# LAKE SUPERIOR STATE UNIVERSITY
## Act 26 of 1969

AN ACT to establish an institution of higher education having authority to grant baccalaureate degrees, known as Lake Superior state university; to implement section 6 of article VIII of the state constitution of 1963 by providing for the appointment of the first board of control, the organization of the board and the vesting of assets in the board; granting and confirming the powers of the board; and to repeal certain acts and parts of acts.

**History:** 1969, Act 26, Eff. Jan. 1, 1970;—Am. 1987, Act 158, Imd. Eff. Nov. 5, 1987.

*The People of the State of Michigan enact:*

### 390.391 Lake Superior state university; establishment; location; powers of board of control.

Sec. 1. (1) There is established a state institution of higher education having authority to grant baccalaureate degrees known as Lake Superior state university to be located at Sault Ste. Marie. The institution shall be maintained by the state and its facilities shall be made available equally and upon the same basis to all qualified residents of this state. The institution shall be governed by a board of control which shall be a body corporate. Until changed by resolution of the board, the body corporate shall be known as the "board of control of Lake Superior state university".

(2) In addition to other powers granted by law, the board has all of the following powers:

(a) General supervision of the university.

(b) Control and direction of all expenditures from the university's funds.

(c) The right to sue and be sued.

(d) Adoption of a seal and altering of a seal.

(3) As used in this act, "board" means the board of control of Lake Superior state university.

**History:** 1969, Act 26, Eff. Jan. 1, 1970;—Am. 1987, Act 158, Imd. Eff. Nov. 5, 1987.

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### 390.392 Board of control; members; term.

Sec. 2. The board shall consist of 8 members who shall hold office for terms of 8 years and who shall be appointed by the governor by and with the advice and consent of the senate, except of the members first appointed 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years. The president of the institution shall be ex officio a member of the board without the right to vote.

**History:** 1969, Act 26, Eff. Jan. 1, 1970.

### 390.393 Board of control; appointment of secretary and treasurer; terms of officers; treasurer's bond; limitation.

Sec. 3. The board shall appoint a secretary and a treasurer. Officers shall serve terms of 1 year and until their successors shall have been appointed and qualified. Before permitting the treasurer to enter upon the duties of his office, the board shall require him to file his bond to the people of this state with such sureties and in such sum not less than the amount of money likely to be in his possession as the board may designate. No officer shall have the power to incur obligations or to dispose of the board's property or funds, except in pursuance of a vote of the board.

**History:** 1969, Act 26, Eff. Jan. 1, 1970;—Am. 1971, Act 153, Imd. Eff. Nov. 22, 1971.

### 390.394 Board of control; quorum; conducting business in compliance with MCL 15.261 et seq.; notice of meeting; powers and duties enumerated.

Sec. 4. (1) A majority of the members of the board shall form a quorum for the transaction of business. 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. 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.

(2) The board by majority vote of its membership may enact and amend rules and bylaws for the conduct of the board's business as provided in subsection (1) and for the government of the institution, fix tuition and other fees and charges; appoint and remove personnel as the interests of the institution, the mandates of due process, and the policy of the institution on academic tenure may require; determine the compensation to be paid for services and materials; confer degrees and grant diplomas as are usually conferred or granted by other similar institutions; offer technical, vocational, and occupational programs of less than 4 years collegiate degree level; receive, hold, and manage any gift, grant, bequest, or devise of funds or property, real or personal, absolutely or in trust, to promote the purposes of the college; enter into agreements, not inconsistent


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with this act, as may be desirable in the conduct of the board's affairs; and in behalf of the state, 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.

(3) This act shall be construed to implement, clarify, and confirm in the board the constitutional powers customarily exercised by the board of control of an institution of higher education established by law which may grant baccalaureate degrees. Enumeration of powers in this act shall not be considered to exclude powers not expressly excluded by law.

**History:** 1969, Act 26, Eff. Jan. 1, 1970;—Am. 1977, Act 247, Imd. Eff. Dec. 6, 1977.

### 390.395 Sault Ste. Marie facilities as physical properties of university.

Sec. 5. The present facilities of the Sault Ste. Marie branch of Michigan technological university constitute the physical properties of Lake Superior state university.

**History:** 1969, Act 26, Eff. Jan. 1, 1970;—Am. 1987, Act 158, Imd. Eff. Nov. 5, 1987.

### 390.395a Costs of transition and name change.

Sec. 5a. (1) The state shall not bear any cost incurred in the transition of Lake Superior state college to Lake Superior state university. Costs incurred by the name change shall be borne by the institution from nonstate sources.

(2) A student shall not bear any cost incurred in the transition of Lake Superior state college to Lake Superior state university by an increase in either tuition or other student fees. All costs associated with the transition of Lake Superior state college to Lake Superior state university and the source from which funds required to effectuate the transition were received shall be reported to the house and senate appropriations committees no later than December 31, 1989.

**History:** Add. 1987, Act 158, Imd. Eff. Nov. 5, 1987.

### 390.396 Board of control; borrowing power; repayment; pledge.

Sec. 6. The board shall not borrow money on its general faith and credit, nor create any liens upon its property. The board may acquire land or acquire or erect buildings or alter, equip or maintain them, to be used as residence halls, apartments, dining facilities, student centers, health centers, parking structures, stadiums, athletic fields, gymnasiums, auditoriums and other educational facilities. After the legislature by concurrent resolution has approved the acquisition or construction of such facilities, the board may borrow money issuing notes or bonds under such terms and provisions as it deems best to finance such facilities and shall obligate itself for the repayment thereof, together with interest thereon, solely out of (a) income and revenues from such facilities, or other such facilities heretofore or hereafter acquired, (b) special fees and charges required to be paid by the students deemed by it to be benefited thereby, (c) funds to be received as gifts, grants or otherwise from the state or federal government or any agency thereof or any public or private donor, if, prior to issuance of such notes or bonds, the state, federal government or agency thereof or other donor has contracted to pay to the board or to the holder of such notes or bonds definite amounts of money as determined by formula or otherwise, (d) the proceeds of or delivery of any notes or bonds issued hereunder, and (e) any combination of (a), (b), (c) and (d).

**History:** 1969, Act 26, Eff. Jan. 1, 1970.

### 390.397 Repeal.

Sec. 7. Section 12 of Act No. 70 of the Public Acts of 1885, as amended, being section 390.362 of the Compiled Laws of 1948, is repealed.

**History:** 1969, Act 26, Eff. Jan. 1, 1970.

### 390.398 Bonds; purchase by state prohibited.

Sec. 8. Bonds, notes or other obligations issued under the provisions of this act shall not be purchased by the state of Michigan.

**History:** 1969, Act 26, Eff. Jan. 1, 1970.

### 390.399 Effective date of act.

Sec. 9. This act shall become effective January 1, 1970.

**History:** 1969, Act 26, Eff. Jan. 1, 1970.

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