

# Enabling Legislation

Act 174, 1905, p. 241; Imd. Eff. Jun. 7.

AN ACT to change the title of the presiding officer of the board of control of the Michigan college of mines from president to chairman.

## *The People of the State of Michigan enact:*

### **390.341 Michigan college of mines; board of control, presiding officer, title change.**

Sec. 1. The presiding officer of the board of control of the Michigan college of mines who is now designated as president shall hereafter be designated as chairman.

HISTORY: CL1915, 1308.—CL1929, 7932.—CL1948, 390.341.

Sec. 2. (This was a repeal section.)

HISTORY: CL1915, 1309.—CL1929, 7933.—Rep. 1945, p. 404, Act 267, Imd. Eff. May 25, 1945.

Act 70, 1885, p. 68; Imd. Eff. May 1.

AN ACT to establish and regulate the Michigan technological university. Am. 1927, p. 7, Act 3, Eff. Sep. 5;—AM. 1963, 2nd Ex. Ses., p. 65, Act 49, Eff. Jan. 1, 1964.

## *The People of the State of Michigan enact:*

### **390.351 Michigan technological university; name, purpose.**

Sec. 1. The institution established in the Upper Peninsula known as the Michigan college of mining and technology, referred to in the constitution of 1963 as the Michigan college of science and technology, is continued after January 1, 1964, under the name of Michigan technological university, and shall be maintained for the purpose and under the regulations contained in this act. The institution shall provide the inhabitants of this state with the means of acquiring a thorough knowledge of the mineral industry in its various phases, and of the application of science to industry, as exemplified by the various engineering courses offered at technological institutions, and shall seek to promote the welfare of the industries of the state, insofar as the funds provided shall permit and the board of control shall deem advisable.

HISTORY: How. 5025a.—CL1897, 1884.—CL1915, 1299.—Am. 1927, p. 7, Act 3, Eff. Sep. 5.—CL1920, 7921.—CL1948, 390.351.—Am. 1963, 2nd Ex. Ses., p. 65, Act 49, Eff. Jan. 1, 1964.

### **390.352 Michigan technological university; board of control; appointment, membership; compensation, expenses, powers, and duties.**

Sec. 2. The government of the Michigan technological university, the conduct of the university's affairs, and the control of the university's property shall be vested in a board of 8 members, who shall be known as the board of control of the Michigan technological university, and who shall be appointed by the governor, by and with the advice and consent of the senate. The president of the institution shall be ex officio a member of the board without the right to vote. The members of the board shall serve without compensation, but shall receive actual and necessary expenses incurred in the performance of the duties of their office.

A majority of the members of the board of control may enact, amend, and repeal rules and bylaws for the conduct of the board's business as provided in section 3 and for the government of the institution; fix tuition and other fees and charges; appoint or remove personnel as the interests of the institution and the generally accepted principles of academic tenure permit or require; determine compensation to be paid for services and property; confer degrees and grant diplomas usually conferred or granted by other similar institutions; receive, hold, and manage any gift, grant, bequest, or devise of funds or property, real or personal, absolutely or in trust, which will promote the purposes of the institution; enter into agreements not inconsistent with this act as may be desirable in the conduct of the board's affairs; and lease or dispose of property which comes into the board's possession, if the board does not violate a condition or trust to which the property may be subject. The powers customarily exercised by the governing board of a college or university are vested in the board. The enumeration of powers in this section shall not be considered to exclude powers not expressly excluded by law.

HISTORY: How. 5025b.—CL1897, 1885.—CL1915, 1300.—Am. 1927, p. 7, Act 3, Eff. Sep. 5.—CL1929, 7922.—CL1948, 390.352.—Am. 1963, 2nd Ex. Ses., p. 65, Act 49, Eff. Jan. 1, 1964.

### **390.353 Open Meetings Act, compliance.**

Sec. 3. The business which the board may perform shall be conducted in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

**Meetings; calling, notice, adjournment; quorum; officers; bonds of secretary and treasurer; payment of money, contracts, property disposition, vote required.** A meeting of the board of control shall be called at a place and time and in a manner in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. A meeting may be lawfully adjourned at the board's pleasure. Five members of the board shall form a quorum for business, and 2 members may hold a meeting open by adjournment, from time to time, not more than 2 weeks in all, provided a quorum shall not be present at the time appointed for the meeting. The board may elect 1 of the board's members or may designate the president of the institution to preside at board meetings. The board shall elect a secretary, a treasurer, and other officers as the board considers necessary. Each officer shall hold office at the pleasure of the board. A member of the board shall not be eligible to election as the secretary or treasurer. The secretary and the treasurer each shall give a bond satisfactory to the board to secure the faithful performance of the duties of that office. Money shall not be paid out, or a contract shall not be made, or an act done, involving the payment of money or the disposal of property, except pursuant to a vote of the board.

