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SCHLAFMANN, Norman James, 1935-

AN EXAMINATION OF THE INFLUENCE OF THE STATE
LEGISLATURE ON THE EDUCATIONAL POLICIES OF THE
CONSTITUTIONALLY INCORPORATED COLLEGES AND
UNIVERSITIES OF MICHIGAN THROUGH ENACTMENT OF
PUBLIC ACTS FROM 1851 THROUGH 1970.

Michigan State University, Ph.D., 1970
Education, higher

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1971

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FROM 1851 THROUGH 1970

By

Norman James Schlafmann

A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

Department of Administration and Higher Education

1970

ABSTRACT

AN EXAMINATION OF THE INFLUENCE OF THE STATE LEGISLATURE ON THE EDUCATIONAL POLICIES OF THE CONSTITUTIONALLY INCORPORATED COLLEGES AND UNIVERSITIES OF MICHIGAN THROUGH ENACTMENT OF PUBLIC ACTS FROM 1851 THROUGH 1970

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The Problem

The State of Michigan was the first of fewer than a dozen states to grant constitutional status to its four-year publicly supported colleges and universities. Substantively, these institutions comprise the fourth branch of the state government, holding coordinate legal status with the executive, the legislature and the judiciary.

As "constitutional corporations" these institutions possess a sphere of authority within which neither the legislature nor the executive may legally interfere. It was essentially for this reason that the University of Michigan was originally granted constitutional status under the provisions of the constitution of 1850.

Since then, the citizens of Michigan have reaffirmed their belief in, and commitment to this system of operation by constitutionally incorporating additional

colleges and universities with every major constitutional revision: Michigan State University under the provisions of the constitution of 1908; Wayne State University in 1959 by an amendment to this same constitution; and all remaining and future colleges and universities with the adoption of the present constitution, the constitution of 1963.

Furthermore, Michigan's highest court has consistently upheld the autonomous status of these colleges and universities in the face of encroachments by the other branches of state government.

This study was designed to examine the extent to which the system of granting constitutional autonomy to the publicly supported colleges and universities of Michigan succeeded in eliminating outside legislative influence on policy decisions.

Methods and Procedure

This study was conducted as a historical inquiry.

All Public Acts enacted by the Michigan legislature from 1851 through 1970 were examined. Those acts which made specific reference to any one or all of the

constitutionally incorporated colleges and universities were identified chronologically, categorized by institution and by subject, and analyzed for their effect on higher educational policies in Michigan.

Major Findings

It was found that while the legislature was legally constrained from direct interference or involvement in the internal affairs of the colleges and universities it had a decided effect on their educational policies through the public acts it enacted.

The legislature's foremost method of influencing these educational policies was by placing conditions on, and/or line-itemizing the colleges and universities' appropriations. Two-thirds of the 328 public acts, which were identified as the object of this study, were appropriations acts. From the very first appropriations act (PA 59 of 1867) to the very last (PA 83 of 1970) the legislature attached policy-making conditions. Coincidentally, the conditions in each of these particular acts were also subjects of litigation.

Every decision by Michigan's supreme court relative to the constitutionality of the conditions imposed by the

legislature was made in favor of the colleges and universities. The court ruled that the powers of their governing boards were equal to that of the legislature's, because they both received their authorities from the same source, the state constitution.

The question on the division of powers was never finally settled during this 120-year period. As a matter of fact, the "Big Three" universities of Michigan joined forces during the course of this study to contest recent legislation containing record numbers of conditions.

Other public acts were enacted by the legislature which also influenced educational policies, but not to the extent nor the regularity of the conditioned appropriations acts.

From a purely literal analysis of the public acts it was concluded that the operational success of the system of constitutionally incorporating state colleges and universities particularly for the purpose of insulating them from legislative influence was questionable, especially in view of Michigan's experience. However, it was fully recognized that such an analysis overlooked the impact of the entire legislative process leading to the

formation, refinement, and final enactment of these public acts, e.g., direct requests by the colleges and universities for selected line-item appropriations and standard operational policies were not taken into account.

Moreover, it was concluded that there probably was no better system for minimizing legislative influence on the educational policies of the colleges and universities in view of the fact that the state legislature is publicly responsible for allocating state resources.

It was observed that the actual independence of the constitutionally incorporated colleges and universities ultimately depends upon the support of public opinion in addition to constitutional mandate.

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CHAPTER I

THE PROBLEM

Higher educational policies are guideposts by which colleges and universities meet their individual and collective needs and objectives.

Some policies are promulgated as explicit rules and regulations. Others remain unwritten and may only be implicit. Some are developed out of much forethought and planning, while others arise out of conflict and immediacy. Some are determined nationally. Others are determined regionally, statewide, and locally. Some are of an individual institution's own choosing. Others are imposed upon them by various outside interest groups, i.e., alumni, philanthropic sources, and state, local, or national governments. Collectively, these policies determine the individual characteristics of each institution or group of institutions.

Historically, colleges and universities have jealously guarded their right to seek truth apart from any

outside influence. James Perkins, former president of Cornell University noted,

The idea of university autonomy -- of the sanctity of academic pursuits -- is as old as the idea of the university itself. From the very beginning, this idea has been the doctrinal shield protecting the university from the state. More subtly, its quiet but persistent influence has helped to attenuate the relations of the university and the church. It has been the conceptual guardian of academic freedom, the moat around the city of the intellect whose drawbridge will lower only in response to internal signals.¹

The emerging relationships of colleges and universities with state governments, and more recently with the federal government (basically relationships imposed because of fiscal dependency) give rise to new concern.

The State of Michigan, as early as 1850, responded to that concern by building into its state constitution the legal means by which to prevent the state government from influencing internal educational policies.

Purpose

The purpose of this study is to determine the extent to which higher educational policies in the State of Michigan have been influenced by the state legislature

¹James A. Perkins, "The New Conditions of Autonomy," Emerging Patterns in American Higher Education, ed. by Logan Wilson (Washington, D.C.: American Council on Education, 1965), p. 8.

through the legislative process from 1851, the year after which Michigan first granted constitutional status to one of its state universities, to the present (1970).

It is a historical study based on the analyses of all Public Acts enacted by the legislature over the last 120 years which directly pertains to any one or all of the constitutionally incorporated colleges and universities of Michigan.

Terms

For the sake of increased clarity, certain critical terms used throughout this study are defined or otherwise explained at this point.

PUBLIC ACTS--the laws of the State of Michigan enacted by the legislature and signed by the governor.

CONSTITUTIONAL CORPORATION--Using Wooden's definition, "When a state constitution grants to a state university the authority to govern itself through its board of regents or similar body, that university is generally classified as a constitutional corporation."²

²William P. Wooden, "Recent Decisions," Michigan Law Review, LV (1957), p. 728.

CONSTITUTIONALLY AUTONOMOUS OR INDEPENDENT UNIVERSITY--Autonomy/independence granted by virtue of a constitutional provision.

CONDITIONED APPROPRIATION--An appropriation which has been subjected to a condition(s) by the legislature.

LINE-ITEM--A budget term used to describe a specific recipient of an appropriation within a larger category, e.g., see Public Act 83 in Appendix E, Michigan State University's state appropriation included a specific amount earmarked for the agriculture experiment station which itself was subdivided into the various operational and research components. These designations establish the minimum and maximum amounts to be allocated to these particular items from state funds, whereas other unspecified units within the university are left to the discretion of the university's internal budgeting system.

LINE-ITEM NOTATION--A statement of intent about a line-item, which is considered by some to

be less restrictive than a line-item per se (although this theory has not yet been tested in the courts). For example, using the same illustration as above, rather than listing the agriculture experiment station as a separate sub-item with a specific appropriation, a statement in parenthesis under Michigan State's total appropriation might have been substituted explaining that this appropriation includes a designated amount for the experiment station (see notation under Michigan State University's appropriation in Public Act 83, Appendix E regarding its medical schools).

To prevent confusion, all colleges and universities are referenced by their present names (1970) even though their names may have been different in the early legislation.

Need

This study is considered important and timely for several reasons. Firstly, Michigan has the distinction of being the first state in the nation to grant constitutional status to a state college or university. This was accomplished in 1850, under the terms of the newly adopted

constitution, expressly for the purpose of removing the University of Michigan from the direct control or influence of the state legislature. This decision followed nearly a decade of capricious political intervention into the internal affairs of the University, which almost spelled the death of the fledgling University in Ann Arbor. This fact was graphically summarized by a special legislative committee appointed to look into the problems of the University at that time:

When the legislatures have legislated directly for colleges, their measures have been as fluctuating as the changing material of which the legislatures were composed . . .

Again, legislatures . . . have not been willing to appoint trustees for a length of time sufficient for them to become acquainted with their duties . . . A new board of trustees, like a legislature of new members not knowing well what to do, generally begins by undoing and disorganizing all that has been done before. At first they dig up the seed a few times to see that it is going to come up and after it appears above the surface they must pull it up again to see if there is sufficient root to support so vigorous branches; then lop off branches for fear they will exhaust the roots, and then pull it up again to see why it is so sickly and puny and finally to see if they can discover what made it die. And, as these several operations are performed by successive hands, no one can be charged with the guilt of destroying the valuable tree.³

³Michigan, House of Representatives, Report of the Select Committee to Inquire into the Conditions of the University (House of Representatives Documents, 1840), p. 470.

Michigan State University was also granted constitutional status in 1908, Wayne State University in 1959, and the remaining publicly supported four-year colleges and universities of the State in 1963. In all these years no one has systematically examined the extent to which this special legal provision has accomplished its intended purpose.

Secondly, the task of balancing institutional autonomy with public responsibility requires the greatest skill and tact of both university officials and legislators. The best policy decisions are made when they are founded on the basis of an awareness of historical developments. Neither university officials nor legislators have the benefit of readily available information on this subject at this time. Not even an annotated index of the public acts relating to higher education in Michigan is presently available.

Thirdly, this study is considered important because it examines the entire question of institutional autonomy from a practical point of view. The question may be asked, while autonomy is considered the highest principle of higher education, is it operational, and to what extent? Socrates once instructed his disciples to "follow where the argument

leads." Could Michigan's system of granting constitutional status to its colleges and universities be today's answer to an unadulterated, uncompromising search for truth?

So convinced of the importance of autonomy was the Committee on Government and Higher Education that it concluded its comprehensive study of the changing relationship between state governments and public institutions of higher education by strongly recommending that, "legal autonomy . . . be given to every institution of higher education that carries on a substantial program of teaching and research."⁴

Brumbaugh claims that "the vitality of American colleges and universities in fulfilling their role in the life and welfare of the nation has been derived in a large measure from the autonomy accorded them."⁵ This led him to the same conclusion as that of the Committee.

This study takes a look at the operational realities of the principle of institutional autonomy in an optimal

⁴The Committee on Government and Higher Education, The Efficiency of Freedom (Baltimore: The John Hopkins Press, 1959), pp. 4 and 30.

⁵A. J. Brumbaugh, "The Proper Relationships between State Governments and State-Supported Higher Institutions," Educational Record, Vol. 42 (July, 1961), p. 173.

setting, where autonomy is constitutionally granted and legally protected.

Finally, this study is also very timely. The three big universities of the State--Michigan State University, the University of Michigan, and Wayne State University--have recently filed a lawsuit against the State which focuses on this very issue. They have charged that the State has violated their legally constituted authorities by attaching certain conditions to their annual appropriations, and by making policy decisions which only their respective governing boards are empowered to make.⁶

This is a very sensitive legal challenge and one which neither party is very eager to pursue. The truth of the matter is that this particular case has already been "conveniently" delayed for over a year in the hope of settling the issue out of court.

This points up one of the real problems which the constitutionally incorporated colleges and universities face. To challenge the constitutionality of certain legislative infringements might well result in a Pyrrhic victory--

⁶The public acts named in this suit as of November, 1970 include: PA 83 of 1970; PA 311 and 230 of 1968; PA 240 and 244 of 1967; PA 310 and 26 of 1966; and PA 124 of 1965.

where their autonomy is judiciously upheld but at the considerable expense of some very important legislative good will. For as one senator was quoted as saying about the pending lawsuit, ". . . the Legislature still holds the purse strings regardless of how the suit ends up on the autonomy issue."⁷

This is why the universities have often waited until they have had a very sure case, or at least until there were several instances of intervention before risking a lawsuit against the legislature. The common approach in recent years has been for a number of universities to go together in filing a complaint so as to reduce the likelihood of reprisal, or at least to spread it around.

Strangely enough the converse is also a problem for these constitutional corporation. Not to challenge the constitutionality of certain legislative infringements within a reasonable period of time can actually result in their having forfeited certain rights which otherwise might be theirs.

This is the interpretation which Moos and Rourke give to the decision handed down by the supreme court of

⁷Robert Stuart, "Universities Losers, Say Legislators," The State Journal (Lansing, Michigan), January 21, 1968, p. A-12.

Utah in 1956, when the University of Utah failed in its bid to be recognized as a constitutional corporation. In support of its decision the court pointed out that "for over 50 years the University has never raised the point of independent control . . . and has acquiesced in and complied with the legislative enactments relating to its purposes and government."⁸

Very similarly, a precedent has been established for holding constitutionally incorporated universities accountable for the conditions which are attached to their appropriations once they have accepted such conditioned funds.⁹

In view of some of the pitfalls into which constitutional corporations can fall, one wonders how the colleges and universities of Michigan have fared over the years. Did they choose to forfeit some of their legally constituted rights rather than risk the possibility of any financial

⁸Malcolm Moos and Francis E. Rourke, The Campus and the State (Baltimore: The John Hopkins Press, 1959), pp. 32 and 33.

⁹Wooden (op. cit., p. 729) documents this with the following court decisions: Fanning v. Univ. of Minn., 183 Minn. 222, 236 N. W. 217 (1931); State v. State Bd. of Ed., 33 Idaho 415, 196 P. 201 (1921); and Regents v. Auditor General, 167 Mich. 444, 132 N. W. 1037 (1911).

deprivation or other political reprisal? To what extent, if any, did they compromise any of their rights?

This study is designed to find answers to these important questions.

In summary, four reasons were given why this study is considered both important and timely. Firstly, it examines the extent to which the original intent for granting constitutional autonomy to a state university has been accomplished in Michigan. Such a study has never before been conducted even though Michigan has chosen to grant all of its colleges and universities constitutional status over a span of 114 years.

Secondly, this study provides the historical framework out of which future higher education policy decisions can be made by both university administrators and legislators. Thirdly, it examines the principle of institutional autonomy from a practical point of view, in the optimal setting provided by Michigan's constitution. Lastly, this study is considered timely in view of the recent lawsuit which has been filed against the State by Michigan's "Big Three" universities accusing the legislature of overstepping its legal powers in determining educational policies.

Background

The four-year publicly supported colleges and universities of Michigan enjoy a very privileged legal status as "constitutional corporations," more commonly described as constitutionally autonomous or constitutionally independent institutions.

By virtue of the will of the people, expressed in the organic law of the state constitution (not by legislative statute as in some states), these institutions possess a sphere of authority within which neither the legislature nor the executive may interfere. Substantively, they comprise the fourth branch of the state government, holding coordinate legal status with the executive, the legislature, and the judiciary.¹⁰

Only nine other states have granted this high degree of autonomy to their colleges and universities. They are: Minnesota, California, Idaho, Colorado, Arizona, Nevada,

¹⁰ Probably the most famous court decision supporting this position is *Sterling v. Regents of the University of Michigan*, 110 Mich. 369 (1896). In the opinion of the court, "The board of regents and the legislature derive their power from the same supreme authority, namely, the constitution . . . They are separate and distinct constitutional bodies, with the powers of the regents defined. By no rule of construction can it be held that either can encroach upon or exercise the powers conferred upon the other."

Georgia, Oklahoma (applicable only to the State Agricultural College Board, and not to the University of Oklahoma), and Utah.¹¹

Approximately half of the fifty states make some specific reference to higher education in their constitutions.¹² These references range all the way from a mere

¹¹ M. M. Chambers, The Colleges and the Courts Since 1950 (Danville, Illinois: The Interstate Printers and Publishers, Inc., 1964), p. 147.

Note: Chambers is alone in including Utah in this list. Others exclude it because of the confusion over a 1956 Supreme Court decision, which reversed and remanded a district court's declaratory judgment that the University of Utah was indeed a constitutional corporation. Chambers contends, however, that the basis for the supreme court's reversal decision was the result of unsupported evidence of interference with which the University had charged the State. Therefore the decision remains "somewhat equivocal" in that when such evidence is provided there remains a strong possibility that it will sufficiently justify invoking the protection of the constitution. Ibid., pp. 150-152. Other sources include: Malcolm Moos and Francis E. Rourke, p. 22; Thomas Edward Blackwell, College Law (Washington, D.C.: American Council on Education, 1961), p. 242; and Wooden, op. cit. (Wooden includes the clause of the state constitution which creates each of them, together with each state's leading cases).

¹² Moos and Rourke, op. cit., say there are twenty-seven. Elliott and Chambers say there are twenty-four, and give a detailed analysis of constitutional provisions affecting state colleges and universities. See Edward E. Elliott and M. M. Chambers, The Colleges and the Courts (New York: The Carnegie Foundation for the Advancement of Teaching, 1936), pp. 505-512. See also Alexander Brody, The American State and Higher Education (Washington: American Council on Education, 1935), pp. 215-225; Council of State Governments, Higher Education in the Forty-eight

vague statement about the state's responsibility for providing general education to very specific provisions regarding an institution's location, government, financial support, and so on.

By far the largest majority of publicly supported colleges and universities today are considered to be "public" corporations (technically quasi-corporations, although the use of this term is declining), owing their existence largely or wholly to the legislature and subject to its control. A few, however, have been denied the dignity of separate corporate status altogether and are treated as mere departments of the state.

Only one other group of state universities has come close to enjoying the same intrinsic freedom and independence of the constitutional corporations. They are the few universities which in the early years of this country were looked upon by the courts as private corporations, with certain rights beyond the reach of legislative interference. The fact of the matter is, there was considerable confusion over private versus public corporations in those early

States (Chicago: The Council, 1952), pp. 131-132; Council for the study of Higher Education in Florida, Provisions of State Constitutions for Higher Education (Tallahassee, Fla: The Council, 1957).

years. This attitude reflected the European tradition, and preceded the then novel concept that higher education is quite properly a function of the state. One receives the impression from reading Blackwell¹³ and Elliott and Chambers¹⁴ that the days of those judicial pronouncements are past.

Michigan not only can pride itself for being listed among the enviable few states to grant constitutional status to state universities, but enjoys the added distinction of being the first to do so, thus becoming the prototype for those which were to follow. Under the terms of the constitution of 1850 the University of Michigan was elevated to the status of a constitutional corporation. Its governing board, "The Regents of the University of Michigan," was designated a "body corporate," and was expressly given responsibility for "the general supervision of the University, and the direction and control of all expenditures from the university interest fund."¹⁵

¹³Blackwell, op. cit., p. 238-240.

¹⁴Elliott and Chambers, op. cit., pp. 116-119.

¹⁵Michigan, Constitution (1850), Article XIII, Sections 7 and 8.

When the constitution was amended in 1908 the word "interest" was removed from this clause and the word "fund" was changed to "funds" in order to clearly give the Board of Regents control over all income regardless of source.

This unprecedented decision to grant the University of Michigan constitutional autonomy was not an accident of history. Quite to the contrary, it was a deliberate attempt to remove the University from the arena of partisan politics and to place it on a more stable and permanent foundation.¹⁶

Michigan's first constitution of 1835 was very brief and left much to the discretion of the legislature and governor. The only reference it contained to higher education was a statement to the effect that the public lands granted to it by the federal government for the support of a university should be used for that purpose (Article X, Section 5). Two years later by an act of the legislature (March 18, 1837) the University of Michigan was established and placed under the supervision of a Board of Regents.

The formative years of the University were anything but encouraging, according to the historical accounts of

¹⁶See, Michigan Constitutional Convention, Report of the Proceedings and Debates in the Convention to Revise the Constitution (Lansing, 1850).

the University by Shaw¹⁷ and Sagendorph.¹⁸ There was even talk of discontinuing it altogether for some time.

While the University experienced the normal problems of a newly established institution having no real precedent to follow, it seemed to experience more than its share of internal and political problems.

One of the biggest problems was the politically-minded first Board of Regents. This Board seemed always to be in a hassel over inconsequential matters. In retrospect, this problem might have been anticipated in view of the composition of the Board. It consisted of the governor (who served as ex-officio president), the lieutenant governor, the three supreme court judges, the chancellor of the State and twelve others who were nominated by the governor and confirmed by the senate. Sagendorph referred to these twelve as the "12 other politicians,"¹⁹ probably because several of them had previously served as constitutional delegates and were considered political friends.

¹⁷Wilfred Shaw, The University of Michigan (New York: Harcourt, Brace and Howe, 1920).

¹⁸Kent Sagendorph, Michigan: The Story of the University (New York: E. P. Dutton and Co., Inc., 1948).

¹⁹Ibid., p. 57.

Even before the University opened its doors it had become the center of controversy. A very heated debate developed among politicians over the sale of the University lands, which were to serve as the University's primary source of support. Some legislators, under pressure from settlers, squatters, and speculators, attempted to sell off the choice lands for some ridiculously low price. Governor Mason vetoed this action.

Matters did not improve when Governor Mason decided to retire, leaving the destiny of the University in what was reported to be less sympathetic hands. A quick succession of governors followed. Woodbridge served one year then went on to Washington as a U.S. Senator. Governor Barry inherited the office from Woodbridge. Each governor reorganized the structure of the University to suit his own taste.

Governor Woodbridge went so far as to fire the first-appointed faculty member on the day he appeared for work, and to reduce the salary of the Superintendent of Public Instruction (who had diligently developed the original plans for the operation of the University) to a level where he was forced to resign. This action by the governor left the supervision of the University directly in his and the Board of Regent's hands.

When Governor Barry took over, he surveyed the situation and announced, "Well, we've got the buildings . . . I don't think they're good for anything else, so we might as well declare the University open."²⁰ On this note of despair the University opened its doors in September, 1841 to six students and two faculty members.

Looking back over the ensuing events, after the Board of Regents had assumed full administrative control, Sagendorph observed:

They (the Board of Regents) reduced the faculty to the status of clerks. These Regents were not intellectual giants; most of them were politicians. They regarded their appointment to the Board as an excuse for posing as educators. They strutted. They were proud of the title, "Regent of the University." The less formal schooling they had, the more they preened themselves. Being politicians, they quickly gathered in all the reins and began driving the faculty.²¹

Within the next few years the University experienced an increasing number of problems and financial setbacks. Many of these unfortunate events were the results of, or eventually became "political footballs," tossed back and forth by politicians in the administration, the legislature, and the Board of Regents.

²⁰Ibid., p. 62.

²¹Ibid., p. 70.

The students began to rebel against the strict rules and discipline which were elaborately outlined in the Regent's "Book of Rules." The Whigs had won the majority in the legislature and succeeded in selling some of the University land for \$1.25 per acre (generally valued at \$20 an acre), thus reducing the University's income to such a point where salaries were cut nearly sixty percent. Bitter arguments arose in the legislature over the naming of buildings. Some of the students defiantly organized Greek-letter secret societies, and built the first fraternity house in America. This action set off a chain of hostile reactions, pitting students against faculty, faculty against faculty, and townspeople against the University. In the absence of strong leadership within the University (by design of the Regents) or on the part of the Board of Regents itself, the legislature was called upon to settle the confusion.

During this same period of time, by contrast, the private colleges were making steady and continued forward progress. Different from the University, their governing boards were primarily composed of leading citizens, most of whom did not hold public office to distract them from their responsibilities to their respective institutions. This

basic difference was not to be forgotten at the constitutional debates of 1850, by which time it had become increasingly obvious that some structural change was needed to reverse the University's faltering trend.

Actually, the legislature had been forewarned about this deficiency in the University's organizational structure ten years prior to the constitutional convention by one of its own specially appointed committees. The select committee of the House of Representatives delegated to inquire into the conditions of the University, had reported as early as 1840 that the University lacked:

. . . that oneness of purpose and singleness of aim (essential to their prosperity) that others have whose trustees are a permanent board, men chosen for their supposed fitness for that very office, and who, having become acquainted with their duties, can and are disposed to pursue a steady course, which inspires confidence and insures success, to the extent of their limited means.²²

Moreover, the Board of Regents, in response to inquiry by this special legislative committee, went on record as favoring a constitutional change:

The first change in the organic law deemed essential is the proper restriction of responsibility to the board of regents. At present the responsibility is divided, and the board would be

²²Michigan House of Representative Documents of 1840, op. cit.

greatly facilitated in their action were such amendment²³ made as would throw entire responsibility on them.

It is interesting to note the incongruity between what the Legislature and Board of Regents reportedly recognized as being harmful to the University--partisan politics--and what their actual behaviors were over the next ten years.

Change did come, however, in the form of the landmark decision of 1850 to grant constitutional autonomy for the first time to a state university. It came as a direct mandate from the people, who registered their disapproval of the way the University had been operated while under the political influence of the State.

M. M. Chambers thinks there may have been still another reason why Michigan decided to go this route. He suggests:

One must read between the lines a bit, too, and discern that colleges and universities as a form of institution of civilized society were five hundred years older than any of the American state governments, and that until the present century they were almost always and everywhere regarded as largely and properly autonomous institutions. There

²³ Report of the Board of the University of Michigan to the Legislature, March, 1840.

is a great tradition of academic independence which has survived in the long run, though sometimes pushed into temporary eclipse.²⁴

It is the great tradition which followed Michigan's landmark decision of 1850 which is the subject of this study.

Overview

This study is reported in five chapters. A review of the literature follows this chapter.

The methodology and procedures used to conduct this study are presented in chapter three.

Chapter four contains a historical review of the impact of legislation upon the policy decisions made by the colleges and universities of Michigan over the past century.

Conclusions and implications are presented in the final chapter.

²⁴M. M. Chambers, Voluntary Statewide Coordination in Public Higher Education (Ann Arbor: The University of Michigan, 1961), p. 41.

CHAPTER II

REVIEW OF LITERATURE

The study of legislative influence on Michigan's colleges and universities is essentially an examination of the role that politics played in the development of the State's system of higher education.

A survey of the literature surprisingly yielded very little material which directly pertained to this subject. As a matter of fact, studies on politics and education in general are quite limited and very recent in development.

It became obvious, from reviewing the literature which was written on this subject, that the primary deterrent to research on politics and education was, as Ferguson described it, an unwritten "taboo" on such studies.¹ Politics and education were never supposed to mix.

Wendell Pierce, Executive Director of the newly formed Education Commission of the States, credits this

¹LeRoy Craig Ferguson, How State Legislators View the Problem of School Needs (U.S. Office of Education Cooperative Research Report, Project No. 532 (8166), 1960), p. 3.

