufficient to pay principal, interest, and redemption premiums, if any, on the refunded outstanding bonds as the refunded outstanding bonds become due, whether by maturity or on a prior redemption date, as provided in the authorizing resolution.

(15) A community college district is authorized to pay all or part of the costs of new jobs training programs out of funds of the community college district, including self-funding methods. The use of funds of the community college district and self-funding methods to pay the costs of new jobs training programs must be considered an authorized expenditure of public funds and must not be construed as an investment.

(16) A community college district shall not authorize, issue, or sell any new jobs training revenue bonds after December 31, 2033.

History: Add. 2008, Act 359, Imd. Eff. Dec. 23, 2008 ;-- Am. 2018, Act 376, Imd. Eff. Dec. 17, 2018 ;-- Am. 2023, Act 186, Imd. Eff. Nov. 7, 2023

CAUTION! This document is from an archive and may contain outdated information

389.165 Tax exemption.

Sec. 165.

Bonds and notes issued by a community college district under this chapter and the interest on and income from those bonds and notes are exempt from taxation by this state or a political subdivision of this state.

History: Add. 2008, Act 359, Imd. Eff. Dec. 23, 2008

389.166 Aggregate outstanding obligation of all agreements; limitation.

Sec. 166.

The aggregate outstanding obligation of all agreements entered into under this chapter shall not exceed $50,000,000.00 in any calendar year.

History: Add. 2008, Act 359, Imd. Eff. Dec. 23, 2008

Chapter 21
MISCELLANEOUS AND REPEALS

CAUTION! This document is from an archive and may contain outdated information.

389.191 Construction of act.

Sec. 191.

This act is for the purpose of implementing section 7 of article 8 of the state constitution and shall be construed as being the charter of community colleges established and operating hereunder, and as determining the tax limitation of such colleges in accordance with section 6 of article 9 of the constitution.

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

389.192 Saving clause.

Sec. 192.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this act takes effect are hereby saved. It is the legislative intent that this act shall not be construed to alter or affect the continued organization or operation of the community college districts of the state or the rights or liabilities of such districts, except as otherwise specifically provided herein.

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

389.193 Accrued rights and liabilities.

Sec. 193.

Except as specifically otherwise provided in this act, this act shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this act had not been passed.

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

389.194 Repeals.

Sec. 194.

Act No. 188 of the Public Acts of 1955, as amended, being sections 390.871 to 390.883 of the Compiled Laws of 1948, is repealed.

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

389.195 Effective date of act.

Sec. 195.

This act shall take effect on October 1, 1966.

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

CAUTION! This document is from an archive and may contain outdated information.