HISTORY: How. 5025c.—CL1897, 1886.—CL1915, 1301.—CL1929, 7923.—CL1948, 390.353.—AM. 1956, p. 38, Act 31, Eff. Aug. 1;—Am. 1963, 2nd Ex. Ses., p. 65, Act 49, Imd. Eff. Jan. 1, 1964.

### **390.354 Board of control; securing of buildings and equipment; faculty, appointment, discharge.**

Sec. 4. As soon as the means in its hands will permit, without incurring indebtedness, said board shall proceed to obtain a suitable location, and lease or erect such buildings, and procure such furniture, apparatus, library, and implements, as may be necessary for the successful operation of said school, and to appoint a principal, and such other teachers and assistants as the board may deem expedient, with salaries, to be paid from time to time, as it may agree, and to regulate their duties; but no agreement shall be valid whereby such board shall be prevented from discharging any one in their employ upon 2 months' previous notice.

HISTORY: How. 5025d.—CL1897, 1885.—CL1915, 1302.—CL1929, 7924.—CL1948, 390.354.

**390.355 Michigan college of mining and technology; courses of instruction, tuition; fees; supplies; free school, declaration; scholarships; short courses.**

Sec. 5. The courses of instruction shall embrace such branches of practical and theoretical knowledge as will, in the opinion of the board, promote the objects of the college. The college shall be open to all students resident of this state and to all other students under such regulations and restrictions as the board of control may prescribe in accordance with the laws. The board may require tuition and fees of all students and fix the amount thereof. Reasonable charges shall be made against any student for incidental expenses and use of laboratories and apparatus and for all material consumed; but the board shall not be obliged to furnish books, apparatus, or other materials for the use of students. As to all charges mentioned in this section, the board shall have the power to remit the same in whole or in part in the case of deserving and needy students who are bona fide residents of Michigan by establishing scholarships or otherwise. If the United States congress shall pass any act for assistance toward the support of the institution to be dependent on the institution being free to all citizens of the United States, the board of control shall have the power to declare the institution to be free, in accordance with such act of congress, and such declaration shall have the same force and effect as if the same were made by an act of the legislature of this state. The board shall have power to provide, under such rules and regulations as they shall prescribe, for such short courses of instruction as may be helpful to students who are not candidates for a degree, and may prescribe reasonable fees for the same.

**HISTORY:** How. 5025e;—Am. 1897, p. 87, Act 81, Eff. Aug. 30;—CL1897, 1888;—Am. 1903, p. 353, Act 224, Eff. Sep. 17;—CL1915, 1303;—Am. 1925, p. 18, Act 11, Eff. Aug. 27;—Am. 1927, p. 7, Act 3, Eff. Sep. 5;—CL1929, 7925;—CL1948, 390.355;—Am. 1959, p. 124, Act 123, Imd. Eff. Jul. 8;—Am. 1961, p. 277, Act 189, Eff. Sep. 8.

**390.356 Michigan college of mining and technology; curriculum; admission and discipline of students; degrees and diplomas.**

Sec. 6. The course of study, the terms, and the hours of instruction shall be regulated by the board, who shall also have power to make all such rules and regulations concerning the admission, control, and discipline of students, and other matters, as may be deemed necessary for the good government of the institution and the convenience and transaction of its business, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions.

**HISTORY:** Am. 1889, p. 10, Act 9, Imd. Eff. Feb. 23;—How. 5025f;—CL1897, 1889;—CL1915, 1304;—CL1929, 7926;—CL1948, 390.356.

**390.357 Michigan college of mining and technology; contraction of debt; control of property; mining business.**

Sec. 7. No debt shall be contracted beyond or apart from the actual means at the disposal of the institution. The board may dispose of or lease any property donated to the state for the purposes of said school, or which may be acquired in payment of debts, except of such as is necessary for the accommodation of the school. The board shall not enter upon the business of mining, or pursue the same, except so far as it may be deemed necessary in the course of instruction, nor shall they purchase any lands beyond what are required for the reasonable accommodation of the school.

**HISTORY:** How. 5025g;—CL1897, 1890;—CL1915, 1305;—CL1929, 7927;—CL1948, 390.357.

**390.358 Michigan college of mining and technology; collection of minerals; report.**

Sec. 8. It shall be the duty of said board to provide for obtaining and establishing a complete collection of minerals of the upper peninsula, and properly classifying the same; the board shall on or before the first day of December in each year next preceding the regular

session of the legislature, make a report of its doings to the superintendent of public instruction, and shall transmit therewith a general report showing their receipts and expenditures during the period for which the report is made, as well as the general affairs of said school.

**HISTORY:** How. 5025h;—Am. 1897, p. 88, Act 81, Eff. Aug. 30;—CL1897, 1891;—CL1915, 1306;—CL1929, 7928;—CL1948, 390.358.