"myth" for obstructing "our understanding of how the American education system actually operates at the state level."²

A number of writers seemed almost compelled to justify or to somehow rationalize their research on the subject. At the same time their statements portray a changing attitude toward a more realistic appraisal of the relationship between politics and education. Robinson described it as "the Romantic age (giving) way to an age of realism."³ Consider Iannaccone's statement for example:

Still the bulk of the educationists cling to the words, if not the reality, the shadow, rather than the substance, and are almost incapable of thinking of politics and education except prescriptively as other than discrete and immaculately untouching worlds. The myth that education is not politics--or stated prescriptively, that either "education would not be involved in politics," or "politics should not be in education"--virtually ruled the minds of many professors of education and the public statements of educators even when the practicing schoolmen and professors, such as Paul Mort, were not quite so naive. Ignoring for the moment the prescriptive "ought" concerning the separation of politics and education, and paying attention to the

²Michael D. Usdan, David W. Minar, and Emanuel Hurwitz, Jr., Education and State Politics (Columbia University: Teachers College Press, 1969), p. vii.

³Donald W. Robinson, "Good Politics Can Provide Better Schools," Phi Delta Kappan, XLIX (February, 1968), p. 289.

realities of American life, education and politics are and have been inextricably related.⁴

Gove also had no illusions about education being free from politics. Instead, he took a very practical view of the situation:

Higher education is in politics, has been, and will continue to be. As faculty members, we want the pressures resulting in limitations on academic freedom to be eliminated; as administrators, we want the pressures resulting in administrative interference to be eliminated; and as students, we want the pressures resulting in tuition increases to be eliminated. Wishing won't make it so, but accepting the political facts of life and fighting pressures with counterpressures may.⁵

Bailey didn't hesitate to admonish educators to become politically active for what he considered to be the good of society:

Since the quality of our society rests in large measure upon the quality of our public education, a widespread recognition that schoolmen must be not only aware of politics but influential in politics may be the key to our survival as a free civilized nation.⁶

⁴Laurence Iannaccone, Politics in Education (New York: The Center for Applied Research in Education, Inc., 1967), p. 6.

⁵Samuel E. Gove, "Pressures on Higher Education: State and Local Governments," Current Issues in Higher Education (Washington, D.C.: Association for Higher Education, 1965), p. 71.

⁶Stephen K. Bailey, et. al., Schoolmen and Politics (Syracuse, New York: Syracuse University Press, 1962), p. 108.

As the demand for higher education soared to new heights, as the federal government and private industry came to rely more heavily upon higher education for basic research and technical assistance, and as the problems of a changing society were placed at the doorsteps of higher education, competition for tax dollars mounted and higher education moved into the public spotlight to stay.

These were the factors which led educators about midway into the twentieth century to take greater notice of the relationship of politics and education, and to think of it in more realistic terms.

To be sure there were other reasons why so little research was conducted in this area, but they are of lesser significance. As an example, Marden believed that:

. . . either the politics of the public schools have been taken so much for granted that they have been ignored as a topic of serious study, or else the forbidding immensity of the research has induced potential explorers to steer away after they glimpse the Sargasso Sea of Difficulties.⁷

Certainly the move in recent years to more interdisciplinary studies also helped to encourage research in this field. Goldhammer noted that, "Political scientists...

⁷ Robert H. Marden, "The Politics of Education," Educational Administration Quarterly (Spring, 1965), p. 55.

suddenly discovered education, while specialists in education . . . discovered political science."⁸

The literature which has been written on the general subject of politics and higher education presents only a fragmentary picture of this complex relationship at best. More specifically, ". . . the relationships between the legislatures and individual institutions have only been alluded to in the past," in the words of Gove.⁹

For the purpose of this study the literature which was chosen for review in this chapter is reported under four divisions:

1. Institutional autonomy and state coordination.
2. Legal relations between higher education and the state.
3. The influence of educators on political decisions.
4. Political influence on higher education.

⁸Keith Goldhammer, "The Politics of Education," Educational Administration Quarterly (Spring, 1965), p. 63.

⁹Samuel K. Gove and Barbara Whiteside Solomon, "The Politics of Higher Education: A Bibliographic Essay," The Journal of Higher Education (The Ohio State University Press, Vol. XXXIX, No. 4, April, 1968), p. 195.

This order of presentation begins with the more distantly related studies and ends with those more relevant to this study.

Institutional autonomy
and state coordination

Studies concerning institutional autonomy are often linked with those on state-wide planning and coordination. It is within this context that questions regarding political influence on higher education are sometimes discussed.

M. M. Chambers has probably written more books on these two subjects than any other person.¹⁰ He is a strong advocate of voluntary coordination (where universities agree among themselves to cooperate and coordinate their activities, as in the State of Michigan) as opposed to coordination which is imposed upon the colleges and universities by some central supervisory board (New York) or coordinating agency (Illinois).

¹⁰ See for example, The Campus and the People (Danville, Illinois: The Interstate Printers and Publishers, Inc., 1960); Voluntary Statewide Coordination in Public Higher Education (Ann Arbor, Michigan: The University of Michigan, 1961); Chance and Choice in Higher Education (Danville, Illinois: The Interstate Printers and Publishers, Inc., 1962); and Freedom and Repression in Higher Education (Bloomington, Indiana: Bloomcraft Press, 1965).

Glenny, who is also considered an authority in this field, pointed out that:

Diversity continues to be cherished and encouraged by all, but today the unlimited freedom of a college or university to pursue a self-determined destiny is rapidly being curtailed among the public institutions and even has prospects of diminishing among the nonpublic ones . . . The classic condition of autonomy in higher education still prevails in only ten states. In all others, some rather formal structure, legal or voluntary, advises, persuades, or orders public, and occasionally nonpublic, institutions into a degree of coordination formerly thought to be impossible and undesirable.¹¹

Chambers strongly objected to any formal approach to coordination because of the restraining effect it has on institutional initiative and innovation. In very graphic words he wrote:

In the developing world of science and learning, should a university move with the vision, alertness, speed and grace of a hawk, or should it be like a wing-clipped domestic fowl in a henyard enclosed with chicken-wire?

Higher education at every level from the junior college to the graduate school, but especially at the topmost reaches, needs the freedom, spirit, curiosity and eagerness for action of the wild horse on the desert -- not the tired resignation of the

¹¹ Lyman A. Glenny, "State Systems and Plans for Higher Education," Emerging Patterns in American Higher Education, ed. by Logan Wilson (Washington, D.C.: American Council on Education, 1965), pp. 86 and 87.

the plodding draft-horse, harnessed, check-reined and blindered.¹²

Conant, on the other hand, deplored the general lack of master planning and coordination among the states. He blamed the selfish interests of, and uncontrolled competition among colleges and universities for this problem. He drew attention to the effect this lack of planning and coordination has had upon the attitude of state legislators by citing the following comment made by a Texas legislator: "You've got to understand that every institution is out for itself, and when this happens education is a pork barrel."¹³

Both Chambers and Conant supported their respective positions with illustrations from actual experiences. Gove and Solomon provided an accurate assessment of their work in suggesting that:

Each man has taken the stories that best fit his point of view and woven them into a presentation that supports his preference in coordinating arrangements. No doubt what the authors say about individual decisions is probably correct but it is only a section of the total picture and therefore easily

¹² M. M. Chambers, Voluntary Statewide Coordination in Public Higher Education (Ann Arbor, Michigan: The University of Michigan, 1961), pp. 67 and 68.

¹³ James B. Conant, Shaping Educational Policy (New York: McGraw-Hill Book Company, Inc., 1964), p. 56.

distorted. Abuses of freedom by universities exist, but taken out of context they do not present a study of the relationships between public higher education and state government.¹⁴

Reference has already been made to Lyman Glenny as a recognized authority in this field of study. Glenny has contributed to a number of books edited by others since writing his own on the subject back in 1959. In Autonomy of Public Colleges¹⁵ Glenny analyzed the strengths and weaknesses of the coordinating systems which operated in twelve selected states. He made no effort to conceal his own preference for a more formal approach to coordination (actually he was responsible for setting up the system which now operates in the State of Illinois while he served as Executive Director of the Illinois Board of Higher Education).

Glenny made an interesting observation on the longevity of the voluntary system of coordination which is of special interest to this study because it so nearly describes the system currently in operation, together with recent developments in Michigan (maybe it is prophetic?).

¹⁴Gove and Solomon, op. cit., p. 186.

¹⁵Lyman A. Glenny, Autonomy of Public Colleges (New York: McGraw-Hill Book Company, Inc., 1959).

Voluntary coordination among state-supported institutions has succeeded only for short periods of time because the leading state university could be magnanimous without threat to its dominant position. However, once weak colleges gain in strength, they ungratefully descend upon their benevolent big brother, thus ending voluntary coordination. This creates conditions necessitating formal coordination and regulation.¹⁶

Glenny failed to consider the political environment in which the various systems of coordination operated in his own book; but took account of it in some of his more recent articles. He conceived of the entire coordinating process as a political one--that of "balancing tensions." Moreover, he believed that some formal approach to coordination provides the greatest potential for positive political influence. Consider:

The increase in political influence of the coordinating board results directly from the support of the governor, legislators, and college administrators, the great majority of whom work for the broad public interest. Hence, the forces which could destroy the coordinating agency by direct and indirect attack actually have given it the support and confidence necessary for success.¹⁷

(One wonders if this may be the reaction of the administration and/or legislature which created the coordinating body

¹⁶ Lyman A. Glenny, "Politics and Current Patterns in Coordinating Higher Education," Campus and Capitol: Higher Education and the State, ed. by W. John Minter (Boulder, Colorado: Western Interstate Commission for Higher Education, 1966), p. 38.

¹⁷ Ibid., p. 31.

in an effort to make it work, or whether this holds true throughout the life of this body).

Logan Wilson put together an interesting collection of articles on this general subject from papers which were originally prepared for the American Council on Education's 1964 annual meeting. As the title suggests, Wilson attempted to trace the Emerging Patterns in American Higher Education¹⁸ in administration and organization.

This is a well balanced presentation. He effectively illustrated the ongoing struggle to reconcile the necessity for institutional autonomy with new demands for wider institutional cooperation and coordination. He pointed out in his own chapter on "Myths and Realities of Institutional Independence" that we presently:

. . . have no universally accepted norms of institutional autonomy, and hence lack precise guidelines to differentiate between proper and improper constraints. . . (Moreover). . . there is a gray area ranging from accepted constraints to those of a marginal and questionable nature. The erosion of autonomy thus can come from friendly as well as hostile sources and can be unintended as well as calculated.¹⁹

¹⁸ Logan Wilson, ed., Emerging Patterns in American Higher Education (Washington, D.C.: American Council on Education, 1965).

¹⁹ Ibid., pp. 22 and 25.

Finally, John Gardner, also a contributing author to Wilson's book, suggested that "The issue of university autonomy will never be finally solved." He recommended, therefore, that "the universities . . . become exceedingly knowing in the art of preserving their own autonomy."²⁰

The articles reviewed in this division add only limited insight into the relationship between politics and institutional autonomy. They do, however, demonstrate the concern by educators over any threat to autonomy, whether it be by some system of state-wide coordination or otherwise.

Most writers would agree with Chambers that "It is of the essence of a university that it shall not be controlled too largely by political authority."²¹ Where they would differ, of course, is in their respective definitions of the term, "too largely."

The literature reviewed in the next division focuses on the legal aspects of the relationships between colleges and universities and state governments.

²⁰ John W. Gardner, "Government and the Universities," Ibid., p. 292.

²¹ M. M. Chambers, Voluntary Statewide Coordination, p. X.

Legal relations between higher education and the state

A review of the literature on higher education and politics is not complete without some mention of the research by Chambers and Thomas E. Blackwell on the law and higher education. Their books contain a wealth of information important as background and reference material for this study.

M. M. Chambers began writing what might be described as a layman's digest of principal court decisions affecting higher education on both the state and federal levels back in 1936. He updated this digest from time to time where it now numbers six volumes and covers nearly twenty-five hundred decisions.

The Colleges and the Courts,²² as the series is known, are familiar reference books found on almost every

²²M. M. Chambers, The Colleges and the Courts, 1962-1966 (Danville, Illinois: The Interstate Printers & Publishers, Inc., 1967); The Colleges and the Courts Since 1950 (Danville, Ill.: The Interstate Printers & Publishers, Inc., 1964); The Colleges and the Courts, 1946-1950 (New York: Columbia University Press, 1952); The Colleges and the Courts, 1941-1945 (New York: The Carnegie Foundation for the Advancement of Teaching, 1946); The Colleges and the Courts, 1936-40 (New York: The Carnegie Foundation for the Advancement of Teaching, 1941); and Edward C. Elliott and M. M. Chambers, The Colleges and the Courts (New York: The Carnegie Foundation for the Advancement of Teaching, 1936).

university administrator's bookshelf. They were written in non-technical language, yet retain the respect of the legal profession for accuracy and reliability. The official records of the supreme courts in at least two states (Minnesota and Michigan) contain citations from this series.

A companion book, College Law: A Guide for Administrators²³ by Blackwell, was also written with the practitioner in mind. As a former university administrator himself, Blackwell recognized the need for some kind of handbook or ready-reference to which the busy administrator might turn with problems having possible legal consequences.

Blackwell and Chambers discuss many of the same topics but approach them differently. Chambers developed his presentations around the court decisions which were rendered within certain time periods, while Blackwell wrote his book by first selecting the areas in which he expected university administrators to experience legal problems and then supported his discussion of them with illustrative court opinions and citations. These volumes complement each other very well when used together.

²³Thomas Edward Blackwell, College Law: A Guide for Administrators (Washington, D.C.: American Council on Education, 1961).

In both instances there were certain chapters which were more relevant than others to this study. Chambers' discussion of the legal status of public colleges and universities, the role of the legislature in matters of control, and the legal definition and characteristics of public corporations was most helpful and germane. Blackwell's more extensive discussion of legislative and executive interferences into the internal affairs of universities and his detailed explanation of constitutionally independent corporations were equally instructive.

Blackwell also wrote an earlier book in which he traced the Current Legal Problems of Colleges and Universities.²⁴ Much of what he had written in that book was later transferred to his book on College Law.

George M. Johnson, former dean of Howard's Law School and until recently professor of education at Michigan State University, published a book simply entitled Education Law.²⁵ Johnson referenced over three hundred federal and state court decisions in the process of

²⁴ Thomas Edward Blackwell, Current Legal Problems of Colleges and Universities, 1950-1951 (St. Louis: Washington University, 1953).

²⁵ George M. Johnson, Education Law (East Lansing, Michigan: Michigan State University, 1967).

examining the laws which regulate education on all levels in the United States.

Writing in the style of a college professor, Johnson explained how and where to find laws related to education, and provided a glossary of legal terms which is invaluable for the layman in understanding basic legal jargon. Johnson's motive for writing was made exceedingly clear in this statement:

Educators need a sufficient understanding of the legal principles underlying education law to appreciate the consequences of educational decisions and . . . to determine whether such laws promote or retard the development of sound educational policies and practices.²⁶

Because Johnson's purpose in writing was to give every educator an awareness and understanding of education law his coverage of material was very broad but brief. His discussion of constitutionally independent institutions, for an example, was covered in only a few sentences.

The literature reviewed in this division obviously served a very useful purpose as reference material for this study. A number of court decisions have been rendered which focus directly on the relationship of state legislatures and the autonomy of public colleges and universities.

²⁶ Ibid., p. 5.

These decisions are included and discussed in both Chambers' and Blackwell's books. Specific mention of them in this chapter was omitted because they are cited in chapter one, and contribute to the analysis of the results of this study in chapter four.

Another facet in the study of relationships between politics and education is the influence that educators have on the legislative process. A few studies have been conducted in recent years which have as their partial concern, at least, this issue. These studies are reviewed in the following division.

The influence of educators on political decisions

Legislators do not pass laws in a vacuum. In addition to the constituents whom they strive to serve, legislators are often "pressured" by special interest groups to introduce, or to support legislation important to their respective causes. This is known as lobbying.

Educators have not been known for their professional lobbying efforts (that is not to say they haven't lobbied). On the one hand, education has generally been highly valued in America and has not had to be "sold" to the public.

Masters found that virtually no one openly opposed public education and that no formal anti-school lobby existed.²⁷

On the other hand, legislators greatly depend on information from all sources to assist them in making decisions which are proper and politically sound.²⁸ Educators are not immune to providing information which most favorably supports their particular needs. The influence that educators have at these particular moments and on other occasions in the legislative process is the focus of the studies reviewed in this division.

Ferguson attempted to learn where legislators get their information about education in his study, How State Legislators View the Problem of School Needs.²⁹ He interviewed legislators in California, New Jersey, Ohio, and Tennessee during their 1957 legislative sessions. One of the questions he asked in his structured interview was, "On this particular subject of school needs, where do you get your most reliable information--what source of advice and information would you trust the most?"

²⁷ Nicholas A. Masters, et al., State Politics and the Public Schools (New York: Alfred A. Knopf, 1964), p. 266.

²⁸ See chapters XI and XII of David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1951).

²⁹ Ferguson, op. cit.

He found that the sources most frequently mentioned were the state and local school officials and educational associations (his question covered all levels of education). More interestingly, however, was the conclusion he reached after analyzing his data. He concluded "that legislators who relied on local officials for advice were less likely to be favorable in attitude (to school needs) than those who said that they got their most reliable information from state school officials or the education associations."³⁰

Schoolmen were among the several political pressure groups which were studied in depth by DeVries and Milbrath in their respective studies of lobbyists. Neither made any particular reference to, or analysis of the lobbyists from the field of higher education, however.

DeVries, in The Michigan Lobbyist: A Study in the Bases and Perceptions of Effectiveness,³¹ focused his attention on the lobbyist as an individual agent of the group's interest. He found that lobbyists with certain

³⁰Ferguson, op. cit., p. 20.

³¹Walter Dale DeVries, The Michigan Lobbyist: A Study in the Bases and Perceptions of Effectiveness, Unpublished Ph.D. dissertation, Michigan State University, East Lansing, Michigan, 1960.

"socio-political" characteristics were more successful than others; and "that lobbyists who play defensive roles (defender-advocates) tended to be more effective than those required to play a role which calls for active promotion and strategical guidance of a bill through the legislature (promoter-strategists)."³²

Almost at the same time that DeVries was studying lobbyists in Michigan, Milbrath studied The Washington Lobbyists.³³ He designed a communications model to evaluate the influence of lobbying on the policy-making processes in the U.S. Congress. He found that the most effective method of communications was personal contact.

Influenced by Milbrath's theoretical approach to the subject, Zeigler decided to examine the communications between state legislators and lobbyists by applying an interaction theory (basically developed by social psychologists). He found that "interaction and interpersonal

³² Ibid., p. abstract.

³³ Lester W. Milbrath, The Washington Lobbyists (Chicago: Rank McNally & Company, 1963).

attraction are related," as he reported in How Legislators and Lobbyists Interact.³⁴

Another book, published in late 1967, in which the author attempted to chart the entire domain of politics and public education while concentrating on the political influence that educators have upon state legislatures, is Politics in Education by Laurence Iannaccone.³⁵ Iannaccone boldly introduced his book by asserting:

A most fundamental assumption underlying this monograph is that politics have not been and will not be kept out of education. A related concern involves the shibboleth, "keep politics out of education." This entails two potential dangers: (1) an implicit rejection of the mainstream of the American political system itself, and (2) a loss of touch with reality--a self-seduction which is the most dangerous form of fascination.³⁶

Based upon the descriptive studies of Bailey et al., Schoolmen and Politics,³⁷ Masters et al., State Politics

³⁴ Harmon Zeigler, How Legislators and Lobbyists Interact. At the time of this writing it is an unpublished monogram to be published soon along with (or as a part of) The Effects of Lobbying: A Comparative Assessment (Eugene, Oregon: The University of Oregon, 1967).

³⁵ Iannaccone, op. cit.

³⁶ Ibid.

³⁷ Bailey, op. cit.

and the Public Schools,³⁸ and Usdan, The Political Power of Education in New York State³⁹ (which described the typical arrangements and customary patterns of influence used by educators and their allies to influence the course of educational legislation in eleven different states), Iannaccone set out to establish a theoretical model by which political acts could be examined and categorized, and from which probable modes and directions of change in state education politics could roughly be predicted. Essentially, Iannaccone's work is an application of political systems analysis to educational government.

A most interesting and informative book was just published (1970) by Michael W. Kirst entitled, The Politics of Education at the Local, State and Federal Levels.⁴⁰ Kirst put together a wide collection of empirical studies on politics and education (all levels) in an effort to determine "who has political influence and how this

³⁸Masters et al., op. cit.

³⁹Michael Usdan, The Political Power of Education in New York State (New York: Institute of Administrative Research, Teachers College, Columbia University, 1963).

⁴⁰Michael W. Kirst, ed., The Politics of Education at the Local, State and Federal Levels (Berkeley, California: McCutchan Publishing Corporation, 1970).

influence is aggregated to reach policy objectives."⁴¹ Many of the studies already reviewed in this division are included in Kirst's book.

Because of the comprehensive coverage of this book, and because Kirst provided a conceptual framework for analyzing the research in this and other volumes, The Politics of Education would make an extremely useful textbook. It also serves as a helpful tool for the researcher.

The studies briefly reviewed above demonstrate a growing interest in, and awareness of political influence as employed by educators. It is obvious, however, that the majority of these studies were conducted on the elementary and secondary levels. Others concentrated on education interest groups, professional organizations and associations, and on the variety of alliances and coalitions formed by these groups to strengthen their political influence.

The studies which focus mainly on higher education among the literature on politics and education are those reviewed in the following division.

⁴¹Ibid., p. v.

Political influence
on higher education

The literature reviewed under this division provides a more equitable base from which to make comparisons and applications to this study. While the research reviewed in earlier divisions provided some insight into the various facets of political and educational relationships, these studies explore political behavior in higher education policy-making, which is the particular interest of this investigation.

Governmental influences on educational policy-making exist at every level of government and of education. Patterns of potential interaction are exceedingly complex as Bailey and Mosher⁴² attempted to demonstrate with the simplified grid on the following page.

They concluded that education policy "increasingly is bound to reflect the extended interaction of all levels and types of government and of a wide variety of private and professional forces."

⁴²Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (Syracuse, N.Y.: Syracuse University Press, 1968), p. 222.

INFLUENCES ON EDUCATIONAL POLICY-MAKING
IN THE UNITED STATES

	National	State	Local
	(1)	(2)	(3)
General Legislative	Congress	State Legislature	Common Council
	(4)	(5)	(6)
Educational Legislative	President	State School Board	Local School Board
	(7)	(8)	(9)
Executive	President	Governor	Mayor
	(10)	(11)	(12)
Administrative	HEW-USOE	State Dept. of Education	School Superintendent
	(13)	(14)	(15)
Judicial	Supreme Court	State Supreme Court	Federal/State District Court
	(16)	(17)	(18)
Professional Interests	NEA	St. Teachers' Association	Local PTA
	(19)	(20)	(21)
Other Private Interests	U.S. Catholic Conference	State Chamber of Commerce	John Birch Society Chapter

A case study conducted by Banfield depicting the political experiences surrounding the selection of a Chicago site for a branch campus of the University of Illinois confirmed Bailey and Mosher's conclusion.

Banfield's book, Political Influence,⁴³ contains a vivid description (especially chapter six) of the complex, behind-the-scenes political jockeying that went into this decision.

What from the outside would appear to be a relatively simple decision to be made by the administration and governing board ended up involving the outspoken mayor of Chicago (Richard J. Daley), numerous legislators with varying degrees of political power, the Chicago Forest Preserve District, and several suburban governments and interest groups. Before it was over several political favors were traded which not only affected the University of Illinois for some time to come but the aspiring University of Southern Illinois as well.

Halperin's A University in the Web of Politics⁴⁴ is another case study of the relationship between the state and a single university. Halperin traced the events which led to the establishment of Wayne State University as a state-supported institution.

⁴³Edward C. Banfield, Political Influence (New York: Free Press of Glencoe, 1961).

⁴⁴Samuel Halperin, A University in the Web of Politics (New York: Holt, Rinehart and Winston, 1960).

Probably better documented than Banfield's study, Halperin detailed the influence that partisan politics (involving the governor and the legislators, as well as the other two major universities in Michigan--Michigan State University and the University of Michigan) played in the final decision to make Wayne State a constitutionally autonomous university governed by its own Board of Governors.

The actual period of time covered by the study involved only four months--from January 5, 1959 when the then university president, Clarence B. Hilberry, proposed before the interim Board of Governors that Wayne State University and the University of Michigan be combined as independent but coordinated institutions controlled by the University of Michigan's governing board, to April 6, 1959 when the citizens of Michigan voted to grant Wayne constitutional status and elected the members of its first official Board of Governors. In this short period of time the officials of the University learned several practical lessons about the influence of politics on policy decisions which probably won't be forgotten soon, e.g., that even well-conceived and thoroughly rational decisions sometimes must be compromised to win legislative support.

Two companion volumes, The Efficiency of Freedom⁴⁵ and The Campus and the State,⁴⁶ are probably the best known and most impressive studies ever done on the subject of political influence on higher education. The first is a succinct report with recommendations by the Committee on Government and Higher Education, a distinguished group of educators and statesmen headed by Dr. Milton S. Eisenhower.

The Committee was organized under the auspices of the Fund for the Advancement of Education for the stated purpose of studying "the changing relationship between state governments and institutions of higher education."

Created out of a concern that the state legislative and executive bodies were excessively "meddling" in areas traditionally reserved to the universities, the Committee proposed:

- (1) To define the relationships that should properly exist between public officials and state institutions of higher education.
- (2) To identify the principal areas in which state control over higher education has appeared to exceed proper limits and thus to lead to unwarranted political or bureaucratic intrusion into educational policy

⁴⁵The Committee on Government and Higher Education, The Efficiency of Freedom (Baltimore: The John Hopkins Press, 1959).

⁴⁶Malcolm Moos and Francis E. Rourke, The Campus and the State (Baltimore: The John Hopkins Press, 1959).

or effective educational administration. (3) To suggest remedial lines of action.⁴⁷

To aid the Committee in its work, a small staff was organized, headed by two political science professors, Malcolm Moos and Francis Rourke, to gather information and to prepare reports for the Committee. The Campus and the State represents the staff's final report. It contains documented evidence of the abuses suffered by state universities, which served as the basis for the Committee's recommendations for improving relations between state government and state colleges and universities in The Efficiency of Freedom.

While the study as reported by Moos and Rourke most nearly resembles this study in a number of respects, there remains one major difference--purpose. Moos and Rourke made it perfectly clear from the beginning that "the central concern of this volume is . . . with the impact of state administrative controls upon the management of state colleges and universities."⁴⁸ The central concern of this study, of course, is the impact of the state legislature on the educational policies of the state colleges and universities.