**390.359 Repealed. 1963, 2nd Ex. Ses., p. 66, Act 49, Eff. Jan. 1, 1964.**

Section provided that vacancies in Michigan technological university board could be filled by governor.

Sec. 10.

**HISTORY:** How. 5025j.

This section dealt with appropriation of \$15,000 for the year 1885 and \$10,000 for the year 1888.

**390.360 Michigan technological university; vesting of property.**

Sec. 10. The board of control of the Michigan technological university is the successor of the board of control of the Michigan college of mining and technology, and all property held in trust or otherwise by, or in the custody, control or management of the Michigan college of mining and technology, or the board of control of the Michigan college of mining and technology, shall, when this act takes effect, vest in the Michigan technological university or the board of control of the Michigan technological university.

**HISTORY:** Add. 1927, p. 8, Act 3, Eff. Sep. 5;—CL1929, 7930;—CL1948, 390.360;—Am. 1963, 2nd Ex. Ses., p. 66, Act 49, Eff. Jan. 1, 1964.

**390.361 Michigan technological university; acceptance of gifts; cooperation; agreements.**

Sec. 11. The board of control may receive, hold, and manage any gift, funds, or property granted or devised to it, or to the institution, to promote any of the purposes of the institution. The board may cooperate with other educational institutions, governmental bodies, industries, or persons, in such manner and degree as, in its judgment, will promote the welfare of the institution and of the industries of Michigan. The board may enter into agreements, not inconsistent with this act, as may be desirable, in its judgment, in the conduct of such matters and the management, control, and administration of the affairs of the institution.

**HISTORY:** Add. 1927, p. 8, Act 3, Eff. Sep. 5;—CL1929, 7931;—CL1948, 390.361;—Am. 1963, 2nd Ex. Ses., p. 66, Act 49, Eff. Jan. 1, 1964.

**390.362 Repealed. 1969, p. 56, Act 26, Eff. Jan. 1, 1970.**

Section provided that Sault Ste. Marie branch of Michigan technological university was to be permanent establishment of institution and required that branch be operated as part of institution.

**390.363 Michigan college of mining and technology; rules and regulations, publication; violation, penalty.**

Sec. 13. The board of control may adopt reasonable rules and regulations for the safety, health, welfare, and protection of the people and for the protection and preservation of its property and property in or under the custody, control, and management of the board. When the rules and regulations are adopted, posted on the premises to which they pertain, and also published in newspapers circulated in Baraga and Houghton counties, they shall constitute ordinances. Any violation of such ordinances is a misdemeanor, punishable by a fine of not more than \$100 or imprisonment for not more than 60 days, or both. Nothing in this act permits the board to establish a police force.

**HISTORY:** Add. 1962, p. 95, Act 105, Eff. Mar. 28, 1963.

**Act 9, 1938 (Ex. Ses.), p. 23; Imd. Eff. Sep. 8.**

AN ACT to authorize the board of control of the Michigan college of mining and technology to borrow money for the purpose of financing the erection and operation of residence halls, housing units, and social centers at said college, and to repeal all acts and parts of acts inconsistent therewith. Am. 1945, p. 128, Act 125, Imd. Eff. Apr. 27.

*The People of the State of Michigan enact:*

**390.371 Michigan college of mining and technology; residence halls housing units, and social centers, erection and operation; authority of board of control.**

Sec. 1. The board of control of the Michigan college of mining and technology is authorized to:

- (a) Acquire, purchase, or erect from time to time at the said college such residence halls and housing units as may be required for the good of the institution.
  - (b) Acquire, purchase, or erect buildings, rooms, and facilities to be used as social centers for the students and faculty members of said institution separate from or combined with residence halls when in its judgment the same may be required for the good of the institution.
  - (c) Rent the rooms and facilities in such residence halls and housing units and provide board to the students, faculty members, guests, and employees of said institution at such rates as will insure a reasonable excess of income over operation expense.
  - (d) Collect from each student enrolled in the said college a reasonable fee for the use of or maintenance of social centers provided for them under the provisions of this act.
  - (e) Hold the funds derived from the operation of such residence halls and housing units or fees collected for the use of or maintenance of social centers and spend the same for repairs, replacements, and betterments, including the payment of indebtedness resulting from the erection or purchase of residence halls and housing units or buildings, rooms and facilities to be used as social centers.
  - (f) Exercise full control and complete management of such residence halls, housing units, and social centers.
- HISTORY: Am. 1945, p. 128, Act 125, Imd. Eff. Apr. 27;—CL1948, 390.371.  
CITED IN OTHER SECTIONS: Sections 390.371 to 390.375 are cited in §330.709.

**390.372 Michigan college of mining and technology; title of real estate, held by board of control.**

Sec. 2. The title of all real estate and improvements acquired and erected under the provisions of this act shall be taken and held in the name of the board of control of the Michigan college of mining and technology.

HISTORY: CL1948, 390.372.

**390.373 Michigan college of mining and technology; board of control, borrowing power, issuance of obligations.**

Sec. 3. In carrying out the above power, said board may borrow money, pledging the rents and income received from the residence halls and housing units in excess of all operating expenses, for the discharge of loans so executed, and/or pledging the fees charged the students for the use and maintenance of social centers provided for them under this act and any revenue derived from the operation of the said centers for the discharge of loans so executed: Provided, That any obligations issued under the provisions of this act shall contain the provisions of section 4 of this act printed on the face thereof.

HISTORY: Am. 1945, p. 128, Act 125, Imd. Eff. Apr. 27;—CL1948, 390.373.

**390.374 Michigan college of mining and technology; obligations, payment.**

Sec. 4. No obligations hereunder shall ever be or become a charge against the state of Michigan, nor shall the same become a lien on or secured by any property, real, personal, or mixed, of the state or the board of control of said college, but all such obligations, including principal and interest, shall be payable solely:

- (a) From the net rents and income obtained from the operation of residence halls and housing units, pledged or otherwise.
- (b) Fees charged students for the use of or maintenance of social centers provided for them under the provisions of this act.

(c) Gifts and bequests made to the board of control of the Michigan college of mining and technology for the express purpose of financing, partially or completely, the purchase or construction at said college of residence halls, housing units, or social centers for students and faculty members, or for retiring outstanding indebtedness as herein created.

HISTORY: Am. 1945, p. 128, Act 125, Imd. Eff. Apr. 27;—CL1948, 390.374.

**390.375 Michigan state college of mining and technology; prohibition of state to purchase bonds or obligations.**

Sec. 5. Bonds or obligations issued under the provisions of this act shall not be purchased by the state of Michigan.

HISTORY: CL1948, 390.375.

Sec. 6. (This was a repeal section.)

HISTORY: Rep. 1945, p. 408, Act 267, Imd. Eff. May 25.

**Act 250, 1929, p. 609; Eff. Aug. 28.**

AN ACT to authorize actions and suits by and against the board of control of the Michigan college of mining and technology, or its successor, for the construction of terms, purposes, and conditions of written instruments making or fixing the terms of gifts of money or property to or for the use and benefit of said college, or its predecessors or successors, or their respective boards of control, or for the use of students, faculty members, or employees, of such institutions, or for an accounting of property held under the terms of such instruments.

*The People of the State of Michigan enact:*

**390.381 Michigan college of mining and technology; grounds for suits or legal actions by or against board of control; judgment or decree.**

Sec. 1. Whenever any money or property shall have been or hereafter shall be devised, bequeathed, or given by any will, deed, bill of sale or other written instrument, or subject to the terms of any written instrument, to or for the use of the Michigan college of mining and technology, or its board of control, or to or for the use of any of its predecessors or successors or their respective boards of control, or to said institution or any of its predecessors and successors, or its or their respective boards of control, for the use of students, faculty members, or employees of the same, and it shall be deemed by the board of control of said institution or its successor, or by an interested person, or by any trustee or trustees under any such written instrument, necessary or desirable to have the terms, purposes, or conditions of any such written instrument construed by an action or suit, or to have an accounting in court of the property so held, the then board of control of such institution or of its successor may and shall be made a party plaintiff or defendant, by its then name, to any such action or suit, and therein such board of control or its successor shall represent and act for the said college and its predecessors or successors and their respective boards of control, and for each and all such beneficiaries not

specifically designated in such instrument who may be interested in the distribution of any part of the principal or income arising from any such devise, bequest, or gift; and judgment or decree in said action or suit shall be binding upon all so represented.

HISTORY: CL 1929, 7934;—CL 1948, 390.381.

GIFTS, GRANTS, OR DEVISES: See Act 258 of 1915, being Compilers' §§554.351 to 554.353 and Act 373 of 1925, being Compilers' §§554.381 and 554.382.

**390.382 Suits or actions; institution, process, abatement.**

Sec. 2. Any such action or suit authorized by section 1 of this act to be brought by said board of control may be instituted by authority of a vote and in the name of the board of control of the Michigan college of mining and technology, or its successor; and in any such suit where said board of control, or its successor, is made a party defendant, service of process may be had upon such board of control, or its successor, by serving any process in the usual way upon the chair or secretary of such board of control or its successor, which shall constitute full and complete service upon said board of control or its successor, and each member thereof. No death, resignation, or other change in the membership of said board of control, or its successor, shall affect any such suit after the same has been instituted or service of process had as aforesaid upon such board of control or its successor.

HISTORY: CL 1929, 7935;—CL 1948, 390.382.