⁴⁷The Efficiency of Freedom, pp. v-vi.

⁴⁸Moos and Rourke, op. cit., p. v.

Moos and Rourke included one chapter on some of the legislative "encroachments" on higher education, but devoted most of their time to state administrative and fiscal controls, i.e., central purchasing, preauditing, travel, publications, personnel, and capital expenditures. In their words, ". . . it is the executive rather than legislative officials who are today regarded as representing the chief threat to the independence of institutions of higher education."⁴⁹

Moos and Rourke blamed the growing trend toward administrative centralization in state government for introducing greater stress into relations between public colleges and universities and state governments. This factor lead the Committee to recommend that all state supported colleges and universities should be granted constitutional status.

Another difference worth noting between the study by Moos and Rourke and this study is the research methodology. Moos and Rourke, after intensively reviewing all available published information on the subject, chose to query state and college officials (via questionnaires and

⁴⁹ Ibid., pp. 27 and 28.

personal interviews) about their impressions, and more particularly their grievances with the relationship between them. The Campus and the State is a report of their findings. This study is designed to base its findings on actual fact as it is officially recorded in the Public Acts of Michigan.

One reason for the decision not to follow Moos and Rourke's method of gathering information was their own evaluation of it. After analyzing the responses they received from their personal interviews they concluded that these responses could be placed in one of three categories:

First, most state and educational officials spoke freely but not intimately (emphasis supplied), and demonstrated an obvious desire to present a complete picture of campus-state relations . . .

A second group of respondents used the interview as an opportunity to "tell all" about their problems. . .

Finally, there were those who obviously had much to say but declined to provide information because of their fear that its publication, even without identifying the source, would do violence to the status of the official or the cause he served.⁵⁰

Gould's warning ". . . that full and unreserved public discussion of relations between a university and state government could have the effect of straining and weakening the very elements such a discussion is intended

⁵⁰Ibid., pp. 375 and 376.

to strengthen,"⁵¹ was another reason why this study was kept as impersonal as possible, so as to offend the least number of people. (The problem is even more sensitive for a student of one state university and the employee of another to identify areas of conflict in this relationship).

Gould's comment comes from a book recently published by the Western Interstate Commission for Higher Education (WICHE) entitled, Campus and Capitol: Higher Education and the State.⁵² This is a delightful collection of articles edited by W. John Minter from a variety of papers which were originally presented at an institute co-sponsored by WICHE and the University of California at Berkeley in the Fall of 1966. The institute was planned around the question, "What are the most important dimensions of the growing interdependence between government and higher education."

The roster of contributors to this fine book is quite impressive, including such authorities in the field

⁵¹ Samuel B. Gould, "The University and State Government: Fears and Realities," Campus and Capitol: Higher Education and the State, ed. by W. John Minter (Boulder, Colorado: Western Interstate Commission for Higher Education, 1966, p. 3.

⁵² W. John Minter, op. cit.

of higher education as Samuel B. Gould, Lyman A. Glenny, John F. Morse, Fred Harvey Harrington, T. R. McConnell, and others. Their individual contributions are equally as impressive, and proved to be quite provocative for this study. Pertinent quotations from this collection appear throughout this study.

Of even greater value to this study, however, was the comprehensive annotated bibliography found at the end of the book. The result of an extensive search of the literature by Minter, these bibliographies provide a handy reference to the most important publications on each subject discussed.

Another book just published (1970), contains a report on the opinions, attitudes, and expectations of state legislators and certain executive officials toward higher education. State Officials and Higher Education⁵³ is the result of one of several studies recently commissioned by the Carnegie Commission on Higher Education, under the direction of Clark Kerr, in an attempt to develop a better understanding of the complex relations between government and higher education on all levels.

⁵³ Heinz Eulau and Harold Quinley, State Officials and Higher Education (New York: McGraw-Hill Book Company, 1970).

Eulau and Quinley interviewed key legislators and executive officers from nine different states on as divergent topics as student unrest on campus to state support for private colleges and universities. Based on these interviews cautious generalizations were made about the current views of legislators and state officials on higher education. For instance, on the question of the proper role of the legislature in controlling higher education, Eulau and Quinley found that:

Most legislators maintained that they should restrict their decision making to appropriations, and perhaps very general policy guidelines--such as stipulating that admissions policies should not discriminate among racial groups.⁵⁴

One wonders after closing Eulau and Quinley's book whether the legislator's voting habits coincide with their generally favorable attitude toward higher education. More particularly, whether the legislator's reported attitude toward legislative control over higher education coincides with their voting records. Perhaps this study, which is designed to examine the actual voting records of the Michigan legislators, could serve as a basis for comparison.

⁵⁴ Ibid., p. 52.

In conclusion, these few studies represent the published research on the subject of state legislative influence on higher education. Collectively, they most nearly resemble the interests and concerns of this study. Their central theses revolve around the belief that "American state legislators are strategic decision makers in policies affecting higher education,"⁵⁵ as Eulau and Quinley put it. Each study in its own way has documented how this process works.

There were other studies which might also have been reviewed in this chapter because they touch upon different aspects of politics and education as a part of their broader concerns. Among them were various histories of higher education, textbooks on state government, state master plans for higher education, and books on higher education administration. However, to have included these studies would have added little to this study and may only have resulted in a much more fragmentary picture of the literature on this subject than already exists.

In addition to Minter's annotated bibliography, mentioned above, Gove and Solomon prepared a very good review of the literature on "The Politics of Education" for

⁵⁵Ibid., p. vii.

The Journal of Higher Education⁵⁶ in April, 1968, to which the reader may wish to refer for added information.

Summary

A review of the literature on the relations of politics and higher education produced only a few, and often only distantly related studies. As Gove and Solomon observed, "Interest in the politics of education at any level is quite recent."⁵⁷ To illustrate, no studies reviewed in this chapter, outside of the series of books on The Colleges and the Courts by Chambers, were published before 1959.

Interest in this field of study during the sixties was primarily stimulated by the research conducted by Moos and Rourke in the late fifties, and published under the title, The Campus and the State, in 1959. New interest in this area, which should result in a significantly larger volume of publications during the seventies, is evidenced by the series of recently sponsored studies by the Carnegie Commission on Higher Education, headed by Clark Kerr, and by the foundation-supported (Carnegie Corporation of New

⁵⁶ Gove and Solomon, op. cit.

⁵⁷ Ibid., p. 182.

York and the Ford Foundation) studies on the "politics of education" by Douglass Cater, former special assistant on education to President Johnson.⁵⁸

For convenience of presentation the studies reviewed in this chapter were placed in one of four categories, beginning with those more distantly related to the focus of this study and concluding with those which were more germane.

Firstly, a number of studies were reviewed whose primary interest was in the area of institutional autonomy and/or state-wide planning and coordination. Among them were several of M. M. Chambers' books which advocated voluntary coordination among state colleges and universities, Conant's book on Shaping Educational Policy, and Glenny's and Logan Wilson's books which discussed the effects of state systems of coordination on institutional autonomy. Occasional references were made in these studies to the interrelations between politics and the various systems of coordination and institutional autonomy. However, these references, for the most part, were incidental to their main themes.

⁵⁸ Announced in the Chronicle of Higher Education, January 13, 1969, Vol. 3, No. 7.

Several books authored by Chambers, Blackwell, and Johnson, on education and the laws, comprised the second category of studies reviewed in this chapter. Chambers and Blackwell discussed the applicability of various laws to higher education together with the legal consequences of certain administrative acts, whereas Johnson concentrated on the educational laws which have been enacted effecting all levels of education. These books were of particular value to this study as legal reference sources.

Under the third category of studies the role of influence, as used by educators in political decisions, was the focal subject of research. By interviewing legislators from several states Ferguson determined that state legislators rely primarily on state and local school officials and certain educational associations for their most trusted information about education.

DeVries and Milbrath studied lobbyists--one in Michigan and the other in Washington, D.C. They found that lobbyists with certain "socio-political" characteristics who personally contacted individual legislators were more successful than others.

Zeigler found that interpersonal attraction between state legislators and lobbyists had a positive correlation with successful interactions.

On the basis of the descriptive studies on the educational politics found in eleven different states, as reported by Bailey, Masters and Usdan, Iannaccone developed a theoretical model by which to predict future modes and possible changes in state educational politics. Kirst put together a collection of empirical studies, in textbook fashion, and provided a conceptual framework by which to analyze these and other studies. Collectively, these studies demonstrated that educators could, and do have a profound influence on educational decisions which are made by politicians.

In the final category, five studies were reviewed which directly relate to the subject of this study, on the influence of politics on higher education. Banfield and Halperin each conducted case studies which vividly depicted the complexities and consequences of political influence on major decisions in the lives of two state universities (The University of Illinois and Wayne State University).

Moos and Rourke directed the most popular and best documented study concerning the encroachments of state

governments on public colleges and universities. Based on their findings, the Committee on Government and Higher Education recommended that all institutions of higher education be granted constitutionally protected autonomy (this recommendation has profound implications for the significance of this study).

Minter put together an unusually fine collection of articles by distinguished educators about the growing interdependence between government and higher education. Eulau and Quinley found, after interviewing several key officials from nine states, that most state legislators and executive officers hold generally favorable opinions about higher education. Essentially, the studies reviewed in this final category had the greatest influence on the formation of the problem and research methodology for this study.

In conclusion, it is obvious from these studies that there are many facets to the interplay between state politics and higher education. Recent studies are beginning to examine this interplay as a primary research objective rather than as an incidental consideration as it was in the past.

The previous research on politics and higher education, and even more specifically, on the influence of state

politics on the educational policies of public colleges and universities is still extremely limited. In the meantime, the challenge offered by Herman James nearly a half century ago persists:

A most enlightening investigation of the part played by politics . . . in the history of our state institutions could be made with great profit, if only the facts could be made available.⁵⁹

Perhaps this study will help make a small contribution to that end.

⁵⁹ Herman G. James, "The American State University: A Problem in Political Science," Edmund J. James Lectures on Government (Urbana, Illinois: University of Illinois, 1938), p. 16.

CHAPTER III

DESIGN

The methodology and procedures used to conduct this study are described in this chapter.

This study was conducted as a historical inquiry into the question of legislative influence on the educational policies of the constitutionally incorporated colleges and universities of Michigan. Several factors were taken into consideration when the decision was made to conduct a historical study:

1. The experiences of previous studies, as reported in chapter two;
2. The need to be comprehensive if an accurate assessment of legislative influence was to be obtained;
3. The need to be as objective as possible so as to minimize prevailing attitudes and biases toward the subject; and
4. A personal desire to avoid unduly upsetting

relations between the colleges and universities and the legislature over this study.

These concerns, together with the fact that no such study was ever before attempted supported the decision to conduct a historical review of the subject.

The object of this historical overview was to trace the influence of the Michigan legislature upon the policies of the constitutionally incorporated four-year state supported colleges and universities through the public acts it enacted.

It was fully recognized that the legislature had other means to influence educational policies through the legislative process--e.g., through the passage of resolutions--however this study was delimited to an analysis of public acts.

All public acts of the Michigan legislatures over the past 120 years (1851-1970) were reviewed to determine which had direct reference to any one or to all of these schools. Upon identification, these acts were placed in chronological order (Appendix A), cross-indexed according to each institution to which they applied (Appendix B), and classified by subject matter (Appendix C).

In the process of identifying these public acts it was necessary to rely on the indexing systems of the official records of each legislative session, as usually compiled by the Secretary of State.¹ Each record was thoroughly examined for all possible heading variations under which each college or university might have been recorded, e.g., the index headings examined for Michigan State University alone included: Michigan Agriculture College, Michigan State College, State Board of Agriculture, Board of Trustees, appropriations for . . . (each of the above titles), cooperative agriculture extension, as well as the general headings of colleges and universities and education. Even then a number of errors were discovered in the process of research.

The Michigan Manual² was used as a guide to insure complete coverage of all legislative sessions.

After every act relevant to this study was identified, cross-indexed, and categorized, an effort was made to

¹The source of information was the annually and biennially published Public and Local Acts of the Legislature of the State of Michigan, compiled by the Secretary of State and more recently by the Legislative Service Bureau.

²The State of Michigan, Michigan Manual, 1967-1968.

determine which of these public acts was contested in the courts due to an alleged infringement on the powers, duties, or authorities of the constitutionally incorporated colleges and universities. This information was considered helpful in determining legislative influences.

Again comprehensiveness was a concern because not all cases were recorded under the specific names of the colleges and universities or their respective governing boards. Therefore seven different legal references were searched for litigation decisions by the Michigan Supreme Court, including: Shepard's Michigan Citations,³ three different volumes of the Michigan Digest,⁴ two volumes of Michigan Statutes Annotated,⁵ and Michigan Compiled Laws.⁶

³ Shepard's Michigan Citations, Statute Edition (Colorado Springs, Colo.: Shepard's Citations, Inc., 1961 and 1969 pocket update).

⁴ Colleges and Universities, Vol. 4, Part 1; Tables of Cases, Vols. 15 and 15A; and Defendant-Plaintiff Table, Vol. 16; Michigan Digest, 1836 to date (St. Paul, Minn.: West Publishing Co., 1947 and 1969 pocket update).

⁵ Constitutions, Vol. 1; and Education, Vol. 11; Michigan Statutes Annotated (Chicago: Callaghan and Col., 1936 and 1969 pocket update).

⁶ Michigan Compiled Laws (St. Paul, Minnesota: West Publishing Co., 1968), Vol. 2.

Pertinent decisions were also reviewed in the Michigan Reports⁷ and the annual or biennial Report of the Attorney General.⁸

Intensive analyses of all public acts which were identified to be relevant to this study followed. Findings are reported in the next chapter, and the cumulative impact, trends, and implications are discussed in the final chapter.

Summary

The nature and intent of this study supported the need for a historical inquiry.

All public acts of the Michigan legislatures from 1851 through 1970 were examined to determine which of them had direct reference to any one or to all constitutionally incorporated colleges and universities.

To assist in determining the kinds of influence this legislation had upon these colleges and universities legal references were searched for decisions by the

⁷Michigan Reports (Rochester, N.Y.: Lawyer's Cooperative Pub. Co.), 1851-1968.

⁸The State of Michigan, Report of the Attorney General, 1851-1968.

Michigan Supreme Court relative to any constitutional infringements.

Findings are reported in the next chapter.

CHAPTER IV

ANALYSIS OF RESULTS

In this chapter are presented the results of the analyses of all public acts enacted by the Michigan legislatures from 1851 through 1970 which have direct reference to any one or to all constitutionally incorporated state colleges and universities of Michigan.

The results are reported according to the same format by which these public acts were categorized for subject analysis.¹ Prefaced by a brief description of the public acts which were examined for this study and a history of the state constitutional provisions concerning higher education during this period of years, the findings are reported according to the following outline:

1. Legislation on annual operating appropriations and general finance.
2. Legislation on capital outlay appropriations.

¹All public acts pertaining to each respective category can be found in Appendix C.

3. Legislation on the establishment and governance of the colleges and universities.
4. Legislation on the conveyance, sale or transfer of land/property.
5. Legislation on the establishment and operation of educational programs and curriculum.
6. Legislation on personnel matters.
7. Legislation on the operations of the University of Michigan hospitals.
8. Legislation on miscellaneous matters.

Description of the
public acts examined

Of the nearly twenty-one thousand public acts which were passed by some sixty different Michigan legislatures (16th through 75th) in 120 legislative sessions (regular and extra sessions) from 1851 through 1970, 328 public acts were found to have direct reference to one or more of the constitutionally incorporated colleges and universities.

Although the span of years covered by this study represents 120 years, the sixty legislatures actually met during only ninety-one of those years, because many of the earlier legislatures met on a biennial basis.

The 328 public acts which have direct reference to the constitutionally incorporated colleges and universities of Michigan are the subject of this chapter and the essence of this study. They were listed in chronological order, beginning with 1970 and working backward to 1851, in Appendix A. They also were cross-indexed in Appendix B according to the institution(s) to which they apply.

It is important to have clearly in mind just what was or was not included in this group of 328 public acts. All public acts which had direct reference to any one or to all constitutionally incorporated colleges and universities of Michigan from the point of their respective constitutional incorporation forward were selected for analyses. In other words, the University of Michigan was the sole topic of research from 1851 to 1908, at which time Michigan State University was constitutionally incorporated. Wayne State University joined the other two in 1959, and the remainder of Michigan's four-year state supported colleges and universities were granted constitutional status in 1963.

There were other public acts which had direct reference to some of these colleges and universities prior to the time they were constitutionally incorporated.

However, the thesis of this study was based upon the principle of constitutional autonomy as set forth in the state constitution through the legal method of incorporation. This method was employed as a constitutional device to insulate the colleges and universities from the influence of the legislature. Therefore, this study was delimited to include only those public acts which were enacted after each college and university was granted constitutional status.

Constitutional history of
the provisions relating
to higher education

This study began with the public acts of 1851 because Michigan first granted constitutional autonomy to the University of Michigan in the Constitution of 1850. As reported in chapter one, this was a landmark decision which has since been followed by only nine other states.²

The statement granting constitutional autonomy to the University of Michigan was very brief in Michigan's second state constitution, but its brevity did not detract

²See the section on "Background" in chapter one of this study for further detail.

from its clarity as far as the Michigan Supreme Court was concerned. It read as follows:

Sec. 7. The regents of the university and their successors in office shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan".³

Prefaced by instructions to the regents to elect a president at its first annual meeting, section 8 contained a definition of the duties of the newly constituted "body corporate":

Sec. 8. . . .The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund.⁴

It was the intention of the framers of this constitution that the University of Michigan be removed from the direct supervision and control of the legislature and be placed in the hands of the people through a board elected by them. The history and intent of these provisions was traced at length by the Michigan Supreme Court in Sterling v. Regents of the University of Michigan. The court observed:

Under the constitution of 1835, the legislature had the entire control and management of the University and the University fund. They could appoint regents and professors, and establish departments.

³Michigan, Constitution (1850), Article XIII,
Sec. 7.

⁴Ibid., Sec. 8.

The University was not a success under this supervision by the legislature, and, as some of the members of the constitutional convention of 1850 said in their debates, "some of the denominational colleges had more students than did the University." Such was the condition of affairs when that convention met. It is apparent to any reader of the debates in this convention in regard to the constitutional provision for the University that they had in mind the idea of permanency of location, to place it beyond mere political influence, and to entrust it to those who should be directly responsible and amenable to the people.⁵ (emphasis supplied)

Section 7 and the portion of section 8 of the constitution of 1850 quoted above, except for the final two words,⁶ were repeated verbatim in the constitution of 1908, and appeared as sections 4 and 5 under Article XI (see Appendix D). Two new sections were also added (sec. 7 and 8) to grant Michigan State University equal corporate status and supervisory powers with the University of Michigan.

A later court decision involving Michigan State University reaffirmed that the purpose of these constitutional provisions was to remove the colleges and

⁵ Sterling v. Regents of the University of Michigan, 110, Mich. 369 (1896).

⁶ "interest fund" was simply amended to read, "funds," which, in effect, made the board of regents powers of control over University of Michigan funds all inclusive.

universities from the influence of the legislature. In the words of the court:

The State board of agriculture stands on the same constitutional footing as the board of regents of the University. The progress which our University has made is due in large measure to the fact that the framers of the Constitution of 1850 wisely provided against legislative interference by placing its exclusive management in the hands of a constitutional board elected by the people. The underlying idea is that the best results would be attained by centering the responsibility in one body independent of the legislature and answerable only to the people. See Sterling v. Regents of University, 110 Mich. 382 (34 L.R.A. 150). For this reason the Constitution gave the regents the absolute management of the University, and the exclusive control of all funds received for its use. The court has so declared in numerous decisions. People v. Regents of University, 4 Mich. 98; Weinberg v. Regents of University, 97 Mich. 254; Sterling v. Regents of University supra; Regents of University v. Auditor General, 167 Mich. 444.⁷

An amendment to the constitution of 1908 was officially ratified by the citizens of Michigan at the biennial spring election of 1959 (April 6), which placed Wayne State University on the same constitutional basis as the University of Michigan and Michigan State University.⁸

The new section adding Wayne State University (sec. 16) and all articles and sections cited in this

⁷ State Board of Agriculture v. Auditor General, 226 Mich. 417 (1924).

⁸ Michigan, Constitution (1908), Article XI, Sec. 16.

chapter appear in Appendix D at the end of this volume for easy reference.

Finally, the constitution of 1963 granted this special constitutional status to all of the four-year state supported colleges and universities of Michigan--to the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Western Michigan University, Northern Michigan University, Central Michigan University, Michigan Technological University, Ferris State College, and Grand Valley State College--"by whatever names such institutions may hereafter be known, and other institutions of higher education established by law."⁹ Saginaw Valley College (1965), Lake Superior State College (1969), and Oakland University (1970) were established after this date, and automatically were covered by this provision.

In the constitution of 1963 the provisions of the 1850 and 1908 constitutions, relating to the University of Michigan and Michigan State, as well as the 1959 amendment relating to Wayne State University, were all consolidated into one provision (sec. 5). All other institutions were

⁹Michigan, Constitution (1963), Article VIII, Sec. 4.

covered under section 6 of the new constitution. Each governing board was declared "a body corporate," and endowed with the authority to supervise its respective school and to control and direct the expenditure of its funds.

By the use of the same language as that which appeared in the 1850 and 1908 constitutions the delegates to the 1963 constitutional convention clearly intended to perpetuate the principle of constitutional autonomy as stated in the earlier constitutions and as defined by Michigan's highest court over many years.

Even as the board of regents of the University of Michigan was once declared, "the highest form of juristic person known to the law, a constitutional corporation of independent authority, which authority within the scope of its functions, is co-ordinate with and equal to that of the legislature,"¹⁰ so too must all boards of control now be considered under the provisions of the 1963 constitution. Their powers are absolute. No legislative statute is powerful enough to change their constitutional status, nor

¹⁰ Regents of the University v. Auditor General, 167 Mich. 444 (1911).

has a constitutional amendment been passed to alter their legal powers.

Legislation on annual
operating appropriations
and general finance

Nearly two-thirds (207) of the 328 acts analyzed in this chapter were appropriations acts of one kind or another. And sixty percent of these appropriations acts fell into the category of annual operating and general finance legislation.

The State has served as the major source of support for most of the colleges and universities from the time of their establishment as state institutions. The University of Michigan and Michigan State University were also dependent upon the support of the federal government through land grants in their formative years (dependence on the federal government has never really ceased, although the methods and degrees of support have).

The University of Michigan, as it is known today in its Ann Arbor location, was founded under an act of Congress in 1826 which made an appropriation of lands for the support of a university in this state. The actual appropriation was made ten years later by another act of Congress in which it was provided:

That the 72 sections of land (almost fifty thousand acres) set apart and reserved for the use and support of an university by an act of Congress approved May 20, 1826, are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university. (5 U.S. Stat. at Large, 59)

Michigan's first state constitution (1835) contained a section which stipulated that:

The legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States to this State for the support of a university, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund for the support of said university, with such branches as the public convenience may hereafter demand for the promotion of literature, the arts and sciences, and as may be authorized by the terms of such grant. And it shall be the duty of the legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.¹¹

By subsequent acts of the legislature, the lands were sold, and the State received the proceeds which were made a permanent fund for the support of the University. This fund came to be known as the "University Fund," or "University Interest Fund," and served as the University's principal source of support for several years. This

¹¹ Michigan, Constitution (1835), Article 10, Sec. 5.

precedent was followed by all states entering the Union after 1837, according to Shaw.¹²

Only four acts were passed between 1851 and 1867 which provided for the support of the University. Each directed that the University Interest Fund be credited with the amount of interest accrued at designated intervals.

By 1867 the Fund no longer adequately met the growing needs of the University, so a new system of support was introduced to augment this income. An annual assessment was made upon the taxable property of the State. When collected, it was paid by the state treasurer to the regents of the University in the same manner as the interest on the University Fund.

The sum of one-twentieth of a mill on each assessed taxable dollar was the first "mill tax" to be assigned to the University. Thereafter the amount was increased from time to time until 1941 when the last appropriations act was passed with a mill tax designation in it for the University of Michigan--83/100th of a mill with a maximum of \$4,804,000 (PA 255). Thereafter the legislature began making annual dollar appropriations, which continues to be

¹²Wilfred Shaw, The University of Michigan (New York: Harcourt, Brace and Howe, 1920), p. 12.

the system used to support the state colleges and universities today.

Not unlike the University of Michigan, Michigan State University really got its start after the Morrill Land Grant Act of 1862 was passed by the United States Congress. Each state was entitled to 30,000 acres of public lands (or land scrips equal to that amount) for each senator and representative under the apportionment of 1860.¹³ Michigan's share was 240,000 acres. These grants of lands were made under the condition that:

. . . all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of land scrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds in any manner after the legislatures of each States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: Provided, that the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished . . . and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including

¹³ Frederick Rudolph, The American College and University: A History (New York: Alfred A. Knopf, 1962), p. 252.

military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.¹⁴

Interest paid by the State from the sales of these lands served as Michigan State University's major source of income for some time thereafter. Although, by 1908 when Michigan State became a part of this study it too had become heavily dependent upon a state mill tax. From 1909 to 1941 its share rose from 1/10th to 51/100th of a mill with a \$2,950,000 maximum (PA 358).

The format of the first annual appropriations act was very simple, but the ensuing appropriations acts became more complicated and quite extensive (see Appendix E for a comparison of three appropriations acts).

The legislature began to attach conditions on the annual appropriations acts with the very first such act. Public Act 59 of 1867 contained a proviso that the regents:

. . . carry into effect the law which provides that there shall always be at least one professor of homeopathy in the department of medicine, and appoint said professor . . .

¹⁴Morrill Act of 1862, section 4 (as amended April 13, 1926, 44 Stat. L 247).

Apparently the legislature found it difficult to adjust to the newly defined independence of the University as provided by the Constitution of 1850. Until that time the legislature was free to take an active part in the internal affairs of the University, and did so, even to the point of appointing the faculty and establishing various academic departments. This kind of intensive involvement, of course, led to the constitutional change of 1850, as was established earlier.

Placing conditions on appropriations soon became the rule rather than the exception for the legislature. Moreover, another form of conditioning became popular toward the end of the century. The legislature would line-item portions or all of an appropriation, e.g., earmark \$2,500 for library books, \$8,200 for the homeopathic college, and \$1,200 for the dental college.

Some of the most detailed line-itemizing appeared in the appropriations acts between 1877 and 1891. Each major segment of the University was noted in these acts and allocated a portion of the total appropriation (see PA 185 of 1877 in Appendix E, wherein each professor was designated by area).

The appropriations acts in later years left no question as to the intentions of the legislature. They contained the stipulation that, "Each of the amounts appropriated shall be used solely for the respective purposes herein stated."

Typical of some of the conditions the legislature placed upon appropriations around the turn of the century are the following:

The appropriations in Public Act 19 of 1893, Public Act 102 of 1899, and Public Act 303 of 1907 all were made with the provision that--

. . . the board of regents of the University shall maintain at all times a sufficient corps of instructors in all the departments of said University as at present constituted, shall afford proper means and facilities for instruction and graduation in each department of said University, and shall make a fair and equitable division of the funds provided for the support of the University in accord with the wants and needs of said departments as they shall become apparent (departments are then named).

Public Act 19 and Public Act 102 also contained a penalty clause for emphasis just in case the board of regents failed to get the message--

Should the board of regents fail to maintain any of said departments herein provided, then at such time shall only one-twentieth of a mill be so assessed (after having just increased the fraction of a mill to $1/6$ in PA 19 and $1/4$ in PA 102).

Public Act 324 of 1913 contained the following proviso in Michigan State University's appropriation--

No part of this or any other appropriation shall be available in case a sum in excess of thirty-five thousand dollars from any or all sources, shall be expended in any one fiscal year for the maintenance of the mechanical and engineering department.

This latter condition was challenged and ended up in the supreme court where it was found to be unconstitutional because ". . . it exceeded the power of the legislature."¹⁵ This court decision apparently had some impact on the legislature for it refrained from attaching any further conditions on the operating appropriations acts for several years. There continued to be the usual requirement for an annual accounting to the State, of course, and a clause or two on how the money was to be collected and disbursed, but no condition so direct an imposition of the legislature's will upon the colleges and universities as those referenced above.

This "reprieve" was short-lived, however. The legislature discontinued the mill tax formula approach to subsidizing operating budgets and began to make annual dollar-amount appropriations in 1947.

¹⁵ State Board of Agriculture v. Auditor General, 180 Mich. 349 (1914).

The change in method of financing brought with it a change in legislative format. The annual operating appropriation for all colleges and universities were henceforth made in a single public act, whereas former appropriations to the University of Michigan and Michigan State University were typically made in separate public acts. The first half of the act named the individual colleges and universities and specified the amount of their respective appropriations (including any line-item provisions). The second half (the narrative, or "boilerplate" portion) contained the conditions, directives, instructions, or provisos upon which the legislature made these appropriations.

Because of the similarities in format and boilerplate content of the annual operating appropriations acts between 1947 and 1970, it was possible to design a table to illustrate the different kinds and numbers of conditions placed upon these appropriations (see Table 1 below).

To assist the reader comprehend the abbreviations used for the list of conditions in the table, Public Act 83 of 1970 was included in Appendix E. While there were language changes from one year to the next the basic content remained the same, thus Public Act 83 is illustrative

TABLE 1

CONDITIONS ATTACHED TO THE ANNUAL OPERATING APPROPRIATIONS ACTS, 1970-1967
(Located in the Language Section of Each Act)

Year	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950	1949	1948	1947
Public Act Number	83	155	311	240	285	117	259	176	232	188	159	133	224	306	208	278	211	216	191	272	32	316	22	304
Act Contained Line-Item Appropriations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
- Conditions -																								
1. Payments in 12 monthly instalments	X	X	X	X	X	X																		
2. Expenditures within appropriations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3. Notify legislators of distribution	X	X																						
4. Used solely for purposes stated	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5. Enrollment statistics required	X	X	X	X	X	X	X	X	X	X	X	X												
6. Fed/private funds, no state obliga.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					
7. No special or expansion of programs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
8. Lobbying activities prohibited	X	X																						
9. Overhead income treated as reduct.	X	X	X																					
10. Tuition incr. treated as reduction	X	X																						
11. Tuition charges suggested	X																							
12. Deficit budgeting prohibited	X																							
13. No branch institutions may be estab.	X	X	X	X	X	X	X	X																
14. Construct. of buildings prohibited	X	X	X	X	X																			
15. Self-liquidating projects; approval	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X								
16. Annual accounting of funds required	X	X	X	X																				
17. Campus incidents must be reported	X																							
18. Nonresident enrollment limitations	X	X	X	X																				
19. Nonresidents must pay 75% of cost	X	X																						
20. Waiver of tuition and fees prohib.	X	X	X	X																				
21. Revenues short, allotments reduced	X	X	X	X				X	X	X	X	X	X											
22. Student offenders forfeit fin. aid	X	X																						
23. Convicted persons ineligible; appro.	X																							
24. Possession of firearms prohibited	X																							
25. Willful student damage; must expell	X																							
26. Min. faculty contact hrs. indicated	X																							
27. Appropria. reduced if below FYES est.			X																					
28. Continuing appropriations superseded				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
29. Pro rata reduction payment				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
30. Restricted rev. acc'ts; expenditure				X	X	X	X	X																
31. Unexpended/unencumbered bal. reverts				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
32. Unclassified & classified positions				X	X	X	X		X					X	X	X	X	X	X	X	X	X	X	X
33. Civil Service; retirement fund				X	X	X	X										X	X	X	X	X	X	X	X
34. Transfer of appropriation, approval				X	X	X								X	X	X	X	X	X	X	X	X	X	X
35. Closed-circuit TV revenues; reduct.					X	X	X	X	X	X	X	X												
36. Reappropriation of prev. yrs. bal.							X	X	X	X	X	X	X											
37. Private audits prohib. w/o approval							X	X																
38. Title of chancellor prohibited									X	X	X													
39. Foodstuffs only sold on public prop.									X	X	X	X	X	X	X									

of the conditions which typically appeared in these appropriations acts. Moreover, this particular act contained a larger number of conditions in it than any other annual operating appropriations act.

Many of these same conditions appeared in the mental health operating appropriations acts, which included allocations for the University of Michigan's Neuropsychiatric Institute. Similar conditions were also attached to the appropriations for the Veteran's Readjustment Center at the University of Michigan, and to an occasional supplementary appropriations made by the legislature to augment various regular programs, or for new or special programs.

The 1962 annual operating appropriations act (Public Act 232) contained two additional conditions, which were not indicated on Table 1, directed specifically at Michigan State University. They were:

Sec. 16. Recognizing the board of trustees of Michigan State University of Agriculture and applied science as having general supervision of Michigan State University and the direction and control of its funds; nevertheless, as a condition of appropriating funds to the university under this act, no portion of such appropriation shall be used to maintain or continue the industries and labor relations center or any center or school of a similar nature.

Sec. 17. It is the intention of the legislature that the board of trustees of Michigan State University not establish a medical education program

beyond a two-year program in human biology leading toward either a Ph.D. or an M.D. degree unless authorized by the legislature.

Obviously the legislature did not recognize (or chose not to) the full meaning and implications of the board of trustees' power and authorities, even though it claimed to have, for the attorney general ruled this condition (sec. 16) to be unconstitutional. In his words,

. . . the provisions of Act 232, PA 1962 . . . demand that the Board of Trustees of the university abdicate its constitutional authority to manage and control the university in return for the appropriation. While it is true that the condition relates only to the industries and labor relations center or any center or school of a similar nature, if the limitations contained in Sec. 16 are valid, the legislature could impose other conditions of a similar nature and thus wrest exclusive control and sole management of all the funds of the university from its constitutionally designated governing body.¹⁶

It is entirely possible that the legislature deliberately chose to test the powers of one of the governing boards of the constitutionally incorporated colleges and universities, as it does from time to time with other legislation, to determine what, if any, changes had occurred in the interpretation of the constitutional provision over the years. The attorney general's opinion,

¹⁶Michigan, Report of the Attorney General, 1961-62, No. 4090.

as the legislature learned, remained consistent with the decisions rendered by the Michigan Supreme Court in the past.

Every appropriations condition ever tested in Michigan's highest court was decided in favor of the colleges and universities, e.g., see Regents of the University v. Auditor General, (supra p. 80); State Board of Agriculture v. Auditor General, (supra p. 88); and Board of Agriculture v. Auditor General, (supra p. 78).

The legislature did not always abide by attorney general's opinions, however, as was evident in a 1956 decision. Senate Bill No. 1432 contained the provision that all self-liquidating projects had to have the prior approval of the legislature as a condition upon acceptance of the appropriation. The attorney general was asked to rule on this condition before it became law. In his opinion, this condition was "beyond the power of the legislature to impose."¹⁷ The bill was passed by both houses nevertheless, and became Public Act 208 under the signature of the governor.

¹⁷Michigan, Report of the Attorney General, 1956, p. 262.

The same conclusion was reached by two succeeding attorney generals on the very same question,¹⁸ but that condition has continued in the colleges and universities' appropriations even to this day.

By placing conditions on appropriations, the legislature actually attempted to accomplish indirectly what it was constrained from doing directly. As Chambers put it, "Control of the budget, especially of a minutely detailed 'line item' budget, is nothing less than control of educational policy at the institutional level."¹⁹

If ever there remained a question in the minds of legislators as to who was in charge of the appropriated funds to the colleges and universities, it wasn't because the courts were undecided. Over the years the courts repeatedly ruled that the governing boards of each college and university had been granted exclusive control of these funds by constitutional mandate. Consider:

. . . when the State appropriates money to the University it passes to the regents and becomes the property of the University, to be expended under

¹⁸ See Opinion No. 3369, December 30, 1958 and Opinion No. 4420, April 15, 1965.

¹⁹ M. M. Chambers, Voluntary Statewide Coordination in Public Higher Education (Ann Arbor: The University of Michigan, 1961), p. x.

the exclusive direction of the regents, and passes beyond the control of the State through its legislative department . . .²⁰

. . . it (constitution of 1850) takes away from the legislature all control over the income from that fund (University Interest Fund) . . . The power to control these expenditures cannot be exercised directly or indirectly by the legislature. It is vested in the board of regents in absolute and unqualified terms.²¹

The State board of agriculture has exclusive control of the general funds of the Michigan agriculture college.²²

. . . it is beyond the power of the legislature to control the (board's) use of the funds . . .²³

. . . when the money appropriated passes into the hands of the State board of agriculture, it becomes college property . . .²⁴

While the courts left little room for debate on the question of who was in charge of the appropriated funds, they were less than decisive on whether the legislature had

²⁰ Weinberg v. Regents of the University, 97 Mich. 246 (1893).

²¹ Sterling, loc. cit.

²² Bauer v. State Board of Agriculture, 146 Mich. 415 (1911).

²³ State Board of Agriculture v. Auditor General, 180 Mich. 349 (1914).

²⁴ State Board of Agriculture v. Auditor General, 226 Mich. 417 (1924).

the authority to even attach conditions to the appropriations of the constitutionally incorporated colleges and universities. The confusion began with a decision rendered in the Weinberg case back in 1893. The court had ruled that:

In making appropriations for its (University of Michigan) support the legislature may attach any condition it may deem expedient and wise, and the regents cannot receive the appropriation without complying with the conditions. This has been done in several instances.²⁵

This decision established a precedent for subsequent decisions, which only served to compound the issue:

Some legislatures have attached conditions--and they have the undoubted right to do so . . .²⁶

That conditions may be attached by the legislature to appropriations for the University is well settled. In such case the regents may accept or reject such appropriation, as they see fit. If they accept, the conditions are binding upon them.²⁷

Neither the legislature nor any officer or board of the State may interfere with the affairs and property of the university or the Michigan Agriculture College, although in making appropriations for its support the legislature may attach conditions that it deems expedient, and the appropriation cannot be received without complying with the expressed conditions.²⁸

²⁵ Weinberg, loc. cit.

²⁶ Sterling, loc. cit.

²⁷ Regents, loc. cit.

²⁸ Michigan Agriculture College v. Agler, 181 Mich. 559 (1914).

The inconsistencies in some of these early decisions seem very obvious in retrospect. But it took many years of trying to implement seemingly rational decisions before their incongruence was fully recognized.

Although the court allowed that the legislature had the authority to attach conditions to these appropriations acts, never did the Supreme Court of Michigan uphold a condition so attached which could in any way be construed to infringe on the powers of the governing boards in the management and control of their respective institutions.

Justice Grant, in the Sterling case, pointed to some of the pitfalls in permitting legislatures to attach conditions to appropriations:

Some legislatures have attached conditions . . . to appropriations for the support of the University, and a subsequent legislature has removed the conditions . . . What permanency would there be in an institution thus subject to the caprice and will of every legislature?²⁹

These were the kinds of problems the framers of the constitution had hoped to avoid by granting the colleges and universities constitutional autonomy.

It soon became apparent that to grant the legislature the right to attach conditions to appropriations for

²⁹ Sterling, loc. cit.

the colleges and universities the governing boards of these institutions were being asked to compromise their constitutional mandates.

The court finally settled the question in 1924 when Michigan State University challenged a condition placed on its appropriation the previous year (Public Act 308). This case probably presented the best discussion of the legality of conditioning appropriations acts of any to date. It included a strong dissenting opinion in a decision which held the condition in question to be "in conflict with the Constitution." Justice MacDonald spoke for the majority in declaring that:

The language used in some previous decisions of this court in reference to this question (conditioning) seems to have been misunderstood. For instance, the following:

"In making appropriations for its support, the legislature may attach any condition it may deem expedient and wise, and the regents cannot receive the appropriation without complying with the conditions. Weinberg v. Regents of University, 97 Mich. 246, 254."

Clearly, in saying that the legislature can attach to an appropriation any condition which it may deem expedient and wise, the court had in mind only such a condition as the legislature had power to make. It did not mean that a condition could be imposed that would be an invasion of the constitutional rights and powers of the governing board of the college.

It did not mean to say that, in order to avail itself of the money appropriated, the State board of

agriculture must turn over to the legislature management and control of the college, or of any of its activities. This logically leads us to a consideration of the character of the condition attached to the appropriation involved in the instant case. Is it a condition that the legislature had power to make?³⁰

Justice MacDonald's question remains for every legislature to answer prior to attaching any condition to public acts affecting the constitutionally incorporated colleges and universities. No court decision has since been rendered which would in any way modify or compromise this legal test.

Yet, the number of conditions which the legislature annually placed on the colleges and universities' appropriations since that decision more than quadrupled over the years (see Table 1). Of even greater importance than numbers, however, was the kinds of conditions the legislature added. A quick review of the thirty-nine different conditions listed on Table 1 of this chapter, followed by a thorough reading of Public Act 83 of 1970 as found in Appendix E leaves no question as to the degree of legislative influence on the educational policies of these colleges and universities.

³⁰ State Board of Agriculture v. Auditor General, 226 Mich. 417 (1924).

Moreover, the legislature has had a very decided influence on the internal allocations of funds by line-itemizing certain programs, or, as in Public Act 83 of 1970, the entire appropriation by functional categories.

As a consequence, the University of Michigan, Michigan State University, and Wayne State University have collectively filed a lawsuit against the State protesting many of these conditions as violations of their respective authorities as granted by the state constitution. Among the conditions currently being contested are (it should be noted that certain revisions are made from time to time to be more inclusive and to add additional acts as they are enacted):

1. Line-item appropriations

PA 83 of 1970, sec. 1

2. The state budget director was forbidden from disbursing appropriated funds until reports about campus incidents were filed by the colleges and universities.

PA 83 of 1970, sec. 2 (e)

3. The establishment of branch institutions was prohibited

PA 311 of 1968, sec. 4

PA 240 of 1967, sec. 8

4. The establishment of new programs or the expansion of existing programs was prohibited.

PA 83 of 1970, sec. 2 (g)
PA 311 of 1968, sec. 4
PA 240 of 1967, sec. 8

5. Tuition increases were to be deducted from the appropriations if announced after a designated date each year.

PA 83 of 1970, sec. 2 (k)

6. Student tuition fees were prescribed.

PA 83 of 1970, sec. 2 (k)

7. Overhead income from all sources was to be treated as deductions from the gross appropriations.

PA 83 of 1970, sec. 2 (i)
PA 311 of 1968, sec. 8
PA 240 of 1967, sec. 17

8. The construction of buildings with operating funds was prohibited.

PA 311 of 1968, sec. 4
PA 240 of 1967, sec. 8

9. The letting of any contract for construction of any self-liquidating project was prohibited without prior legislative approval.

PA 83 of 1970, sec. 3 (b)
PA 311 of 1968, sec. 5
PA 240 of 1967, sec. 13

10. Universities with enrollments of out-of-state students in excess of 20 percent of their current total enrollment were prohibited from adding more.

PA 83 of 1970, sec. 5
PA 311 of 1968, sec. 8
PA 240 of 1967, sec. 17

11. Universities were required to charge out-of-state students tuition equal to approximately 75 percent of the actual cost of instruction.

PA 83 of 1970, sec. 5

12. The waiver or modification of tuition or other student fees was prohibited.

PA 83 of 1970, sec. 6
PA 311 of 1968, sec. 9
PA 240 of 1967, sec. 18

13. The payment of any salary or wages to any faculty member or other employee from appropriated funds, or for the education of students convicted of certain offenses was prohibited.

PA 83 of 1970, sec. 9

14. Any student who caused willful damage to public property on campus was to be expelled.

PA 83 of 1970, sec. 11

15. A minimum number of classroom contact hours was prescribed for faculty members.

PA 83 of 1970, sec. 12

16. The last quarterly payments made to the colleges and universities was to be adjusted on the basis of actual vs. estimated FYES enrollments.

PA 311 of 1968, sec. 2

Even as extensive as this list appears, there were many conditions which the legislature attached to the appropriations of the colleges and universities which were not cited in this lawsuit.

The lawsuit was filed with the Ingham County Circuit Court, but is destined for the Supreme Court of Michigan if actually pursued. Thus far the universities have been less than enthusiastic about pursuing it because of anticipated legislative reprisal. Moreover, if pursued and won (as is expected in view of past court decisions) the universities would expect to win no more than a Pyrrhic victory.

Legislation on capital outlay appropriations

The legislature also made appropriations to the colleges and universities for various capital outlay needs.

Among them were: land acquisitions, the planning, constructing and equipping of new buildings, remodeling, renovations, and some maintenance projects.

During the early years of this study the income from the University Interest Fund supported both operating and capital outlay programs. The same was true of the mill tax years, although the legislature began making very specific line-item allocations between 1877 and 1891, much like Public Act 185 of 1877 found in Appendix E. Equipment, repairs, room enlargements, and site acquisitions were all carefully detailed with individual appropriations.

During the next thirty to thirty-five years capital outlay appropriations were hardly distinguishable from the biennial operating appropriations. Except for the proviso that "no buildings or repairs shall commence until savings in this fund are sufficient to complete the project,"³¹ one might have thought that these appropriations were intended for operating programs only.

Eventually the demands for new or expanded facilities grew to such proportions that the legislature decided to enact separate legislation just for capital

³¹ See for example, PA 303 of 1907, PA 114 of 1915, PA 247 of 1921, and PA 308 of 1923.

outlay programs. Like the operating appropriations acts, the legislature began by enacting separate legislation for each institution, and later (1929 f) combined all capital outlay appropriations for the colleges and universities under a single act. This practice continues to this day (1970).

Even though the capital outlay appropriations were separated from the operating appropriations, the legislature attached many of the same general conditions to both, e.g., "use solely for purposes stated, provide an annual accounting of funds, keep expenditures within the limits of the appropriations, and return any and all excesses to the general fund."

While these conditions seem less prohibitive from the standpoint of their effect on educational policies, nevertheless their potential for influence, if but indirectly, was the basis for a lawsuit in 1924. The legislature had appropriated funds to Michigan State University "for carrying on the co-operative agricultural extension work . . ." in Public Act 308 of 1923 under the condition that "Each of said accounts shall be used solely for the specific purposes herein stated, subject to the general supervisory control of the State administrative board."

The court made a very interesting ruling in this case. It held that the condition was unconstitutional, but in doing so, it conceded that this was a condition the legislature could appropriately make. It was the implementation of the condition which the court would not allow:

. . . the State board of agriculture is entitled to the appropriation subject to the condition that it shall be used for the purpose specified. It is the undoubted right of the administrative board to see that the condition is complied with . . . It has been suggested that only by following the fund into the hands of the board of agriculture can the administrative board compel a compliance with the condition as to the manner of its expenditures . . . when the money appropriated passes into the hands of the State board of agriculture, it becomes college property, and is thereafter under the exclusive control of that board but must be used for the purpose for which it was granted. The proper method of compelling a compliance with the condition that the money shall be expended for the purpose specified will readily suggest itself to the administrative board and its legal advisor.³²

This particular decision dramatized the fine line which separated the legislature's powers from those of the university governing boards in the eyes of the court. The legislature was acting within its right to subject appropriations to the colleges and universities to any condition within its powers. However, the minute these appropriations

³² State Board of Agriculture v. Auditor General, 226 Mich. 417 (1924).

were turned over to the governing boards there was no way the legislature could force compliance (although the court seemed to imply there was a subtle way of getting around this limitation).

Moreover, the court made it very clear in this decision that the legislature could not delegate authority which it did not itself possess to another state agency. Good business practice and a more efficient state system of finance aside,

The Agricultural College and the University of Michigan are constitutionally immune from such legislation . . . The business policy and management of all of the affairs of the college belongs to the State board of agriculture. The people, speaking through their Constitution, have so decreed.³³

Here again, as with the operating appropriations, the courts were very decisive about the separate powers of the legislature and the governing boards. Yet, capital outlay appropriations in succeeding years were subjected to larger numbers and more restrictive conditions than ever before. For example: Public Act 324 of 1929 and Public Act 382 of 1941 authorized the state administrative board to supervise all construction and the equipping of buildings; capital outlay appropriations acts between 1954

³³ Ibid.

and 1961 authorized the state department of administration to let construction bids; and Public Act 237 of 1962 and Public Act 243 of 1963 authorized the state controller to award all contracts after excepting the colleges and universities from this provision in the previous year.

The majority of these conditions were designed to assist the legislature carry out a more efficient and effective state capital outlay program. They were not unique to the colleges and universities per se. Rather, these conditions were part of a national move around mid-twentieth century to modernize state government, which usually resulted in greater administrative centralization.

Typical of the legislation initiated during this movement were the "preliminary studies and planning" acts. First introduced by the legislature in 1963, and passed in each successive year from 1965 to the present, these acts appropriated money to the Department of Administration rather than to the colleges and universities to complete the necessary details and information required to "define and justify" capital outlay requests.

While this system of centralized planning may have had merit from the standpoint of efficient state government, the legislature apparently overlooked the court's

ruling in State Board of Agriculture v. Auditor General, (supra, p. 107), wherein the colleges and universities were decreed "constitutionally immune from such legislation."

The legislature had inadvertently (if not deliberately) substituted the judgment of another state agency for that of the respective governing boards in passing the preliminary studies acts, as it had in authorizing other state agencies to supervise construction, let construction bids, and award contracts. Such action was declared unconstitutional in Regents of the University v. Auditor General, 167 Mich. 444 (1911) and State Board of Agriculture v. Auditor General, (supra).

Here again, the three major universities, the University of Michigan, Michigan State University, and Wayne State University, have acquiesced to this legislation under protest until the lawsuit now before the court (described earlier) is decided. Public Act 124 of 1965, the first preliminary studies and planning act in a series, was cited in the lawsuit together with Public Act 310 of 1966 and Public Act 244 of 1967.

It is noteworthy that the legislature attached a nonseverability clause to the preliminary studies and

planning acts which read:

It is the intent of the legislature that, should any portion of this act be found unconstitutional, the entire act shall be void.

Apparently it had some notion that these acts would or could be declared unconstitutional.

Through the lawsuit, the court is being asked once again to rule on the division of powers between the legislature and the governing boards of the colleges and universities.

Legislation on the establishment and governance of the colleges and universities

During the 120 years covered by this study, the legislature enacted approximately three dozen public acts which were concerned with the establishment, management, and regulation of the constitutionally incorporated colleges and universities.

Many of these acts were simply extensions and/or implementations of certain constitutional provisions i.e., the terms of office, duties, organization, and powers of the governing boards were defined; election procedures were outlined; and, regulatory and management policies were

brought into line with the corporate status of the colleges and universities.

Constitutional changes necessitated the repeal or appropriate revision of obsolescent laws. Nearly a third of the acts in this category were passed during the second extra legislative session of 1963, following the adoption of the new state constitution. All of Michigan's four-year state supported colleges and universities were granted constitutional autonomy by the constitution of 1963, thus resulting in a number of changes in the laws.

In only one of these public acts did the legislature attempt to directly influence educational policy. Following the constitutional change of 1908, when Michigan State University was constitutionally incorporated, the legislature passed an act (PA 269 of 1909) to change the name of Michigan State University from "the State Agricultural College" to "Michigan Agricultural College."

This act did more than change the name of the school, however. It required the faculty to "pass all rules and regulations necessary to the government and discipline of the college and for the preservation of morals, decorum, and health . . ." It also put the faculty in

charge of the laboratories, library, and museums, and detailed exactly who should constitute the faculty.

These provisions (sections 13, 14, and 15) were declared unconstitutional by the state's attorney general, "as an invasion by the legislature of exclusive authority of the state board of agriculture over the agricultural college."³⁴ In another ruling on this subject, the attorney general opined that the state board of agriculture was without power to change the name of the college. Only the legislature had this power.³⁵ However, if the legislature chose to change the college's name it could do so only if it did not at the same time alter or change the nature of the college.³⁶

Three colleges and universities were established by law in recent years and one school of osteopathic medicine: Saginaw Valley College in 1965 (PA 278), Lake Superior State College in 1969 (PA 26), Oakland University in 1970 (PA 35), and the school of osteopathic medicine in 1969 (PA 162). The establishment of the school of osteopathic

³⁴Michigan, Report of the Attorney General, 1955-56, No. 2227, p. 721.

³⁵Ibid., 1952-54, No. 1760, p. 312 and 1955-56, No. 2037, p. 157.

³⁶Ibid., 1955-56, No. 1996, p. 181.

medicine was an interesting phenomenon, involving direct legislative influence in an indirect manner.

After years of unsuccessful lobbying, the osteopathic profession finally won legislative approval for state support of the school. In doing so, certain compromises and general agreements were negotiated between the profession and the legislature, i.e., the school would have to be located at one of the established universities, but would have its own advisory board appointed by the governor and would be headed by an osteopathic physician serving as dean.

The potential conflict of authority between such an advisory board and the governing board of one of the colleges and universities is obvious. However, when establishing this school and prescribing the administrative arrangements as well as the qualifications for the dean, the legislature chose not to designate its location. Instead, it authorized the state board of education to locate the school "at an existing campus of a state university with an existing school or college of medicine" (sec. 1), which meant the University of Michigan, Wayne State University, or Michigan State University, of course.

If any one of these universities wanted the School of Osteopathy, it had to accept it on the terms of the Act. Accordingly, there was very little room for "unconstitutional" charges. Either the offer was accepted or rejected. Michigan State University accepted (it should also be noted that the other two universities prepared solicitous proposals).

Legislation on the conveyance, sale, or transfer of land/property

Eight public acts were enacted by the legislature which either authorized the colleges and universities to purchase or sell lands, or which transferred or conveyed land and/or property to the universities.

While these particular public acts were never contested in the courts, a number of court decisions were rendered over the years which clearly established the governing boards' right to take, hold, and convey property, "for any purpose clearly tending to promote the interest of the university, or any way further the public objects for which the corporation was created."³⁷ Moreover, it was

³⁷ Regents v. Detroit Young Men's Society, 12 Mich. 138 (1863), also see Michigan, Report of the Attorney General, 1907, p. 104.

ruled that the governing boards could accomplish these transactions without securing legislative authorization.³⁸

The courts also ruled, in the case of the People v. Brooks, that while the regents of the University of Michigan, as a body corporate, was:

. . . a separate entity, independent of the state as to the management and control of the university and its property, it (was) nevertheless a department of the state government, created by the constitution to perform state functions, and the real estate which it holds, or acquires, is public property belonging to the state, held by the corporation in trust for the purposes of the university, which are public purposes.³⁹

Under these conditions this property was declared exempt from taxation.

In no other capacity were the colleges and universities considered "a department of the state." The court made this fact perfectly clear in Glass v. Dudley Paper Company:

The governing bodies of the universities are vested with the entire control and management of affairs and property of those institutions to the exclusion

³⁸Michigan, Report of the Attorney General, 1926-28, p. 777.

³⁹People v. Brooks, 224 Mich. 45 (1923), also see Auditor General v. Regents of the University, 83 Mich. 467 (1890) and Lucking v. People, 320 Mich. 495 (1948).

of all departments of state government from any interference therewith.⁴⁰

Legislation on the
establishment and operation
of educational programs
and curriculum

The legislature influenced the educational policies of the colleges and universities most directly by enacting approximately twenty-five public acts which provided for the establishment and operation of a number of programs within the institutions, and which prescribed or regulated certain curriculum courses.

Ranging all the way from the establishment of a professorship in homeopathy at the University of Michigan in 1855 (PA 100) to a highway traffic safety center at Michigan State University in 1955 (PA 9), the legislature established ten different operational programs on the campuses of the constitutionally incorporated colleges and universities through the legislative process in 120 years.

While it is impossible to document this statement by only examining public acts and court decisions, it would appear that the colleges and universities were not opposed to the establishment of most of these programs on their

⁴⁰Glass v. Dudley Paper Company, 365 Mich. 227 (1962).

campuses and may even have promoted the idea for their establishment, e.g., the joint establishment of the Institute of Gerontology by the University of Michigan and Wayne State University in 1965 (PA 245).

The one program which was not solicited by the university through the legislature, however, was the professorship in homeopathy at the University of Michigan in the mid 1850's. It wasn't so much that the University of Michigan did not want this program, as it was a determination by the University to decide for itself when or if it should or would establish such a program.

The legislature apparently felt otherwise. In 1855 the legislature passed an act (PA 100) which outlined the duties and powers of the regents, after which it subjected these powers to the provision, "that there will always be at least one professor of homeopathy in the department of medicine." This was done, according to the legislature, because the regents had repeatedly neglected and refused to make such an appointment under its previous directions.

Ruling that the interests of the University were entrusted to the judgment and discretion of the regents, the court denied a mandamus to compel the appointment of

such a professor on two different occasions.⁴¹ Whereupon the legislature passed another act in 1873 (PA 63) which provided for the appointment of two professors of homeopathy--one in theory and the other in materia medica. Again the court refused to compel the regents to comply with this act.⁴²

Disagreement over the homeopathic college did not end there. In Public Act 257 of 1895 the legislature directed the University to discontinue the existing homeopathic medical college in Ann Arbor and to re-establish it in Detroit. The court made it very clear in response to this legislative act, that "the legislature has no control over the University or the board of regents."⁴³

The court was prepared to rest its ruling on the evidence provided in the earlier Weinburg case,⁴⁴ but because the plaintiff was not satisfied that the case

⁴¹See Regents of University of Michigan v. People ex rel Drake, 4 Mich. 98 (1856) and Regents of University of Michigan v. People, 18 Mich. 469 (1869).

⁴²People ex rel McIntyre v. Regents of University of Michigan, 30 Mich. 473 (1874).

⁴³Sterling, loc. cit.

⁴⁴Weinburg, loc. cit.

applied, the court strengthened its position by offering three additional reasons for its ruling:

(1) The board of regents and the legislature derive their power from the same supreme authority, namely, the Constitution . . . They are separate and distinct constitutional bodies, with the powers of the regents defined. By no rule of construction can it be held that either can encroach upon or exercise the powers conferred upon the other.

(2) The board of regents is the only corporation provided in the Constitution whose powers are defined therein.

(3) . . . the intention (of the framers of the Constitution) was to place this institution in the direct and exclusive control of the people themselves, through a constitutional body elected by them.⁴⁵

The legality of only one other public act in this category was questioned by the colleges and universities. Public Act 106 of 1954 required that political science courses of at least three semester hours were required for a degree or a diploma after June 30, 1956. The attorney general of Michigan ruled that any university receiving public funds would be expected to comply with this act.⁴⁶

The remaining public acts in this category authorized and regulated teacher certification programs, and

⁴⁵ Sterling, loc. cit.

⁴⁶ Michigan, Report of the Attorney General, 1952-54, No. 1787, p. 345.

outlined the procedures for admissions of the University of Michigan graduates into the practice of law.

Legislation on
personnel matters

Only eight public acts were enacted by the legislature which had as their central concern the employees of the colleges and universities. All were enacted between 1930 and 1968. Two public acts were passed during the thirties requiring the faculty to take an oath to support the U.S. constitution. The others authorized the governing boards to establish optional retirement programs and to extend social security coverage to their employees.

Legislation on the operations of the
University of Michigan hospitals

Another couple dozen public acts were enacted by the legislature which required the University of Michigan hospitals to observe certain state regulations and procedures in the operation of their respective programs.

Authorizations were given to obtain, transport, and dissect cadavers. Strict record keeping and procedures for notifying the nearest of kin were required. Several acts contained very detailed procedures for the admission, treatment, and crediting of indigents and crippled or

dependent children. Other public acts required an accounting of all medicines furnished to patients, and defined the bases and procedures for the sterilization of inmates.

None of these public acts were contested by the University of Michigan for interference by the state with the internal affairs or policies of the University. Except in an unusual case (as with the Neuropsychiatric Hospital), the University of Michigan hospitals were typically not singled out for special legislative consideration.

Legislation on
miscellaneous matters

Finally, the legislature passed a number of public acts which didn't fit into any of the categories above. Included among these acts were: a requirement that the state supreme court reports be filed with the University of Michigan library; authorization for students to be employed in the dental school; authorization for the governing boards to make rules to protect their respective properties; authorization for Michigan State University to pave designated streets; authorization for the University of Michigan to survey Isle Royale; and twenty or so additional acts similar to these.

Again, while some of these acts appeared to usurp powers reserved only for the governing boards of the colleges and universities they were not legally contested--probably because this legislation was either sought by the colleges and universities or its effects were not unwelcome.

Summary

The Michigan constitutions of 1850, 1908, and 1963 declared the governing boards of the four-year publicly supported colleges and universities bodies corporate, placing them on an equal legal basis with that of the legislature (Regents of the University v. Auditor General, supra, p. 80).

Clearly, the reason for constitutionally incorporating these colleges and universities was to remove them from legislative influence (Sterling v. Regents of the University of Michigan, supra, p. 77 and State Board of Agriculture v. Auditor General, supra, p. 78).

An analysis of just over three hundred public acts, which directly pertained to the constitutionally incorporated colleges and universities, revealed that the legislature did indeed influence the educational policies of these institutions irrespective of their constitutional status.

The legislature exerted its greatest influence on the colleges and universities by subjecting their appropriations to numerous conditions, directives, and provisos. Table 1 in this chapter listed thirty-nine different conditions which were placed by the legislature on the operating appropriations acts between 1947 and 1970. Several of these conditions were tested in the courts, and always were decided in favor of the colleges and universities, e.g., see Weinberg v. Regents of the University, (supra); Sterling v. Regents of the University of Michigan, (supra); Regents of the University v. Auditor General, (supra); and State Board of Agriculture v. Auditor General (both 180 Mich. 349 and 226 Mich. 417), (supra).

Nearly two-thirds of the three hundred and twenty-eight public acts analyzed in this chapter were appropriations acts. The remainder fell into one of six other categories (see Appendix C for a complete listing).

One of these remaining categories contained approximately two dozen public acts which provided for the establishment of programs and curriculum within the campuses of these colleges and universities. Although the acts in this category represented the most direct influence of the legislature on the educational policies of the

colleges and universities, they surprisingly inspired little resistance from the colleges and universities. It appeared that many of these acts may actually have been solicited by them.

In the few instances where disapproval was expressed in terms of lawsuits, the courts refused to compel the colleges and universities to comply with the legislative directives in these acts, e.g., see Regents of University of Michigan v. People ex rel Drake, (supra); Regents of University of Michigan v. People, (supra); and People ex rel McIntyre v. Regents of University of Michigan, (supra).

Other public acts enacted by the legislature during this time had little or no discernible influence on the educational policies of the colleges and universities. Summarily, they carried out constitutional mandates, authorized the sale or conveyance of land or property, extended retirement benefits to college and university personnel, brought the operations of the university hospitals into line with state regulations, and satisfied a number of miscellaneous needs and requests by the colleges and universities.

The division of powers between the legislature and the colleges and universities was an issue throughout the entire 120 years covered by this study. Beginning with Public Act 100 of 1855 and ending with the latest operating appropriations act in 1970 (PA 83) the colleges and universities and the legislature were at odds over this question. As a result, the three major universities--the University of Michigan, Michigan State University, and Wayne State University--filed a lawsuit to protest the legislature's interference into the internal affairs of the universities.

It was observed, however, that the universities displayed little enthusiasm for another court decision which they anticipate will only result in a Pyrrhic victory. Moreover, it appeared the universities were also concerned over legislative reprisal in already very stringent budget years.

CHAPTER V

SUMMARY AND CONCLUSIONS

In this final chapter, the study is summarized, conclusions are enumerated and discussed, and implications for future research are presented.

Summary

The State of Michigan was the first of fewer than a dozen states to grant constitutional status to its four-year publicly supported colleges and universities. This was accomplished in stages over the course of 114 years with the adoption of three newly revised state constitutions (the constitutions of 1850, 1908, and 1963), expressly for the purpose of placing the colleges and universities beyond the direct control and influence of the state legislature.

The University of Michigan was the first to be constitutionally incorporated in 1850. Michigan State University was next in 1908. Wayne State University followed in 1959 by virtue of an amendment to the 1908

constitution. The remaining publicly supported four-year colleges and universities and all future institutions of higher education "established by law" were constitutionally incorporated with the adoption of the 1963 constitution.

Institutional autonomy has historically been equated with academic freedom and institutional integrity. For institutional integrity to be safeguarded by constitutional mandate has been upheld as the ideal governmental arrangement outside of status as a private institution. A nation-wide study on the relations between state universities and state governments by a committee of distinguished educators and statesmen concluded with the recommendation that all publicly supported colleges and universities be granted constitutional autonomy in the Michigan tradition.¹

In view of the importance of institutional autonomy to colleges and universities, and in view of Michigan's exemplary system of maximizing autonomy within a formal governmental structure, this study was devised to examine Michigan's actual experience with that system.

¹ The Committee on Government and Higher Education, The Efficiency of Freedom (Baltimore: The John Hopkins Press, 1959); and Malcolm Moos and Francis E. Rourke, The Campus and the State (Baltimore: The John Hopkins Press, 1959).

The literature was examined for clues to research methodology and for general insight into the problem. No comparable study was found on the subject. Moreover, research on politics and higher education was found to have been relatively recent in development. Early cautions against associating higher education with politics were apparently so strong they tended to discourage research on the subject.

In an effort to avoid the limitations of other research methodologies and further straining relations between the colleges and universities and the legislature, while at the same time presenting a comprehensive and reasonably objective review of the problem, this study was conducted as a historical inquiry.

All public acts enacted by the Michigan legislatures from 1851 through 1970 were examined to determine their pertinence to the constitutionally incorporated colleges and universities. Once identified as having made direct reference to any one or all of these colleges and universities, these acts were categorized by institution and subject matter, analyzed for impact on educational policies, and placed in Appendices A through C of this study for easy reference.

Michigan supreme court decisions and attorney general opinions were used as guides to determine excessive legislative influence.

Three hundred and twenty-eight out of more than two thousand public acts enacted by sixty different Michigan legislatures over the last one hundred and twenty years were identified as pertinent to this study.

Of the 328 public acts analyzed in this study, nearly two-thirds were appropriations acts of one kind or another, i.e., operating, capital outlay, and general finance. The remainder were scattered among six different subject categories.

Legislative influence on the educational policies of the constitutionally incorporated colleges and universities of Michigan existed in varying degrees and manners throughout this 120-year period in spite of constitutional guarantees to the contrary.

The method most commonly used by the legislature to influence such policies was the conditioning of the colleges and universities' appropriations. While the legislature refrained, with but a few exceptions, from enacting legislation which directly imposed its wishes upon the colleges and universities, it regularly attached

conditions upon, or line-itemized their respective appropriations to accomplish indirectly what it could not do directly.

By conditioning and/or line-itemizing these appropriations, the legislature influenced such educational policies as: the proper balance of in-state and out-state students, tuition and student fee charges, the establishment of certain academic programs and the discontinuance of others, the level of support for certain programs, discontinuance of the establishment of branch colleges, disciplinary measures for campus disrupters, the number of hours faculty members should teach, whether to best utilize the appropriation funds for buildings or operating expenditures, among others (see Table 1 in chapter four for a complete listing of conditions placed on appropriations acts between 1947 and 1970).

Occasionally one of the colleges and universities challenged the constitutionality of a particular condition, or of the legislature's authority to even place conditions on its appropriation. In every case where the State's highest court was called upon to make the decision it decided in favor of the colleges and universities.

In one decision after another the court made it abundantly clear that the governing boards of these institutions were granted unqualified and complete control over the maintenance and operations of their respective colleges and universities by direct mandate of the people through their state constitution. Moreover, the constitutional powers of these governing boards were equated with that of the legislature by the court.

These decisions had little or no effect on the legislature's practice of subjecting the colleges and universities' appropriations, however. In fact, the volume of conditions increased over the years, as did the line-item appropriations.

Consequently, the "Big Three" universities (Michigan State University, The University of Michigan, and Wayne State University) filed a lawsuit against the State protesting the legislature's encroachments on the powers and authorities of their governing boards. In view of past practices, these universities expect to win no more than a Pyrrhic victory.

Few other public acts were enacted by the legislature during this period of time which carried the same

degree of influence as the conditioned and/or line-itemized appropriations acts.

Several acts authorized the establishment and governance of colleges and universities in accordance with constitutional provisions. Among them was an act to create a school of osteopathic medicine with details as to its administrative leadership and supervision. Complaints over infringements of constitutional authority were avoided, however, because the legislature first created the school then asked the "Big Three" universities if any of them wanted it under these terms.

The legislature most directly influenced educational policies through the approximately two dozen public acts which were enacted for the purpose of establishing or operating certain educational programs. Interestingly, only three of these acts were legally contested by the colleges and universities. It was conjectured that either these acts were solicited by the colleges and universities because of the benefits they returned to them, or that the effects of these acts were of such inconsequence that legal action seemed fortuitous.

The remainder of the public acts analyzed in this study had little or no evidential influence on the

educational policies of the colleges and universities. Again, many of these acts were enacted as enabling legislation, at the request, or for the benefit of the colleges and universities. They authorized the sale or conveyance of land or property, extended retirement benefits to college and university personnel, coordinated the rules and regulations for the operation of the University of Michigan hospitals with those of the general health and welfare policies of the State, and fulfilled a number of miscellaneous needs and requests by the colleges and universities.

As a result of the analysis of 328 public acts over a period of 120 years it was discovered that the legislature and the colleges and universities never finally resolved their differences over their division of powers as defined by the state constitution of Michigan. To this day that issue lingers.

Conclusions

Six major conclusions were reached as a result of the findings of this study.

1. During the past one hundred and twenty years the state legislature influenced numerous educational

policies legally reserved for the governing boards of the constitutionally incorporated colleges and universities of Michigan through the public acts it enacted.

2. The legislature's most effective method of influencing these educational policies was by making them a condition of acceptance of the colleges and universities' annual appropriations.

It was noted that despite constitutional guarantees to the contrary and repeated rulings by Michigan's highest court, the numbers of conditions attached to the colleges and universities' appropriations consistently increased during the span of years covered in this study.

3. Another method used effectively by the legislature especially to control the growth and development of certain programs was by line-itemizing these programs with specific dollar allocations in the appropriations acts.
4. The cumulative effect of prolonged legislative influence on the educational policies of the colleges and universities was an obvious erosion of their independence.

The change was not abrupt, and probably not significant, but decisions which were formerly regarded as educational policies to be determined by the governing boards of the colleges and universities were later made as public policies by the state legislature, e.g., composition of student enrollments, tuition charges, the establishment of branch colleges, the proper balance between instruction, research, and public service, to name but a few.

The flexibility and diversity which formerly characterized these colleges and universities, and which virtually made them what they are today, have gradually diminished in the face of efforts to centralize and to standardize operations in state government.

5. From a purely literal analysis of the public acts, the operational success of constitutionally incorporating publicly supported colleges and universities expressly for the purpose of placing them beyond legislative influence would have to be questioned in view of Michigan's experience. However, such an analysis does not take into account

the consequence of direct requests by the colleges and universities for selected line-item appropriations, enabling legislation, and standardized operational policies.

In order to make a final judgment on the validity of this system for the purpose of insulating colleges and universities from legislative influence, it would be necessary to examine the entire legislative process in which influence is applied by both the legislature and the colleges and universities in arriving at the final version of these public acts.

6. Probably no other system could have more effectively eliminated legislative influence on the educational policies of these colleges and universities than the system of constitutional incorporation, especially since the state legislature had the responsibility for allocating state resources.

In carrying out its public mandate to "appropriate moneys to maintain" these colleges and universities, Michigan's state legislature exercised its best judgment in enacting legislation which was responsive to the public will.

Discussion

Several observations were made as a result of the findings and conclusions of this study.

Apart from a more thorough analysis of all of the contributing factors which lead to the final enactment of these public acts, it was quite evident that the legislature had considerable influence on the educational policies of the constitutionally incorporated colleges and universities of Michigan over the past 120 years.

No value judgments were intended by this study. In all probability both good and bad influences were applied and both good and bad results occurred. The point is, the legislature influenced educational policies which according to a literal interpretation of the state constitution (and supported by numerous supreme court decisions) should not have happened.

How or why such influence occurred, especially on the part of a body of lawmakers whose respect for the law might be assumed, can only be left to conjecture. On the one hand, it might be suggested that the legislature acted punitively or vindictively, and there were public acts (or conditions) which seemed to fall into this category. On

the other hand, the legislature acted responsibly and in good faith to its public trust.

The latter is probably more representative of the legislature's true intentions. On occasion educators and legislators alike forget that the other is also a public servant working for the common good of society. Belief in a democratic form of government is demonstrated by faith in the elected and appointed officials of state government and higher education.

Important to improved relationships between the legislature and the colleges and universities are better communications and a mutual respect and understanding of the public responsibility that each has. Neither academic jargon nor legislative fiat is responsive to the broad public interest. An educated citizenry is dependent upon a successful working relationship between the legislature and the colleges and universities.

Legitimate differences of opinion did arise over public versus internal educational policies. What seemed to fulfill the requirements of good public policy to the legislature, was viewed by the colleges and universities as an encroachment on their constitutional powers and authorities.

The task of balancing public responsibility with institutional autonomy is a delicate one. Too often the colleges and universities were not responsive to the social, economic, and cultural needs of the people who supported them. As a result, the legislature often took it upon itself to correct this obvious oversight and overstepped its legal bounds in the process. Furthermore, it did so, at times, in direct opposition to supreme court decisions.

While it is important, as C. K. Arnold put it, that "independence . . . be achieved in such a fashion that the institution doesn't isolate itself from reality and destroy its usefulness through ever-narrowing scholasticism,"² it is equally as important that higher education maintain its right to criticize society, or the pursuit of truth is impeded, and society inadequately served.

Neither is society the benefactor if one branch of state government attempts to correct the failures of another by overlooking the judgments of a third. Good educational policies should equal good public policies. Where they do not, and where genuine efforts to correct

²C. K. Arnold, "Higher Education: Fourth Branch of Government?" Saturday Review, January 18, 1964.

disagreements between the legislature and the colleges and universities fail, the state's highest court has the public responsibility to pass final judgment. Feelings of intimidation or fear of reprisal in seeking such a judgment should not exist in a system of state government which is committed to the general interest and welfare of the public.

Samuel B. Gould offered some good advice on this subject which is very apropos to this study. He said:

. . . the public universities of today and tomorrow should have their basic freedom of action guaranteed to them by constitutional authority; . . . they should use their power under such authority only when necessary as a protection; . . . they should deal responsibly, perceptively, and realistically with all elements of state government, seeking thereby to create a climate of understanding and trust which will make recourse to legal defenses unnecessary in all but the most extraordinary circumstances.³

In the final analysis, the actual independence of the constitutionally incorporated colleges and universities of Michigan (as is true elsewhere), ultimately depends upon the support of public opinion in addition to constitutional mandate. The problem in Michigan in recent years is that

³Samuel B. Gould, "The University and State Government: Fears and Realities," Campus and Capitol: Higher Education and the State, ed. by W. John Minter (Boulder, Colorado: Western Interstate Commission for Higher Education, 1966), p. 15.

the colleges and universities have lost public favor. As a result the legislature, which is sensitive to public opinion, has reflected this attitude in the public acts it enacted.

Maybe Aldrich was right in suggesting that institutional autonomy is a relative concept. In his words,

Whether it be an individual entity or a member of a system, coordinated or otherwise, a university is a product of society and is subject to a variety of constraints, according to the particular forces which established it and the environment in which it functions.⁴

These "constraints" have the potential of compromising institutional integrity and independence unless each college and university is careful to clearly define and protect that portion of institutional life within which outside influence is unacceptable.

Implications for future research

A number of questions were suggested by this study which could serve as a basis for developing future topics of research. Among them are:

⁴Daniel G. Aldrich, Jr., "Maintaining Institutional Identity and Autonomy in Coordinated Systems," Campus and Capitol: Higher Education and the State, ed. by W. John Minter (Boulder, Colorado: Western Interstate Commission for Higher Education, 1966), p. 15.

1. In view of Michigan's experience where the colleges and universities are constitutionally incorporated, to what extent does legislative influence on the educational policies of publicly supported colleges and universities exist in other states where they are established as public corporations, or mere departments of the state?
2. How does Michigan's experience compare with that of one or more of the other nine states in which constitutionally incorporated colleges and universities have been established?
3. While this study concentrated only on the public acts which were enacted, to what extent did the Michigan legislature influence the educational policies of the constitutionally incorporated colleges and universities through resolutions or through proposed legislation which for some reason never became law?

It is a common practice for legislatures to introduce legislation which is never expected to become law but which serves as a sort of "warning" or notice to the subject(s) named in such legislation.

4. What influence have special legislative committees had on the educational policies of these colleges and universities? For example, a special senate committee spent nearly \$60,000 investigating student unrest on the campuses during the past year with the result that a number of committee members introduced repressive legislation, while others reported being satisfied with the "informal agreements" reached with the colleges and universities.
5. To what extent have the colleges and universities compromised their constitutional autonomy by informal agreements and/or requests for conditional appropriations?

Interestingly, when the colleges and universities requested such legislation themselves there was never a complaint about encroachments. The Utah experience (supra, p. 10) suggests that a pattern could be established which the colleges and universities might find hard to reverse in the future.

6. To what extent did the colleges and universities exercise their independent status by allocating

earmarked appropriations for other purposes? Or by establishing programs prohibited by the legislature?

7. To what extent have lawsuit victories resulted in perceived or actual legislative reprisals?

It was observed that more lawsuits were filed by the respective colleges and universities against legislative practices during the early years of this study. Moreover, the recent lawsuit (supra, p. 100) was collectively filed by all three major universities.

8. In view of Michigan's experience and general indications of a willingness for some change on the part of certain university officials, is there a basic understanding of, and a desire for the continuation of the system of constitutionally incorporating the state colleges and universities in Michigan? If so, what is the definition of such a system?

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APPENDICES

APPENDIX A

Public Acts of the Michigan Legislature in Chronological Order 1970-1851

Source of information: the annually and/or biennially published Public and Local Acts of the Legislature of the State of Michigan, usually compiled by the Secretary of State and more recently by the Legislative Service Bureau.

All public acts pertinent to this study were identified by researching the indexes of these annuals or biennials. Accuracy and comprehensiveness were, therefore, dependent upon proper indexing. A number of errors were discovered during the process of research.

Only those public acts which had direct reference to any one or all constitutionally incorporated colleges and universities were listed. Accordingly, such acts as Public Act 1 of 1966 which required all public buildings to provide for accessibility and utilization by the physically handicapped were excluded. Although colleges and universities were required to abide by this law, specific reference to any one or all of them was omitted.

Regular session of 1970 ()*

PA 12 Appropriations, capital outlay, supplemental
 PA 13 Grand Valley State College, powers defined
 PA 35 Oakland University, established
 PA 45 Appropria., preliminary studies & planning buildings
 PA 46 Appropriations, capital outlay
 PA 80 Appropriations, mental health
 PA 83 Appropriations, annual operating

Regular session of 1969 (346)

PA 14 Appropriations, capital outlay, supplemental
 PA 16 Central, Eastern, Northern, Western, powers defined
 PA 26 Lake Superior State College, established
 PA 36 Appropria., preliminary studies & planning buildings
 PA 99 Boards of control, residence requirement
 PA 130 Appropriations, mental health
 PA 155 Appropriations, annual operating
 PA 162 School of osteopathic medicine, established/location
 PA 225 Appropriations, capital outlay

Regular session of 1968 (358)

PA 10 Appropriations, capital outlay, supplemental
 PA 185 State Retirement Program, optional participation
 PA 230 Appropria., preliminary studies & planning buildings
 PA 244 Appropriations, capital outlay
 PA 310 Appropriations, mental health
 PA 311 Appropriations, annual operating

Extra session of 1967 (12)

none

Regular session of 1967 (306)

PA 1 Appropriations, capital outlay, supplemental
 PA 156 State Retirement Program, optional participation
 PA 240 Appropriations, annual operating
 PA 244 Appropriations, preliminary studies & planning bldgs.
 PA 245 Appropriations, mental health
 PA 252 Appropriations, capital outlay
 PA 291 Traffic ordinances, enactment, enforcement

*The number in parentheses () represents the total number of public acts passed each session. No number was given for the regular session of 1970 because this study went to print before the session had officially ended.

Regular session of 1966 (351)

PA 2 Appropriations, capital outlay, supplemental
 PA 14 Saginaw Valley College, renamed
 PA 26 Appropriations, capital outlay, supplemental
 PA 149 Grand Valley, board of control, powers defined
 PA 202 Western Michigan, conveyance of land to
 PA 285 Appropriations, annual operating
 PA 286 Appropriations, mental health
 PA 310 Appropriations, capital outlay

Regular session of 1965 (413)

PA 16 Appropriations, capital outlay, supplemental
 PA 57 Northern Michigan, transfer of land to
 PA 117 Appropriations, annual operating
 PA 124 Appropria., preliminary studies & planning buildings
 PA 125 Appropriations, mental health
 PA 126 Appropriations, capital outlay
 PA 245 Institute of Gerontology, established
 PA 278 Saginaw Valley College, established

Regular session of 1964 (290)

PA 14 Certain boards of control, powers defined
 PA 259 Appropriations, annual operating
 PA 272 Appropriations, mental health
 PA 273 Appropriations, capital outlay

Second extra session of 1963 (68)

PA 5 Boards of control, qualifications, elections
 PA 21 Michigan Technological, Ferris, Grand Valley, renamed
 PA 22 Ferris, board of control, powers defined
 PA 23 U. of M., M.S.U., W.S.U., board members, terms
 PA 24 Grand Valley, board of control, powers defined
 PA 42 Colleges and universities, accounting to legislature
 PA 48 Central, Eastern, Northern, Western, powers defined
 PA 49 Michigan Technological, laws revised
 PA 50 Michigan State, laws revised
 PA 51 Wayne State, laws revised

First extra session of 1963 (2)

none

Regular session of 1963 (249)

PA 173 Appropria., preliminary studies & planning buildings
 PA 174 Appropriations, mental health
 PA 176 Appropriations, annual operating
 PA 243 Appropriations, capital outlay

Regular session of 1962 (342)

PA 232 Appropriations, annual operating
 PA 234 Appropriations, mental health
 PA 237 Appropriations, capital outlay

Regular session of 1961 (239)

PA 111 Appropriations, capital outlay, supplemental
 PA 125 Appropriations, mental health
 PA 145 Appropriations, capital outlay
 PA 188 Appropriations, annual operating

Extra session of 1960 (4)

none

Regular session of 1960 (163)

PA 52 Retirement benefits, Wayne State employees eligible
 PA 77 Mich. Higher Education Authority, established, members
 PA 131 Appropriations, mental health
 PA 159 Appropriations, annual operating
 PA 160 Appropriations, capital outlay

Regular session of 1959 (277)

PA 72 Appropriations, capital outlay, supplemental
 PA 133 Appropriations, annual operating
 PA 135 Appropriations, mental health
 PA 269 Appropriations, capital outlay
 JR 2* Michigan State governing board, name changed
 JR 3* Wayne State, governing board, created

Extra session of 1958 (1)

none

Regular session of 1958 (230)

PA 142 U. of M., Veteran's Readjustment Center, management
 PA 218 Appropriations, mental health
 PA 224 Appropriations, annual operating
 PA 229 Appropriations, capital outlay

Regular session of 1957 (315)

PA 8 Michigan State, governing board, elections
 PA 142 Retirement benefits, U. of M. and M.S.U. employees

*Joint Resolutions are used by the legislature to propose amendments to the state constitution. Both were ratified, April 6, 1959.

PA 172 Appropriations, capital outlay, supplemental
 PA 229 Political science course, required for degree
 PA 286 U. of M. hospital, welfare patients, admitting
 PA 288 Condemnation of property, public hospital, college
 PA 302 Appropriations, U. of M. Veterans Readjustment Center
 PA 306 Appropriations, annual operating
 PA 308 Appropriations, mental health
 PA 309 Appropriations, capital outlay

Extra session of 1956 (14)

none

Regular session of 1956 (230)

PA 102 Appropriations, supplemental, special purposes
 PA 190 Boards of control, nominees, certified
 PA 197 Promote agric., cooperate with M.S.U., referendum
 PA 201 Appropriations, U. of M. Veterans Readjustment Center
 PA 208 Appropriations, annual operating
 PA 225 Appropriations, mental health
 PA 226 Appropriations, capital outlay

Second extra session of 1955 (1)

none

First extra session of 1955 (11)

PA 9 M.S.U. highway, traffic safety center, established
 PA 11 Appropriations, Michigan State safety programs

Regular session of 1955 (283)

PA 37 Michigan State, name changed, curricula prescribed
 PA 39 Social Sec. coverage, U. of M. and M.S.U. employees
 PA 63 Appropriations, U. of M. 2-year programs, Flint
 PA 103 Appropriations, capital outlay, supplemental
 PA 127 Voc. Ed., bd. of control, membership, U. of M./M.S.U.
 PA 168 Appropriations, U. of M. Veterans Readjustment Center
 PA 269 Supt. of public instr., general super. over insti.
 PA 272 Appropriations, capital outlay, construction
 PA 273 Appropriations, capital outlay, remodeling
 PA 277 Appropriations, mental health
 PA 278 Appropriations, annual operating

Extra session of 1954 (3)

none

Regular session of 1954 (217)

PA 106 Political science course, prerequisite to degree
 PA 152 U. of M., Neuropsych. Institute, conveyance land for

PA 203 Appropriations, supplemental special purposes
 PA 207 Appropriations, mental health
 PA 211 Appropriations, annual operating
 PA 212 Appropriations, U. of M. Veterans Readjustment Center
 PA 213 Appropriations, capital outlay

Regular session of 1953 (234)

PA 146 U. of M., Veterans Readjustment Center, laws revised
 PA 216 Appropriations, annual operating
 PA 228 Appropriations, mental health
 PA 231 Appropriations, capital outlay
 PA 233 Appropriations, U. of M. Veterans Readjustment Center

Extra session of 1952 (4)

none

Regular session of 1952 (280)

PA 84 U. of M., Veterans Readjustment Center, laws revised
 PA 176 Appropriations, supplemental, Neuropsych. Institute
 PA 191 Appropriations, annual operating
 PA 212 Appropriations, capital outlay
 PA 255 Appropriations, mental health
 PA 268 Appropriations, U. of M. Veterans Readjustment Center
 PA 271 Appropria., supplemental, Veterans Readjustment Center

Second extra session of 1951 (2)

none

First extra session of 1951 (5)

none

Regular session of 1951 (279)

PA 123 U. of M., Veterans Readjustment Center, laws revised
 PA 272 Appropriations, annual operating, capital outlay

Extra session of 1950 (43)

PA 32 Appropriations, annual operating

Regular session of 1949 (317)

PA 53 U. of M. hospital, admittance of indigents, payments
 PA 203 U. of M. hosp., admittance of indigents, compensation
 PA 280 M.S.U., military courses, certain exemptions
 PA 301 Appropriations, mental health
 PA 306 U. of M., Veterans Readjustment Center, established
 PA 314 Appropriations, capital outlay
 PA 316 Appropriations, annual operating

Second extra session of 1948 (11)

none

Extra session of 1948 (51)

PA 22 Appropriations, annual operating
PA 23 Appropriations, mental health
PA 46 Appropriations, capital outlay

Second extra session of 1947 (4)

none

First extra session of 1947 (1)

none

Regular session of 1947 (360)

PA 240 Empl. retire. system, cred. for service U. of M./M.S.U.
PA 304 Appropriations, annual operating
PA 306 Appropriations, mental health
PA 314 Appropriations, capital outlay

Second extra session of 1946 (4)

none

Extra session of 1946 (29)

PA 1 U. of M./M.S.U., postwar victory bldg. program, estab.
PA 29 Appropria., operating, supplemental, Veterans Center

Regular session of 1945 (345)

PA 332 Appropriations, M.S.U., add'l. cost of veterans ed.
PA 333 Appropria., U. of M., additional cost of veterans ed.
PA 337 Appropriations mental health
PA 342 Appropria., capital outlay, maintenance and repairs
PA 343 Appropriations, capital outlay, construction

Third extra session of 1944 (3)

none

Second extra session of 1944 (1)

none

Extra session of 1944 (59)

none

Regular session of 1943 (250)

PA 191 Appropriations, mental health

Second extra session of 1942 (22)

none

First extra session of 1942 (16)

PA 15 Appropria., U. of M./M.S.U., for national defense

Regular session of 1941 (384)

PA 109 U. of M., Neuropsych. hospital, steril. of inmates

PA 255 Appropria., U. of M., continue annual, amends maximum

PA 358 Appropria., M.S.U. con't. annual, amends max. millage

PA 382 Appropriations, capital outlay

Regular session of 1939 (346)

PA 325 Appropria., U. of M., continue annual, amends maximum

PA 326 Appropria., M.S.U., continue annual, amends maximum

Extra session of 1938 (9)

none

Extra session of 1937 (4)

none

Regular session of 1937 (350)

PA 45 Repeal of PA 140 of 1895, U. of M., Paym. St. Treas.

PA 85 U. of M., transfer psychopath, hosp., Neuro. Institute

PA 147 Approp., U. of M., con't. annual, am. mill, set max.

PA 156 Approp., M.S.U., con't. annual, amend mill, set max.

PA 243 Approp., Neuropsych. Institute, capital outlay

PA 262 U. of M. hosp., admittance of indigents, reimburse.

Extra session of 1936 (1)

none

Regular session of 1935 (258)

PA 10 Repeals PA 53 (1893), prov. a mill tax, U. of M.

PA 11 Repeals PA 32 (1873), extended aid to U. of M./M.S.U.

PA 23 College faculty oath to support U.S. constitution

PA 27 Mich. Institute for promotion of Mich. mined coal

PA 112 Approp., U. of M., continuing annual, 73/100 millage

PA 113 Approp., M.S.U. continuing annual, 243/1000 millage

PA 118 Approp., M.S.U. cooperative agricultural extension

Extra session of 1934 (40)

none

Extra session of 1933 (19)

none

Regular session of 1933 (270)

PA 10 Repeals PA 324 (1929), making approp. for buildings
 PA 19 M.S.U., approp. agricultural inst. removes dollar max.
 PA 110 M.S.U., sec. of bd., removes salary stipulation
 PA 115 M.S.U., sec. of gov. bd., rev. duties, add Bus. mgr.
 PA 116 M.S.U., Fed. aid for coop ag. ext., dep. w/bus. mgr.
 PA 117 M.S.U., Fed. aid for coop ag. ext., dep. w/bus. mgr.
 PA 167 Approp., con't. annual, from sales tax fund (sec. 25)
 PA 222 U. of M. hosp., admittance of indigents, laws revised
 PA 248 U. of M. hosp., indigent/afflicted, care of

Extra session of 1932 (42)

PA 2 Approp., U. of M., con't. annual, sets maximum
 PA 3 Approp., M.S.U., continued annual, sets maximum
 PA 15 Approp., capital outlay (1932-1935)
 PA 42 Approp., M.S.U., coop. agricultural extension

Regular session of 1931 (336)

PA 16 Faculty oath, U. of M. and M.S.U. excepted
 PA 56 Appropriations, capital outlay (1932-1935)
 PA 319 Approp., U. of M., continue annual, sets maximum
 PA 320 Approp., M.S.U., con't. annual, amends millage max.
 PA 327 Mich. Gen'l. Corp. Act, founda. to provide scholarship
 PA 328 Mich. Penal Code, trespass on college/univ. lands

Regular session of 1929 (326)

PA 209 U. of M., survey of Isle Royal, appropriation
 PA 285 Appropriations, M.S.U. coop ag. extension (1930-1931)
 PA 317 U. of M., hospital treat. handl. of crippled children
 PA 324 Appropriations, capital outlay

Regular session of 1927 (408)

PA 207 U. of M., psych. hospital, organized, laws revised
 PA 236 U. of M. Hosp., treatment etc. of crippled children
 PA 317 U. of M. Hosp., account for medicine furnished
 PA 386 Appropriations, M.S.U., con't. annual, removes max.
 PA 387 Appropriations, M.S.U., coop. ag. extension (1928-29)
 PA 402 Appropriations, M.S.U. capital outlay (1928-29)
 PA 404 Appropriations, U. of M., con't. annual, removes max.
 PA 406 Appropriations, U. of M., capital outlay (1928-29)

Extra session of 1926 (21)

none

Regular session of 1925 (393)

PA 153 Michigan State University, name changed
 PA 314 Approp., U. of M. continue annual, amend maximum
 PA 323 Approp., M.S.U., coop. ag. exten., suppl. (1926-27)
 PA 324 Appropriations, M.S.U., capital outlay (1926-27)
 PA 335 Appropriations, U. of M., capital outlay (1926-27)

Regular session of 1923 (323)

PA 191 M.S.U., auth. construction of stadium, appropriations
 PA 193 Approp., M.S.U., con't. ann., amends mill, sets max.
 PA 252 Appropriations, U. of M., continue annual, sets max.
 PA 308 Appropriations, M.S.U., capital outlay (1923-25)
 PA 310 Appropriations, U. of M., capital outlay (1923-25)

Extra session of 1922 (1)

none

Second extra session of 1921 (5)

none

First extra session of 1921 (31)

none

Regular session of 1921 (404)

PA 84 Domestic corp., corp. providing scholarships
 PA 219 Appropriations, M.S.U., emergency operating needs
 PA 247 Appropriations, U. of M., con't. annual, amends mill.
 PA 250 Appropriations, M.S.U., coop ag. exten. (1921-23)
 PA 351 Appropriations, U. of M., capital outlay (1921-23)

Extra session of 1919 (26)

none

Regular session of 1919 (421)

PA 36 Plantings along highways, M.S.U. to assist
 PA 149 Voc. ed., board, membership includes U. of M./M.S.U.
 PA 178 Appropriations, U. of M., capital outlay (1919-21)
 PA 204 Appropriations, M.S.U., coop ag. extension (1919-21)
 PA 229 Auth. M.S.U. to sell land to East Lansing church
 PA 315 Promote ag. in state, cooperate with Michigan State
 PA 402 Supt. of pub. instr., supervise over all instr.

Regular session of 1917 (387)

PA 96 Appropriations, U. of M., capital outlay
 PA 144 Authorize M.S.U. to pave certain adjacent streets
 PA 174 Bd. of boiler rules, Mem. included M.S.U./U. of M.
 PA 189 Voc. ed., bd. of control, mem. incl. M.S.U./U. of M.
 PA 226 Rural ag. schools, M.S.U. test teacher qualifications
 PA 310 U. of M. hosp., control vested in board of trustees

Regular session of 1915 (314)

PA 65 M.S.U. coop ag. exten., acceptance of Fed. grant
 PA 114 Approp., M.S.U., con't. annual, amends mill. tax
 PA 190 Appropriations, U. of M., capital outlay
 PA 267 U. of M. hosp., regulate free treatment, etc.

Regular session of 1913 (407)

PA 67 County ag. dept., to work in conj. with Michigan State
 PA 111 Appropriations, U. of M., capital outlay
 PA 254 Prevent sale adulterated insect., M.S.U. inspect
 PA 274 U. of M. hosp., free treatment of certain children
 PA 295 M.S.U., authorized to purchase land
 PA 324 Approp., M.S.U. con't. annual, amends mill. tax

Second extra session of 1912 (9)

PA 3 Auth. county to approp. ag. improv., M.S.U. to coop.

Extra session of 1912 (12)

none

Regular session of 1911 (299)

PA 100 Appropriations, U. of M., capital outlay

Regular session of 1909 (322)

PA 26 Transfer of military property to Michigan State
 PA 142 Transp. cadavers, dissect., duties U. of M. anat.
 PA 165 Auth. M.S.U. to grant ag. teachers certificates
 PA 171 Auth. U. of M. obtain cadavers, current expen. acct.
 PA 219 Co. ag. sch., courses teach. req. M.S.U. appr.
 PA 269 M.S.U. name chg., laws rev., board powers prescribed

Extra session of 1907 (7)

none

Regular session of 1907 (340)

PA 278 State psycho. hosp., organize, laws revised
 PA 302 Auth. pub. boards, rules, protest prop., amend
 PA 303 Approp., con't. annual, amend mill, with provisos

Regular session of 1905 (332)

PA 80 Auth. pub. boards to make rules, protest property
 PA 140 Psycho. ward, ann. approp., est. res. lab, admin.

Regular session of 1903 (257)

PA 116 Pasteur Inst., adm. of indigents, rabies, reimb.
 PA 180 Inc. assoc. providing scholarships, amend.
 PA 213 Auth. gov. board to grant teachers cert., amend.

Regular session of 1901 (242)

PA 5 Auth. dissecting, for adv. of science, amend.
 PA 161 Psycho. ward, established, appropriation

Extra session of 1900 (6)

none

Extra session of 1899-1900 (3)

none

Regular session of 1899 (273)

PA 86 Enables U. of M. to rec. money/property, invest
 PA 102 Appropriations, con't. annual, amends mill tax
 PA 193 Auth. dissecting, for adv. of science, amend
 PA 250 Inc. assoc., estab. loan-funds, benefit stud.

Extra session of 1898 (8)

none

Regular session of 1897 (289)

PA 42 U. of M. hosp., treat. of indig. child., duties, am.
 PA 43 U. of M., analyze water used by public
 PA 93 U. of M. grads., adm. to practice law, amend.
 PA 119 Auth. dissect, for adv. of science, amend.
 PA 168 Appropriations, capital outlay
 PA 233 U. of M. hosp., admission depend. child., treat am.

Regular session of 1895 (271)

- PA 36 U. of M. Regents, perpetual trust of land/prop.
- PA 140 Funds, held in trust, dep. with state treas.
- PA 205 U. of M. grads., adm. to practice law, regulate
- PA 257 Homeopathic med. college, amend PA 128 (1875) location
- PA 267 Auth. dissecting, for adv. of science, amend

Regular session of 1893 (213)

- PA 19 Approp., continue annual, amends mill tax
- PA 553 Mill tax, paid in quarterly installments hereafter

Regular session of 1891 (200)

- PA 25 Approp., operating and capital outlay (1891-92)
- PA 56 Vet. med. soc. report to be filed in library
- PA 98 Students may be employed in dental col., amend.
- PA 143 Prop., Woman's Aux. Assoc., U. of M., tax-exempt
- PA 144 Auth. certain depart. to give teacher cert.
- PA 146 Unif., acc't., biennial invent., ann. settle, am.

Regular session of 1889 (277)

- PA 145 Approp., operating and capital outlay (1889-90)

Regular session of 1887 (317)

- PA 243 Approp., operating and capital outlay (1887-88)

Regular session of 1885 (234)

- PA 191 Approp., operating and capital outlay (1885-86)

Regular session of 1883 (197)

- PA 96 Approp., operating and capital outlay (1883-84)
- PA 140 Students may be employed in dental college

Extra session of 1882 (27)

none

Regular session of 1881 (290)

- PA 16 Auth. dissecting, for adv. of science, amend.
- PA 60 Approp., operating and capital outlay (1881-82)
- PA 116 Supreme court rep. to be filed in U. of M. lib.
- PA 138 U. of M. hospital, admiss/treatment depend. child.

Regular session of 1879 (268)

PA 56 Appropriations, capital outlay
 PA 122 Approp., operating and capital outlay (1879-80)

Regular session of 1877 (207)

PA 185 Approp., operating and capital outlay (1877-78)

Regular session of 1875 (234)

PA 23 Proc., sale of ed. land, defer exp. to state
 PA 74 Appropriations, capital outlay
 PA 113 Approp., for outstanding interest warrants
 PA 128 Homoeopathic med. college, establish, appropriations
 PA 138 Auth. dissecting, for adv. of science, amend.
 PA 186 Dental school, establish, appropriations
 PA 205 School of mines, establish, appropriations
 PA 207 Appropriations, capital outlay

Extra session of 1874 (7)

none

Regular session of 1873 (199)

PA 7 Approp., operating deficit and capital outlay
 PA 32 Approp., con't. annual, prov. for mill tax
 PA 63 Prov. for app't. two professors of homeopathy

Extra session of 1872 (64)

none

Regular session of 1871 (197)

PA 30 Appropriations, capital outlay (1871-72)

Extra session of 1870 (8)

none

Regular session of 1869 (170)

PA 14 Approp., continuing annual, amends PA 59 of 1867

Regular session of 1867 (208)

PA 59 Approp., con't. annual, commence mill. tax.

Regular session of 1865 (365)

none

Extra session of 1864 (71)

none

Regular session of 1863 (243)

PA 143 Prov. for election/classification of regents

Extra session of 1862 (26)

none

Extra session of 1861 (10)

none

Regular session of 1861 (265)

none

Regular session of 1859 (263)

PA 143 Univ. int. fund, credit from lands sold, etc.

PA 206 Geol. spec., maps, diagrams, dep. in library

PA 219 Annual report to supt. of pub. inst. required

Extra session of 1858 (32)

PA 5 Prov. for elect. of regents/9th & 10th jud. dist.

Regular session of 1857 (195)

PA 56 University fund, amends date of effect

Regular session of 1855 (174)

PA 73 Univ. fund, credit with amount of interest accrued

PA 100 Professor of homeopathy, establish

Regular session of 1853 (97)

PA 60 University fund, credit with interest accrued

Extra session of 1851 (38)

none

Regular session of 1851 (157)

none

APPENDIX B

Public Acts Categorized by Each Institution to Which They Refer, 1970-1851

While the legislature may have enacted other legislation which influenced educational policies at these colleges and universities, only those public acts were analyzed which had direct reference to any one or to all of the constitutionally incorporated colleges and universities from the date they were respectively incorporated forward. Therefore, public acts were listed for each college or university according to the following order:

- I. Colleges and Universities granted constitutional status by the constitution of 1963
 - A. Central Michigan University . . . 1970-1963
 - B. Eastern Michigan University . . . 1970-1963
 - C. Ferris State College . . . 1970-1963
 - D. Grand Valley State College . . . 1970-1963
 - E. Lake Superior State College . . . 1970-1969
 - F. Michigan Technological University . . . 1970-1963
 - G. Northern Michigan University . . . 1970-1963
 - H. Oakland University . . . 1970
 - I. Saginaw Valley College . . . 1970-1965
 - J. Western Michigan University . . . 1970-1963
- II. Universities granted constitutional status by the constitution of 1908
 - A. Wayne State University . . . 1970-1959
 - B. Michigan State University . . . 1970-1909
- III. University granted constitutional status by the constitution of 1850
 - A. University of Michigan . . . 1970-1851

I. Colleges and universities granted constitutional status by the constitution of 1963

A. Central Michigan University

1970 PA 12, 46, 83
 1969 PA 14, 16, 99, 155, 225
 1968 PA 185, 230, 244, 311
 1967 PA 156, 240, 244, 252, 291
 1966 PA 26, 285, 310
 1965 PA 117, 124, 126
 1964 PA 14, 259, 273
 1963 second extra session PA 42, 48

B. Eastern Michigan University

1970 PA 46, 83
 1969 PA 14, 16, 36, 99, 155, 225
 1968 PA 10, 185, 239, 244, 311
 1967 PA 1, 156, 240, 244, 252, 291
 1966 PA 2, 26, 285, 310
 1965 PA 117, 124, 126
 1964 PA 14, 259, 273
 1963 second extra session PA 42, 48

C. Ferris State College

1970 PA 46, 83
 1969 PA 14, 65, 99, 155, 225
 1968 PA 10, 185, 230, 244, 311
 1967 PA 1, 240, 244, 252, 291
 1966 PA 2, 26, 285, 310
 1965 PA 117, 124, 126
 1964 PA 259, 273
 1963 second extra session PA 21, 22, 42

D. Grand Valley State College

1970 PA 13, 46, 83
 1969 PA 99, 155, 225
 1968 PA 230, 244, 311
 1967 PA 240, 252, 291
 1966 PA 2, 26, 149, 285, 310
 1965 PA 117, 124, 126
 1964 PA 259, 273
 1963 second extra session PA 21, 24, 42

E. Lake Superior State College (first established in 1969)

1970 PA 45, 46, 83
 1969 PA 26, 36, 99, 155, 225

F. Michigan Technological University

1970 PA 12, 46, 83
 1969 PA 14, 26, 36, 99, 155, 225
 1968 PA 10, 185, 230, 244, 311
 1967 PA 1, 240, 244, 252, 291

1966 PA 2, 285, 310
 1965 PA 16, 117, 124, 126
 1964 PA 259, 273
 1963 second extra session PA 21, 42, 49

G. Northern Michigan University

1970 PA 12, 46, 83
 1969 PA 16, 36, 99, 155, 225
 1968 PA 185, 230, 244, 311
 1967 PA 156, 240, 244, 252, 291
 1966 PA 2, 285, 310
 1965 PA 57, 117, 124, 126
 1964 PA 14, 259, 273
 1963 Second extra session PA 42, 48

H. Oakland University (first established in 1970)

1970 PA 35, 46, 83

I. Saginaw Valley College (first established in 1965)

1970 PA 46, 83
 1969 PA 99, 155, 225
 1968 PA 10, 230, 244, 311
 1967 PA 1, 240, 244, 252, 291
 1966 PA 14, 285, 310
 1965 PA 278

J. Western Michigan University

1970 PA 12, 46, 83
 1969 PA 14, 16, 99, 155, 225
 1968 PA 10, 185, 230, 244, 311
 1967 PA 1, 156, 240, 244, 252, 291
 1966 PA 2, 26, 202, 285, 310
 1965 PA 117, 124, 126
 1964 PA 14, 259, 273
 1963 second extra session PA 42, 48

II. Universities granted constitutional status by the constitution of 1908

A. Wayne State University (by amendment to the constitution)

1970 PA 46, 83
 1969 PA 36, 99, 155, 225
 1968 PA 10, 230, 244, 311
 1967 PA 1, 240, 244, 252, 291
 1966 PA 26, 285, 310
 1965 PA 117, 124, 126, 245
 1964 PA 259, 273
 1963 second extra session PA 5, 23, 42, 51
 1962 PA 232, 237
 1961 PA 111, 145, 188
 1960 PA 52, 77, 159, 160
 1959 PA 133, 269, JR 3 (constitutional amendment)

B. Michigan State University

1970 PA 45, 46, 83
 1969 PA 36, 99, 155, 162, 225
 1968 PA 230, 244, 311
 1967 PA 1, 230, 244, 311
 1966 PA 2, 26, 285, 310
 1965 PA 117, 124, 126
 1964 PA 259, 273
 1963 second extra session PA 5, 23, 42, 50
 1963 PA 173, 176, 243
 1962 PA 232, 237
 1961 PA 111, 145, 188
 1960 PA 77, 159, 160

 1959 PA 133, JR 2
 1958 PA 224, 229
 1957 PA 8, 142, 229, 288, 306, 309
 1956 PA 102, 190, 197, 208, 226
 1955 first extra session PA 9, 11
 1955 PA 37, 39, 103, 127, 269, 272, 278
 1954 PA 106, 211, 213
 1953 PA 216, 231
 1952 PA 191, 212
 1951 PA 272
 1950 PA 32

 1949 PA 280, 314, 316
 1948 PA 22, 46
 1947 PA 240, 304, 314
 1946 PA 1
 1945 PA 332, 342, 343
 1942 PA 15
 1941 PA 358, 382

 1939 PA 326
 1937 PA 156
 1935 PA 11, 23, 27, 113, 118
 1933 PA 10, 19, 110, 115, 116, 117, 167
 1932 PA 3, 15, 42
 1931 PA 16, 56, 320, 327, 328

 1929 PA 285, 324
 1927 PA 386, 387, 402
 1925 PA 153, 323, 324
 1923 PA 191, 193, 308
 1921 PA 219, 250

 1919 PA 36, 149, 204, 229, 315, 402
 1917 PA 144, 174, 189, 226
 1915 PA 65, 114

1913 PA 67, 254, 295, 324

1912 PA 3

1909 PA 26, 165, 219, 269

III. University granted constitutional status by the constitution of 1850

A. University of Michigan

1970 PA 45, 46, 80, 83

1969 PA 36, 99, 130, 155, 225

1968 PA 10, 230, 244, 310, 311

1967 PA 240, 244, 245, 252, 291

1966 PA 2, 285, 286, 310

1965 PA 117, 124, 125, 126, 245

1964 PA 259, 272, 273

1963 second extra session PA 5, 23, 42

1963 PA 173, 174, 176, 243

1962 PA 232, 234, 237

1961 PA 111, 124, 145, 188

1960 PA 77, 131, 159, 160

1959 PA 72, 133, 135, 269

1958 PA 142, 218, 224, 229

1957 PA 142, 172, 229, 186, 188, 306, 308, 309

1956 PA 102, 190, 201, 208, 225, 226

1955 PA 39, 63, 127, 168, 269, 172, 273, 277, 278

1954 PA 106, 152, 203, 207, 211, 213

1953 PA 146, 216, 228, 231, 233

1952 PA 84, 176, 191, 212, 255, 268, 271

1951 PA 123, 272

1950 PA 32

1949 PA 53, 203, 301, 306, 314, 316

1948 PA 22, 23, 46

1947 PA 240, 304, 306, 314

1946 PA 1, 29

1945 PA 333, 337, 342, 343

1943 PA 191

1942 PA 15

1941 PA 109, 255, 382

1939 PA 325

1937 PA 45, 85, 147, 243, 262

1935 PA 10, 11, 23, 27, 112

1933 PA 10, 167, 222, 248

1932 PA 2, 15

1931 PA 16, 56, 319, 327, 328

1929 PA 209, 317, 324

1927 PA 207, 236, 317, 404, 406

1925 PA 314, 335

1923 PA 252, 310
1921 PA 84, 247, 351

1919 PA 149, 178, 402
1917 PA 96, 174, 189, 310
1915 PA 190, 267
1913 PA 111, 274
1911 PA 100

1909 PA 142, 171
1907 PA 278, 302, 303
1905 PA 80, 140
1903 PA 116, 180, 213
1901 PA 5, 161

1899 PA 86, 102, 193, 250
1897 PA 42, 43, 93, 119, 168, 233
1895 PA 36, 140, 205, 267
1893 PA 19, 53
1891 PA 25, 56, 98, 143, 144, 146

1889 PA 145
1887 PA 243
1885 PA 191
1883 PA 96, 140
1881 PA 16, 60, 116, 138

1879 PA 56, 122
1877 PA 185
1875 PA 23, 74, 113, 128, 138, 186, 205, 207
1873 PA 7, 32, 63
1871 PA 30

1869 PA 14
1867 PA 59
1863 PA 143

1859 PA 143, 206, 219
1858 PA 5
1857 PA 56
1855 PA 73, 100
1853 PA 60

APPENDIX C

Public Acts Categorized by Subject Matter, 1970-1851

Subject Categories

- I. Appropriations, operating (annual and special programs)
- II. General finance matters
- III. Appropriations, capital outlay (maintenance, remodeling, new construction).
- IV. Appropriations, preliminary studies and planning of buildings
- V. Establishment and governance of the colleges and universities
- VI. Conveyance, sale, or transfer of land/property
- VII. Establishment and operation of educational programs and curriculum
- VIII. Personnel matters
- IX. Operations of the University of Michigan hospitals
- X. Miscellaneous matters

I. Appropriations, operating (annual and special programs)

1970	PA 80, 83	1939	PA 325, 326
		1937	PA 147, 156
1969	PA 130, 155	1935	PA 10, 11, 112, 113, 118
1968	PA 310, 311	1933	PA 19, 167
1967	PA 240, 245	1932	PA 2, 3, 42
1966	PA 285, 286	1931	PA 319, 320
1965	PA 117, 125		
1964	PA 259, 272	1929	PA 285
1963	PA 174, 176	1927	PA 386, 387, 404
1962	PA 232, 234	1925	PA 314, 323
1961	PA 125, 188	1923	PA 193, 252
1960	PA 131, 159	1921	PA 219, 247, 250
1959	PA 133, 135	1919	PA 204
1958	PA 218, 224	1915	PA 114
1957	PA 302, 306, 308	1913	PA 324
1956	PA 102, 201, 208, 225		
1955	first extra session	1907	PA 303
	PA 11		
1955	PA 63, 168, 277, 278	1899	PA 102
1954	PA 203, 207, 211, 212	1893	PA 19
1953	PA 216, 228, 233	1891	PA 25
1952	PA 176, 191, 255,		
	268, 271	1889	PA 145
1951	PA 272	1887	PA 243
1950	PA 32	1885	PA 191
		1883	PA 96
1949	PA 301, 316	1881	PA 60
1948	PA 22, 23		
1947	PA 304, 306	1879	PA 122
1946	PA 29	1877	PA 185
1945	PA 332, 333, 337	1873	PA 7, 32
1943	PA 191		
1942	PA 15	1869	PA 14
1941	PA 255, 358	1867	PA 59

II. General finance matters

1937	PA 45	Repeal of PA 140 of 1895
1931	PA 327	Mich. General Corporation Act, scholarships
1921	PA 84	Dom. corporation, relating to scholarships
1903	PA 180	Inc. association providing scholarships
1899	PA 86	Enables U. of M. rec. money/property, invest
	PA 250	Inc. association estab. loan funds, students
1895	PA 140	Funds, held in trust, dep. with state
1893	PA 53	Mill tax, paid in quarterly install. hereafter
1891	PA 146	Uniform accounting, biennial inventory
1875	PA 113	Appropriation, for outstanding interest warrants
1859	PA 143	Univ. interest, fund, credited from lands sold
1857	PA 56	University fund, amends date of effect

1855 PA 73 Univ. fund, cred. with amount of interest accrued
 1853 PA 60 Univ. fund, cred. with amount of interest accrued

III. Appropriations, capital outlay (maintenance, remodeling, new construction)

1970 PA 12, 46	1937 PA 243
	1933 PA 10
1969 PA 14, 225	1932 PA 15
1968 PA 10, 244	1931 PA 56
1967 PA 1, 252	
1966 PA 2, 26, 310	1929 PA 324
1965 PA 16, 126	1927 PA 402, 406
1964 PA 273	1925 PA 324, 335
1963 PA 243	1923 PA 191, 308, 310
1962 PA 237	1921 PA 250, 351
1961 PA 111, 145	
1960 PA 160	1919 PA 178, 204
	1917 PA 96
1959 PA 72, 269	1915 PA 190
1958 PA 229	1913 PA 111
1957 PA 172, 309	1911 PA 100
1956 PA 102, 226	
1955 PA 103, 272, 273	1897 PA 168
1954 PA 213	1891 PA 25
1953 PA 231	
1952 PA 212	1889 PA 145
1951 PA 272	1887 PA 243
	1885 PA 191
1949 PA 314	1883 PA 96
1948 PA 46	1881 PA 60
1947 PA 314	
1946 PA 1	1879 PA 56, 122
1945 PA 332, 333, 342, 343	1877 PA 185
1941 PA 382	1875 PA 74, 207
	1873 PA 7
	1871 PA 30

IV. Appropriations, preliminary studies and planning of buildings

1970 PA 45
 1969 PA 36
 1968 PA 230
 1967 PA 244
 1965 PA 124
 1963 PA 173

V. Establishment and governance of the colleges and universities

1970 PA 13 Grand Valley State College, powers defined
 PA 35 Oakland University, established

1969 PA 16 Central, Eastern, Northern, Western, powers def.
 PA 26 Lake Superior State College, established
 PA 99 Boards of control, residence requirement
 PA 162 School of osteopathic medicine, estab./loca.
 1966 PA 14 Saginaw Valley College, renamed
 PA 149 Grand Valley, boards of control, powers defined
 1965 PA 278 Saginaw Valley College, established
 1964 PA 14 Certain boards of control, powers defined
 1963 second extra session:
 PA 5 Boards of control, qual., elections, etc.
 PA 21 Mich. Tech., Ferris, Grand Valley, renamed
 PA 22 Ferris, board of control, powers defined
 PA 23 U. of M., M.S.U., W.S.U., board members, terms
 PA 24 Grand Valley, board of control, powers defined
 PA 42 College/university, accounting to legislature
 PA 48 Central, Eastern, Northern, Western, powers def.
 PA 49 Michigan Technological, laws revised
 PA 50 Michigan State, laws revised
 PA 51 Wayne State, laws revised
 1959 JR 2 M.S.U., governing board, name changed
 JR 3 W.S.U., governing board created
 1957 PA 8 M.S.U., governing board, elections
 1956 PA 190 Boards of control, nominees, certified
 1955 PA 37 M.S.U., name changed, curriculum prescribed
 1933 PA 110 M.S.U., sec. to board, remove salary stipulation
 PA 115 M.S.U., sec. to bd., revised duties, adds bus. mgr.
 PA 116 M.S.U., Fed. aid, agric. exten., dep. with b. mgr.
 PA 117 M.S.U., Fed. aid, coop, ext., dep. with bus. mgr.
 1925 PA 153 M.S.U., name changed
 1915 PA 65 M.S.U., coop, ag. ext., state accepts U.S. grant
 1909 PA 269 M.S.U., name changed, laws revised, powers
 1895 PA 36 U. of M. regents, take/hold property in trust
 1863 PA 143 U. of M. regents, election, classification
 1859 PA 219 Annual rept. req., for supt. of public inst.
 1858 PA 5 U. of M. regents elec. in 9th and 10th districts

VI. Conveyance, sale, or transfer of land/property

1966 PA 202 Western Michigan, conveyance of land to
 1965 PA 57 Northern Michigan, transfer of land to
 1954 PA 152 U. of M., Neuropsych. Inst., conv. land for
 1937 PA 85 U. of M., trans. of hosp., Neuropsych. Inst.
 1919 PA 229 Authorized M.S.U., sell land, E. Lansing church
 1913 PA 295 M.S.U., authorized to purchase land
 1909 PA 26 Transfer of military property to M.S.U.
 1875 PA 23 Educa. land proc., defray expen. of government

VII. Establishment and operation of educational programs and curriculum

1965 PA 245 Institute of Gerontology, established
 1960 PA 77 Mich. Higher Education Authority, established

1958 PA 142 U. of M., Veterans Readjust. Center, management
 1957 PA 229 Political science, required for degree
 1955 first extra session:
 PA 9 M.S.U., highway traffic safety ctr., estab.
 1954 PA 106 Political science, required for degree
 1953 PA 146 U. of M., Veterans Readj. Ctr., laws revised
 1952 PA 84 U. of M., Veterans Readj. Ctr., laws revised
 1951 PA 123 U. of M., Veterans Readj. Ctr., laws revised
 1949 PA 280 M.S.U., military courses, certain exemp.
 PA 306 U. of M., Veterans Readj. Center, established
 1917 PA 226 Rural ag. sch., M.S.U. test qual.
 1909 PA 165 Auth. M.S.U. to grant agric. teacher cert.
 PA 219 Co. ag. sch., teachers/courses, M.S.U. appro.
 1905 PA 140 U. of M., psych. ward, estab. research lab.
 1903 PA 213 Auth. U. of M. to grant teach. cert., amend.
 1901 PA 161 U. of M., psych. ward, established, appropria.
 1897 PA 93 U. of M. grads, adm. to practice law, amend.
 1895 PA 257 U. of M., homeopathic med. col., trans. to Detroit
 PA 205 U. of M. grads, adm. to practice law, regulate
 1891 PA 144 U. of M., authorizes depts., give teach. cert.
 1875 PA 128 U. of M., homeopathic med. college established
 PA 186 U. of M., dental school, established
 PA 205 U. of M., school of mines, established
 1873 PA 63 Prov. for appt. two profs. of homeopathy
 1855 PA 100 U. of M. professor of homeopathy, establish

VIII. Personnel matters

1968 PA 185 State retire. program, optional participation
 1967 PA 156 State retire. program, optional participation
 1960 PA 52 Retirement benefits, W.S.U. employees benefits
 1957 PA 142 Retire. benefits, U. of M. & M.S.U. employees
 1955 PA 39 Soc. Security coverage, U. of M. & M.S.U. empl.
 1947 PA 240 Employee retirement system, credit for service
 1935 PA 23 College faculty oath, to support U.S. const.
 1931 PA 16 Faculty oath, U. of M. and M.S.U. excepted.

IX. Operations of the University of Michigan hospitals

1957 PA 286 Welfare patients, admittance procedures
 1949 PA 53 Admittance of indigents, payment revised
 PA 203 Admittance of indigents, compensation
 1941 PA 109 Neuropsych. hosp., sterilization of inmates
 1937 PA 262 Admittance of indigents, reimburse, revised
 1933 PA 222 Admittance of indigents, reimburse, revised
 PA 248 Indigents/afflicted, care of, compensation
 1929 PA 317 Treatment/handling of crippled children
 1927 PA 207 U. of M., psych. hosp., organize, laws revised
 PA 236 Treatment/handling of crippled children
 PA 317 Required to account for medicines furnished
 1917 PA 310 U. of M. hosp., control vested in bd. trustees
 1915 PA 267 Regulate free treatment and care

1909 PA 142 Transp. dead bodies, dissecting, duties
 PA 171 Auth. to obtain cadavers with curr. funds
 1907 PA 278 U. of M., psych. hosp., organize, laws rev.
 1903 PA 116 Pasteur Inst., admission of indigents, rabies
 1901 PA 5 Auth. dissect, for adv. of science, amend.
 1899 PA 193 Auth. dissect, for adv. of science, amend.
 1897 PA 42 Treatment of indigent child, duties, amend.
 PA 119 Auth. dissect, for adv. of science, amend.
 PA 233 Adm. of depend. children, treatment, amend.
 1895 PA 267 Auth. dissect, for adv. of science, amend.
 1881 PA 16 Auth. dissect, for adv. of science, amend.
 PA 138 Adm. of depend. children, treatment, amend.
 1875 PA 138 Auth. dissect, for adv. of science, amend.

X. Miscellaneous matters

1967 PA 291 Traffic ordinance, enactment, enforcement
 1957 PA 288 Condemn. of prop., public hospitals, colleges
 1956 PA 197 Promote ag., coop. with M.S.U., referendum
 1955 PA 127 Voc. ed., bd. of control, mem., U. of M./M.S.U.
 PA 269 Supt. pub. instr., gen'l. sup. over insti.
 1935 PA 27 Insti. for promotion of Michigan mined coal
 1931 PA 328 Mich. penal code, trespass on col./univ. lands
 1929 PA 209 U. of M., survey of Isle Royale, appropriations
 1919 PA 36 M.S.U., assist/regulate highway plantings
 PA 149 Voc. ed., bd. of control, mem., U. of M./M.S.U.
 PA 315 Promote ag., cooperate with M.S.U.
 PA 402 Supt. pub. inst., superv. over all instr.
 1917 PA 144 Auth. M.S.U. to pave certain adjacent streets
 PA 174 Bd. of boiler rules, mem. incl. U. of M./M.S.U.
 PA 189 Voc. ed. board mem. included, U. of M./M.S.U.
 1913 PA 67 Co. ag. dept., work in conjunction with M.S.U.
 PA 254 Prevent sale insecticides, M.S.U. inspect
 1912 PA 3 Auth. co., to appro. ag. improv., M.S.U. coop.
 1907 PA 302 Auth. public boards, make rules, protect prop.
 1905 PA 80 Auth. pub. bds. make rules, protect property
 1897 PA 43 U. of M., analyze water used by public
 1891 PA 56 Vet. med. soc. rep't., filed U. of M. library
 PA 98 Student may be empl., dental college, amend.
 PA 143 Property, U. of M. Woman's Aux., tax-exempt
 1883 PA 140 Student may be employed in dental college
 1881 PA 116 Supreme court rep., filed U. of M. library
 1859 PA 206 Geol. speci., maps, diagr., filed U. of M. lib.

APPENDIX D

Constitutional Provisions Effecting the Constitutional Incorporation of Each College and University

- I. Constitution of the State of Michigan of 1963
- II. 1959 Amendment to the Constitution of 1908
- III. Constitution of the State of Michigan of 1908
- IV. Constitution of the State of Michigan of 1850

I. Constitution of the State of Michigan of 1963

ARTICLE VIII

Education

Higher education institutions; appropriations, accounting,
public sessions of boards

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

University of Michigan, Michigan State University,
Wayne State University; controlling boards

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Other institutions of higher
education; controlling boards

Sec. 6. Other institutions of higher education
established by law having authority to grant baccalaureate

degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervisions of the institutions and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

II. 1959 Amendment to the Constitution of 1908

ARTICLE XI

Education

Board of governors; Wayne State
University; president; supervision

Sec. 16. There shall be a board of governors of Wayne State University, consisting of 6 members, who shall hold office for 6 years. There shall be elected at each regular biennial spring election 2 members of such board. When a vacancy occurs in the board of governors, it shall be filled by appointment of the governor. The board of governors of Wayne State University and their successors in office shall continue to constitute the body corporate known as "The Board of Governors of Wayne State University". The board of governors shall, as often as necessary, elect a president of Wayne State University. The president and the superintendent of public instruction shall be ex-officio members of the board of governors, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of Wayne State University. The board of governors of Wayne State University shall have general supervision of Wayne State University and the duties of said board shall be prescribed by law. The legislature shall be given an annual detailed accounting of all income from whatever source derived and all expenditures by Wayne State University.

III. Constitution of the State of Michigan of 1908

ARTICLE XI

Education

Regents of the university; name

Sec. 4. The regents of the university and their successors in office shall continue to constitute the body corporate known as "The Regents of the University of Michigan."

University; president, supervision

Sec. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the superintendent of public instruction shall be ex-officio members of the board of regents, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

State board of agriculture;
election; name

Sec. 7. There shall be elected on the first Monday in April, nineteen hundred nine, a state board of agriculture to consist of six members, two of whom shall hold the office for two years, two for four years and two for six years. At every regular biennial spring election thereafter, there shall be elected two members whose term of office shall be six years. The members thus elected and their successors in office shall be a body corporate to be known as "The State Board of Agriculture."

Agricultural college;
president; supervision

Sec. 8. The state board of agriculture shall, as often as necessary, elect a president of the agricultural college, who shall be ex-officio a member of the board with the privilege of speaking but not of voting. He shall preside at the meetings of the board and be the principal executive officer of the college. The board shall have the general supervision of the college, and the direction and control of all agricultural college funds; and shall perform such other duties as may be prescribed by law.

IV. Constitution of the State of Michigan of 1850

ARTICLE XIII

Education

Regents of university;
body corporate

Sec. 7. The regents of the university and their successors in office shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan."

President of university;
supervision by regents

Sec. 8. The regents of the university shall, at their first annual meeting, or as soon thereafter as may be, elect a president of the university, who shall be ex-officio a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the regents and be the principal executive officer of the university. The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund.

APPENDIX E

Selected Public Acts Referenced in the Study

These public acts illustrate the growing complexity of the appropriations acts over the years together with the different styles and numbers of conditions which were attached by the legislature. Included in Appendix E are:

- I. The First Appropriations Act--Public Act No. 59 of 1867
- II. The First Appropriations Act to be Completely Itemized--Public Act No. 185 of 1877
- III. The Latest Appropriations Act--Public Act No. 83 of 1970

I. The First Appropriations Act

PA 59 of 1867 was the first appropriations act to be enacted by the Michigan legislature for a university. It also was the first "mill tax" to be levied by the State for a University. In prior years a "University Interest Fund" had been established from funds received from the sale of lands, which the University of Michigan drew upon for its operational and capital outlay needs.

State of Michigan
Regular Session of 1867
Public Act No. 59

An Act to extend aid to the University of Michigan.

Sec. 1. The People of the State of Michigan enact, That there shall be assessed upon the taxable property of this state, in the year eighteen hundred and sixty-seven, and in each year thereafter, for the use, aid and maintenance of the University of Michigan, the sum of one-twentieth of a mill on each dollar of said taxable property assessed and paid into the treasury of the State, in like manner as other State taxes are by law levied, assessed and paid; which tax, when collected, shall be paid by the State Treasurer to the treasurer of the Board of Regents of the University, in like manner as the interest on the University fund is paid to said treasurer of said board: Provided, That the Regents of the University shall carry into effect the law which provides that there shall always be at least one professor of homeopathy in the department of medicine, and appoint said professor at the same salary as the other professors in this department, and the State Treasurer shall not pay to the treasurer of the Board of Regents any part or all of the above tax until the Regents shall have carried into effect this proviso.

Approved March 15, 1867

II. The First Appropriations Act to be Completely Itemized

PA 185 of 1877 was so specifically itemized that each professor was named by department together with the equipment and physical improvements he required. The legislature had been unhappy about the way the University was spending its money in the past. It also wanted to be certain that programs of special interest to the legislature were properly funded.

State of Michigan
Regular Session of 1877
Public Act No. 185

An Act entitled "an act making appropriations for the general and other expenses of the University of Michigan."

Section 1. The People of the State of Michigan enact, That there shall be and is hereby appropriated out of the State treasury, for the general expenses of the University of Michigan and for other expenses herein named, the following sums, to wit: To pay the professor of geology for the year eighteen hundred and seventy-seven, two thousand dollars; to pay the professor of geology for the year eighteen hundred and seventy-eight, two thousand dollars; for the physical laboratory for the year eighteen hundred and seventy-seven, one thousand dollars; for the physical laboratory for the year eighteen hundred and seventy-eight, five hundred dollars; to pay the professor of physics for the year eighteen hundred and seventy-seven, two thousand dollars; to pay the professor of physics for the year eighteen hundred and seventy-eight, two thousand dollars; for the hospital for the year eighteen hundred and seventy-seven, two thousand dollars; for the hospital for the year eighteen hundred and seventy-eight, two thousand dollars; for the physiological laboratory of the medical departments for the year eighteen hundred and seventy-seven, two thousand five hundred dollars; for the physiological laboratory of the medical departments for the year eighteen hundred and seventy-eight, one thousand dollars; for the general library for the year eighteen hundred and seventy-seven, two thousand five hundred dollars; for the general library for the year eighteen hundred and seventy-eight, two thousand five hundred dollars; to pay the professors in the dental school for the year eighteen hundred and seventy-seven, four thousand five hundred dollars; to pay the professors in the dental school for the year eighteen hundred and seventy-eight, four thousand five hundred dollars; to pay for apparatus in the dental school for the year eighteen hundred and seventy-seven, one thousand dollars; to pay for apparatus in the dental school for the year eighteen hundred and seventy-eight, five hundred dollars; to repair a building for the dental school for the year eighteen hundred and seventy-seven, one thousand dollars; for the astronomical department for the year eighteen hundred and seventy-seven, one thousand five hundred dollars; to enable the regents to extend the term of instruction in the department of

medicine and surgery to nine months for the year eighteen hundred and seventy-seven, four thousand five hundred dollars; to enable the regents to extend the term of instruction in the department of medicine and surgery to nine months, for the year eighteen hundred and seventy-eight, four thousand five hundred dollars; to enable the regents to extend the term of instruction in the homeopathic college to nine months, for the year eighteen hundred and seventy-seven, two thousand five hundred dollars; to enable the regents to extend the term of instruction in the homeopathic college to nine months, for the year eighteen hundred and seventy-eight, two thousand five hundred dollars.

Sec. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and seventy-seven, the sum of twenty-seven thousand dollars, and in the year eighteen hundred and seventy-eight, the further sum of twenty-two thousand dollars assessed and levied in like manner as other State taxes are by law levied, assessed, and paid; which tax when collected shall be credited up to the general fund to reimburse the same for the amounts drawn therefrom, as provided in section one of this act.

Sec. 3. This act shall take immediate effect.

Approved May 22, 1877.

III. The Latest Appropriations Act

By 1970 the appropriations acts had become quite detailed and contained a record number of conditions (see Table 1 in chapter IV for some indication of the growing numbers of, and changes in conditions). PA 83 of 1970 was the first appropriations act to be subdivided by operational categories. It should also be noted that the appropriations for the three medical schools were highlighted under each of the universities which have one.

State of Michigan
Regular Session of 1970
Public Act No. 83

AN ACT to make appropriations for the state institutions of higher education and certain other purposes relating to education for the fiscal year ending June 30, 1971; to provide for the expenditure of such appropriations; and to provide for the disposition of fees and other income received by various state agencies.

The People of the State of Michigan enact:

Sec. 1. There is appropriated for the state institutions of higher education and certain state purposes related to education, and subject to the conditions herein set forth, from the general fund of the state, for the fiscal year ending June 30, 1971, the sum of \$330,332,264.60 or as much thereof as may be necessary for the several purposes and in the following respective amounts:

CENTRAL MICHIGAN UNIVERSITY

For Fiscal Year
Ending June 30,
1971

Instruction (This program includes teaching credit courses, academic advising, admissions, registration and learning resources)	\$ 12,512,674.00
Public service (This program includes noncredit extension and other community service activities)	474,795.00
Library (This program includes technical services, public services, acquisitions and administration)	838,517.00
Student services (This program includes student services, student activities and includes financial aids of \$660,-075.00)	1,777,058.00
General support (This program includes administration, plant operation and maintenance, improvement and expansion)	5,011,871.00
Gross total current operations	\$ 20,614,915.00
Less in state student fees	5,206,200.00
Less out of state student fees	156,635.00
Less off campus student fees	508,750.00
Less self-liquidating debt fees	811,020.00
Less other income	1,145,410.00

NET GENERAL FUND \$ 12,786,900.00

For Fiscal Year
Ending June 30,
1971

EASTERN MICHIGAN UNIVERSITY

Instruction	\$ 17,246,362.00
Research (This program includes project research and research units)	54,944.00
Public services	578,701.00
Library	1,419,453.00
Student services (including financial aid of \$382,700.00)	2,192,517.00
General support	6,642,198.00

Gross total current operations	\$ 28,134,175.00
Less in state student fees	7,069,345.00
Less out of state student fees	800,311.00
Less off campus student fees	480,669.00
Less self-liquidating debt fees	698,970.00
Less other income	803,829.00

NET GENERAL FUND \$ 18,281,051.00

FERRIS STATE COLLEGE

Instruction	\$ 8,681,645.00
Public service	166,536.00
Library	558,013.00
Student services (including financial aid of \$599,904.00)	1,585,187.00
General support	2,974,794.00

Gross total current operations	\$ 13,966,175.00
Less in state student fees	3,057,436.00
Less out of state student fees	354,389.00
Less self-liquidating debt fees	174,050.00
Less other income	205,492.00

NET GENERAL FUND \$ 10,174,808.00

GRAND VALLEY STATE COLLEGE

Instruction	\$ 2,657,488.00
Research	6,500.00
Public service	95,290.00
Library	311,369.00
Student services (includes financial aid of \$232,777.00) ..	621,696.00
General support	1,546,789.00

Gross total current operations	\$ 5,239,132.00
Less in state student fees	1,224,035.00
Less out of state student fees	102,070.00
Less self-liquidating debt fees	96,370.00
Less other income	93,744.00

NET GENERAL FUND \$ 3,722,913.00

For Fiscal Year
Ending June 30,
1971

LAKE SUPERIOR STATE COLLEGE

Instruction	\$ 1,470,942.00
Public service	54,147.00
Library	201,151.00
Student services (includes financial aid of \$94,071.00) ...	273,202.00
General support	800,847.00

Gross total current operation	\$ 2,800,289.00
Less in state student fees	485,136.00
Less out of state student fees	260,527.00
Less off campus student fees	30,241.00
Less self-liquidating debt fees	40,300.00
Less other income	122,500.00

NET GENERAL FUND\$ 1,861,585.00

MICHIGAN STATE UNIVERSITY (EAST LANSING CAMPUS)

(Including land grant endowment fund interest, and \$1,362,939.00 for administration and operation of the college of human medicine and \$1,086,913.00 for expansion of the third and fourth years of the medical school to an enrollment of 100 allopathic medical students. Also including \$900,000.00 for administration and operation of the college of osteopathic medicine and expansion to an enrollment of 45 osteopathic medical students.)

Instruction	\$ 56,459,017.00
Research	2,999,728.00
Public service	3,673,111.00
Library	3,037,403.00
Student services (includes financial aid of \$5,874,436.00)	11,605,455.00
General support	17,503,491.00

Gross total current operations	\$ 95,278,205.00
Less in state student fees	20,786,771.00
Less out of state student fees	8,131,606.00
Less off campus student fees	1,217,914.00
Less self-liquidating debt fees	861,527.00
Less other income	4,348,263.00

NET GENERAL FUND, EAST LANSING

CAMPUS\$ 59,932,124.00

Agriculture experiment station

Administration and operation	\$ 5,869,645.00
Bean and beet plant research	80,000.00
Vegetable and fruit research	100,000.00
Pesticide research	500,000.00
Mastitis in dairy cattle	50,000.00
Beef cattle forage	75,000.00
Soft white winter wheat	75,000.00
Sod production	50,000.00
Mechanization of harvesting	40,000.00
Extending peach tree life	24,000.00

For Fiscal Year
Ending June 30,
1971

Cattle and swine infertility	\$ 50,000.00
Fruit and vegetable weather adaptability	36,000.00
Integrated control of fruit pests	40,000.00
Less federal aid and other income	1,401,613.00

**NET GENERAL FUND, AGRICULTURE
EXPERIMENT STATION** \$ 5,588,002.00

Cooperative extension service	
Administration and operation	\$ 7,348,291.00
Less federal aid and other income	2,806,921.00

**NET GENERAL FUND, COOPERATIVE
EXTENSION SERVICE** \$ 4,541,370.00

**NET GENERAL FUND, MICHIGAN STATE
UNIVERSITY** \$ 70,061,496.00

MICHIGAN TECHNOLOGICAL UNIVERSITY

Instruction	\$ 6,521,326.00
Research	857,871.00
Public service	282,329.00
Library	549,094.00
Student services (includes financial aid of \$707,610.00) ..	1,326,748.00
General support	3,219,608.00

Gross total current operations	\$ 12,756,971.00
Less in state student fees	1,696,895.00
Less out of state student fees	1,714,244.00
Less off campus student fees	7,215.00
Less self-liquidating debt fees	287,160.00
Less other income	380,039.00

NET GENERAL FUND \$ 8,671,418.00

NORTHERN MICHIGAN UNIVERSITY

Instruction	\$ 7,010,981.00
Public service	429,143.00
Library	787,739.00
Student services (includes financial aid of \$665,423.00) ..	1,633,994.00
General support	3,503,296.00

Gross total current operations	\$ 13,365,153.00
Less in state student fees	2,645,616.00
Less out of state student fees	748,544.00
Less off campus student fees	100,913.00
Less self-liquidating debt fees	390,899.00
Less other income	1,494,696.00

NET GENERAL FUND \$ 7,984,485.00

For Fiscal Year
Ending June 30,
1971

OAKLAND UNIVERSITY

Instruction	\$ 6,276,527.00
Research	75,111.00
Public service	242,905.00
Library	918,604.00
Student services (includes financial aid of \$349,864.00) ..	1,703,434.00
General support (including \$15,000.00 added subsidy for autonomy pursuant to Public Act No. 35 of 1970) ..	2,341,328.00
<hr/>	
Gross total current operations	\$ 12,062,909.00
Less in state student fees	3,763,651.00
Less out of state student fees	469,349.00
Less self-liquidating debt fees	346,000.00
Less other income	330,000.00

NET GENERAL FUND\$ 7,153,909.00

SAGINAW VALLEY COLLEGE

Instruction	\$ 1,399,739.00
Research	27,478.00
Public service	42,007.00
Library	257,058.00
Student services (includes financial aid of \$43,000.00) ..	119,303.00
General support	928,251.00
<hr/>	
Gross total current operations	\$ 2,773,866.00
Less in state student fees	602,462.00
Less out of state student fees	17,922.00
Less self-liquidating debt fees	35,113.00
Less other income	27,471.00

NET GENERAL FUND\$ 2,090,898.00

UNIVERSITY OF MICHIGAN (ANN ARBOR CAMPUS)

(Including \$3,299,186.00 for administration and operation of the college of medicine and \$320,000.00 for the continuing expansion program to 225 class level and total enrollment of 557 allopathic medical students and \$140,930.00 for community medicine program and \$3,801,267.00 for administration and operation of the dental school and \$497,400.00 for expansion to 130 class level and total enrollment of 430 dental and medical students.)

Instruction	\$ 68,332,013.00
Research	7,298,796.00
Public service	2,523,376.00
Library	5,489,741.00
Student services (includes financial aid of \$5,019,390.00 at the Ann Arbor campus)	8,952,196.00
General support	23,919,901.00

Gross total current operations\$116,516,023.00

For Fiscal Year
Ending June 30,
1971

Less in state student fees	\$ 12,783,926.00
Less out of state student fees	18,475,295.00
Less off campus student fees	1,362,133.00
Less self-liquidating debt fees	1,169,077.00
Less other income	13,430,562.00

NET GENERAL FUND, ANN ARBOR

CAMPUS\$ 69,295,030.00

UNIVERSITY OF MICHIGAN (DEARBORN CAMPUS)

(Including \$225,000.00 for planning for the first and second year programs. It is the intent of the legislature that the freshman and sophomore programs shall be implemented and operational for the fall term of 1971.)

Instruction	\$ 1,815,864.00
Library	230,269.00
Student services (includes financial aid of \$97,664.00) ..	125,047.00
General support	574,875.00
Gross total current operation	\$ 2,746,055.00
Less in state student fees	401,695.00
Less out of state student fees	34,110.00
Less other income	10,000.00

NET GENERAL FUND, DEARBORN

CAMPUS\$ 2,300,250.00

UNIVERSITY OF MICHIGAN (FLINT CAMPUS)

Instruction	\$ 1,818,629.00
Public service	8,863.00
Library	183,288.00
Student services (including financial aid of \$170,629.00)	256,606.00
General support	599,854.00
Gross total current operations	\$ 2,867,240.00
Less in state student fees	926,914.00
Less out of state student fees	30,870.00

NET GENERAL FUND, FLINT CAMPUS\$ 1,909,456.00

NET GENERAL FUND, UNIVERSITY OF MICHIGAN\$ 73,504,736.00

WAYNE STATE UNIVERSITY

(Including \$6,592,060.00 for administration and operation of the college of medicine, and \$1,112,334.00 for expansion to an entering class of 165 and total enrollment of 564 allopathic medical students in 1970-71 and an entering class of 208 in September 1971 and total enrollment of 682 allopathic medical students.)

Instruction	\$ 43,858,714.00
Research	896,922.00
Public service	1,439,552.00
Library	3,072,803.00
Student services (includes financial aid of \$2,227,053.00)	4,454,146.00
General support	13,721,254.00
Gross total current operations	\$ 67,443,391.00

For Fiscal Year
Ending June 30,
1971

Less in state student fees	\$ 15,568,735.00
Less out of state student fees	2,257,429.00
Less off campus student fees	758,780.00
Less self-liquidating debt fees	369,000.00
Less other income	3,439,146.00

NET GENERAL FUND \$ 45,050,301.00

WESTERN MICHIGAN UNIVERSITY

Instruction	\$ 23,150,257.00
Research (including \$100,00.00 for ecological water quality research in paper technology)	227,344.00
Public service	282,016.00
Library	1,791,629.00
Student services (includes financial aid of \$771,196.00) ..	2,822,707.00
General support	7,087,774.00

Gross total current operation	\$ 35,364,727.00
Less resident student fees	7,627,251.00
Less nonresident student fees	2,255,328.00
Less off campus student fees	574,123.00
Less self-liquidating debt fees	1,268,881.00
Less other income	1,382,605.00

NET GENERAL FUND \$ 22,256,539.00

INSTITUTE OF GERONTOLOGY — Administered jointly by the university of Michigan and Wayne state university

Training	\$ 60,402.00
Research	144,432.00
Public service	74,078.00
General support	27,398.00

Gross total	\$ 306,310.00
Less other income	36,000.00

NET GENERAL FUND, INSTITUTE OF GERONTOLOGY \$ 270,310.00

EXECUTIVE OFFICE — BUREAU OF THE BUDGET MEDICAL AUGMENTATION GRANTS IMPROVING CARE (to be released by the budget director on the basis of \$13,000.00 per full time equated registered freshman medical student in excess of:

Michigan state university, college of human medicine

—40

college of osteopathic medicine—25

university of Michigan, college of medicine—225

Wayne state university, college of medicine—165

on certification of such expanded enrollment by the college of medicine to the budget director—bureau of the budget. Each subsequent year the bureau of the budget shall include support for the augmented sophomore, junior and senior enrollments under this program in the regular budget recommendations to the legislature.

		For Fiscal Year Ending June 30, 1971
NET GENERAL FUND, MEDICAL AUGMENTATION		
GRANTS IMPROVING CARE	\$	195,000.00
TOTAL GENERAL FUND, COLLEGES AND		
UNIVERSITIES	\$	284,066,349.00
JUNIOR AND COMMUNITY COLLEGES		
ALPENA COMMUNITY COLLEGE		
Gross budget	\$	1,509,628.00
Less student fees		410,140.00
Less other income		128,500.00
Less local tax revenues		300,588.00
NET GENERAL FUND, ALPENA COMMUNITY COLLEGE,		
not to exceed	\$	640,400.00
BAY de NOC COMMUNITY COLLEGE		
Gross budget	\$	972,009.00
Less student fees		265,600.00
Less other income		143,589.00
Less local tax revenues		98,000.00
NET GENERAL FUND, BAY de NOC COMMUNITY		
COLLEGE, not to exceed	\$	464,820.00
DELTA COLLEGE		
Gross budget	\$	6,403,545.00
Less student fees		1,499,200.00
Less other income		650,000.00
Less local tax revenues		1,854,000.00
NET GENERAL FUND, DELTA COLLEGE, not to exceed ..		
	\$	2,400,345.00
GENESEE COMMUNITY COLLEGE		
Gross budget	\$	7,187,670.00
Less student fees		1,579,460.00
Less other income		1,087,163.00
Less local tax revenues		1,862,417.00
NET GENERAL FUND, GENESEE COMMUNITY		
COMMUNITY COLLEGE, not to exceed	\$	2,658,630.00
GLEN OAKS COMMUNITY COLLEGE		
Gross budget	\$	947,519.00
Less student fees		272,110.00
Less other income		76,564.00
Less local tax revenues		155,500.00
NET GENERAL FUND, GLEN OAKS COMMUNITY		
COLLEGE, not to exceed	\$	443,345.00

For Fiscal Year
Ending June 30,
1971

GOGEBIC COMMUNITY COLLEGE

Gross budget (including \$100,000.00 for phase I vocational technical program development)	\$ 851,445.00
Less student fees	256,940.00
Less other income	40,000.00
Less local tax revenues	50,000.00

NET GENERAL FUND, GOGEBIC COMMUNITY

COLLEGE, not to exceed\$ 504,505.00

GRAND RAPIDS JUNIOR COLLEGE

Gross budget	\$ 5,061,943.00
Less student fees	1,857,070.00
Less other income	35,000.00
Less local tax revenues	936,893.00

NET GENERAL FUND, GRAND RAPIDS JUNIOR

COLLEGE, not to exceed\$ 2,232,980.00

HENRY FORD COMMUNITY COLLEGE

Gross budget	\$ 8,752,486.00
Less student fees	2,944,540.00
Less other income	355,000.00
Less local tax revenues	1,933,291.00

NET GENERAL FUND, HENRY FORD COMMUNITY

COLLEGE, not to exceed\$ 3,519,655.00

HIGHLAND PARK COLLEGE

Gross budget	\$ 4,627,200.00
Less student fees	1,780,130.00
Less other income	525,000.00
Less local tax revenues	350,000.00

NET GENERAL FUND, HIGHLAND PARK

COLLEGE, not to exceed\$ 1,972,070.00

JACKSON COMMUNITY COLLEGE

Gross budget (including \$50,000.00 for phase out of high school technical program)	\$ 3,303,625.00
Less student fees	925,420.00
Less other income	152,725.00
Less local tax revenues	665,000.00

NET GENERAL FUND, JACKSON COMMUNITY

COLLEGE, not to exceed\$ 1,560,480.00

KALAMAZOO VALLEY COMMUNITY COLLEGE

Gross budget	\$ 3,196,308.00
Less student fees	682,520.00
Less other income	507,818.00
Less local tax revenues	865,000.00

NET GENERAL FUND, KALAMAZOO VALLEY

COMMUNITY COLLEGE, not to exceed\$ 1,140,940.00

For Fiscal Year
Ending June 30,
1971

KELLOGG COMMUNITY COLLEGE

Gross budget	\$ 2,656,149.00
Less student fees	1,036,000.00
Less other income	137,634.00
Less local tax revenues	285,000.00

NET GENERAL FUND, KELLOGG COMMUNITY

COLLEGE, not to exceed	\$ 1,147,515.00
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KIRTLAND COMMUNITY COLLEGE

Gross budget	\$ 704,225.00
Less student fees	156,100.00
Less other income	30,000.00
Less local tax revenues	200,000.00

NET GENERAL FUND, KIRTLAND COMMUNITY

COLLEGE, not to exceed	\$ 318,125.00
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LAKE MICHIGAN COLLEGE

Gross budget	\$ 2,344,416.00
Less student fees	524,740.00
Less other income	233,796.00
Less local tax revenues	630,000.00

NET GENERAL FUND, LAKE MICHIGAN

COLLEGE, not to exceed	\$ 955,880.00
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LANSING COMMUNITY COLLEGE

Gross budget	\$ 5,479,068.00
Less student fees	1,594,950.00
Less other income	390,168.00
Less local tax revenues	1,230,000.00

NET GENERAL FUND, LANSING COMMUNITY

COLLEGE, not to exceed	\$ 2,263,950.00
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MACOMB COUNTY COMMUNITY COLLEGE

Gross budget	\$ 13,071,087.00
Less student fees	4,284,610.00
Less other income	835,217.00
Less local tax revenues	1,755,000.00

NET GENERAL FUND, MACOMB COUNTY COM-

MUNITY COLLEGE, not to exceed	\$ 6,196,260.00
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MID-MICHIGAN COMMUNITY COLLEGE

Gross budget	\$ 683,385.00
Less student fees	204,690.00
Less other income	-0-
Less local tax revenues	145,615.00

NET GENERAL FUND, MID-MICHIGAN COMMUNITY

COLLEGE, not to exceed	\$ 333,080.00
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For Fiscal Year
Ending June 30,
1971

MONROE COUNTY COMMUNITY COLLEGE

Gross budget	\$ 1,938,360.00
Less student fees	542,400.00
Less other income	85,000.00
Less local tax revenues	581,250.00

NET GENERAL FUND, MONROE COUNTY COMMUNITY COLLEGE, not to exceed\$ 779,710.00

MONTCALEM COMMUNITY COLLEGE

Gross budget	\$ 1,053,823.00
Less student fees	243,630.00
Less other income	218,043.00
Less local tax revenues	175,000.00

NET GENERAL FUND, MONTCALEM COMMUNITY COLLEGE, not to exceed\$ 417,100.00

MUSKEGON COUNTY COMMUNITY COLLEGE

Gross budget	\$ 3,960,476.00
Less student fees	983,530.00
Less other income	137,786.00
Less local tax revenues	1,215,000.00

NET GENERAL FUND, MUSKEGON COUNTY COMMUNITY COLLEGE, not to exceed\$ 1,624,110.00

NORTH CENTRAL MICHIGAN COLLEGE

Gross budget	\$ 903,875.00
Less student fees	296,700.00
Less other income	109,640.00
Less local tax revenues	95,000.00

NET GENERAL FUND, NORTH CENTRAL MICHIGAN COLLEGE, not to exceed\$ 402,535.00

NORTHWESTERN MICHIGAN COLLEGE

Gross budget	\$ 1,561,755.00
Less student fees	604,770.00
Less other income	106,000.00
Less local tax revenues	137,600.00

NET GENERAL FUND, NORTHWESTERN MICHIGAN COLLEGE, not to exceed\$ 713,385.00

OAKLAND COMMUNITY COLLEGE

Gross budget	\$ 13,546,595.00
Less student fees	3,449,720.00
Less other income	425,000.00
Less local tax revenues	4,500,000.00

NET GENERAL FUND, OAKLAND COMMUNITY COLLEGE, not to exceed\$ 5,171,875.00

		For Fiscal Year Ending June 30, 1971
ST. CLAIR COMMUNITY COLLEGE		
Gross budget	\$ 2,888,935.00	
Less student fees	814,000.00	
Less other income	324,747.00	
Less local tax revenues	540,188.00	
NET GENERAL FUND, ST. CLAIR COMMUNITY COLLEGE, not to exceed		\$ 1,210,000.00
SCHOOLCRAFT COLLEGE		
Gross budget	\$ 5,275,056.00	
Less student fees	1,510,850.00	
Less other income	220,668.00	
Less local tax revenues	1,295,828.00	
NET GENERAL FUND, SCHOOLCRAFT COLLEGE, not to exceed		\$ 2,247,710.00
SOUTHWESTERN MICHIGAN COLLEGE		
Gross budget	\$ 1,123,654.00	
Less student fees	393,400.00	
Less other income	42,787.00	
Less local tax revenues	142,407.00	
NET GENERAL FUND, SOUTHWESTERN MICHIGAN COLLEGE, not to exceed		\$ 550,060.00
WASHTENAW COMMUNITY COLLEGE		
Gross budget	\$ 4,019,290.00	
Less student fees	889,920.00	
Less other income	333,000.00	
Less local tax revenues	1,400,000.00	
NET GENERAL FUND, WASHTENAW COMMUNITY COLLEGE, not to exceed		\$ 1,394,370.00
WAYNE COUNTY COMMUNITY COLLEGE		
Gross budget	\$ 13,647,225.00	
Less student fees	1,735,000.00	
Less other income	500,000.00	
Less local tax revenues	8,700,000.00	
NET GENERAL FUND, WAYNE COUNTY COMMUNITY COLLEGE, not to exceed		\$ 2,712,225.00
WEST SHORE COMMUNITY COLLEGE		
Gross budget	\$ 700,222.00	
Less student fees	137,400.00	
Less other income	75,000.00	
Less local tax revenues	197,947.00	
NET GENERAL FUND, WEST SHORE COMMUNITY COLLEGE, not to exceed		\$ 289,875.00
TOTAL JUNIOR AND COMMUNITY COLLEGES		\$ 46,265,935.00
TOTAL HIGHER EDUCATION		\$330,332,284.00

Sec. 2. (a) The sums appropriated herein shall be paid out of the state treasury and shall be distributed by the state treasurer to the respective institutions in 12 monthly installments, payable on the first of every month. In no instance shall the amount distributed to any institution exceed the net appropriation plus additional distribution specifically authorized by this act.

(b) The state treasurer shall inform each legislator in writing of the amount to be distributed to each institution of higher education not less than 10 days prior to each distribution of funds pursuant to this act.

(c) Each of the amounts appropriated shall be used solely for the respective purposes herein stated, except as otherwise provided by law. Under no circumstances shall any junior or community college, college or university pay an employer's contribution to more than one retirement fund providing benefits for any employee.

(d) The appropriations made in this act to the various state supported institutions of higher education, were calculated on the following estimated fiscal year equated student enrollments:

INSTITUTION	ON CAMPUS	OFF CAMPUS	TOTAL
Central Michigan university	13,231	764	13,995
Eastern Michigan university	17,846	748	18,594
Ferris state college	9,400	0	9,400
Grand valley state college	2,993	0	2,993
Lake Superior state college	1,513	37	1,550
Michigan state university	40,380	1,279	41,659
Michigan technological university	5,414	4	5,418
Northern Michigan university	7,623	185	7,808
Oakland university	6,465	0	6,465
Saginaw valley college	1,500	0	1,500
University of Michigan—Ann Arbor	34,486	708	35,194
University of Michigan—Dearborn	1,086	0	1,086
University of Michigan—Flint	1,458	0	1,458
Wayne state university	28,501	867	29,368
Western Michigan university	21,780	643	22,423
Subtotal	193,676	5,235	198,911
Alpena	932	0	932
Bay de Noc	676	0	676
Delta	4,460	0	4,460
Genesee	4,584	0	4,584
Glen Oaks	650	0	650
Gogebic	608	0	608
Grand Rapids	4,212	0	4,212
Henry Ford	6,230	0	6,230
Highland Park	3,217	0	3,217
Jackson	2,500	0	2,500
Kalamazoo valley	1,894	0	1,894
Kellogg	1,943	0	1,943
Kirtland	458	0	458
Lake Michigan	1,582	0	1,582
Lansing	4,100	0	4,100
Macomb	11,032	0	11,032
Mid Michigan	482	0	482
Monroe	1,318	0	1,318
Montcalm	600	0	600
Muskegon	2,645	0	2,645
North Central	598	0	598

Northwestern	1,191	0	1,191
Oakland	9,677	0	9,677
St. Clair	2,000	0	2,000
Schoolcraft	3,745	0	3,745
Southwestern	806	0	806
Washtenaw	2,323	0	2,323
Wayne	5,153	0	5,153
West Shore	425	0	425
Subtotal	80,041	0	80,041
GRAND TOTAL	273,717	5,235	278,952

(e) It is a condition of this appropriation that each junior and community college and each college and university submit the reports required under section 4 of this act at such time as required by the bureau of the budget and the legislature. The state budget director shall withhold the remaining allotments and the state treasurer shall cease and desist from the payment of funds to any junior or community college, college or university, until such time as these reports are submitted. Furthermore, it is a condition that budget requests and reports submitted shall determine fiscal year equated students by dividing the total number of undergraduate student credit hours for which students were enrolled at the end of each normal registration period during the entire fiscal year by 31 for these institutions operating on a semester schedule and by 46.5 for those colleges operating on a quarter term schedule, and 24 for master's level and 16 for doctorate level on a semester schedule or equivalent at a quarter term institution. Furthermore, no junior or community college shall include in its enrollment count the student credit hour enrollments of those persons enrolled concurrently in community college credit courses and in secondary programs as a part of a cooperative program between a college district and a secondary or intermediate school district. It is not the intent of the legislature to prohibit junior or community college services from being extended to high school enrollees, but to prohibit the payment of community college aid for the same individuals already reimbursed by K-12 aid.

(f) Subject to the provisions of section 4 of this act all moneys received by the state of Michigan from the federal government or private sources for the use of any department or agency are appropriated for the purpose for which provided. The acceptance and use of federal or private funds places no obligation upon the legislature to continue the purposes for which the funds are made available.

(g) No state agency shall establish special programs or expand existing programs which are beyond the scope of the programs of the agency already established and recognized by the state legislature, including any program which might develop as a result of gifts or moneys received or available from the federal government, if such acceptance will require obligation or expenditure of state funds.

(h) Furthermore it is a condition of this appropriation that no general fund appropriations be used by any college, university or junior or community college to support any lobbying activity.

(i) All moneys which may be received by any agency, branch or institution of higher education during the fiscal year 1970-71 as an allowance for or in payment of overhead expenses, shall be considered by the legislature in the same category as fees or other income and treated as a deduction from the gross authorized scope when calculating the net general fund subsidy for such agency, branch or institution of higher education.

(j) It is a condition of this appropriation any other provision of the law to the contrary notwithstanding, that the governing bodies of junior and community colleges shall commencing in July 1971 charge the following tuition rates per semester hour of credit or its equivalent in term hours of credit for all students as follows: Ten dollars per hour for in district students of the junior or community college district; \$20.00 per hour for out of district Michigan residents; and \$30.00 per hour for out-of-state residents or foreign students. No waiver of tuition shall be granted by the governing body of any junior or community

college. This section shall in no way prohibit the granting of scholarships or student aid grants if the full amount of tuition due is assessed against each and every student enrolled. The state budget director shall withhold all state aid payments from any community college not in compliance with this section.

(k) If revenue from tuition and student fees, excluding self-liquidating or activity fees, exceeds in the aggregate the amount appropriated as a deduction in section 1 for any branch or institution of higher education as a result of an increase in tuition or student fee rates applicable to Michigan resident students announced subsequent to April 15, 1970, with the exception of increases made by junior or community colleges to comply with the minimum set in section 2 (j), the general fund subsidy appropriated for the support of that branch or institution of higher education shall automatically be reduced by the amount by which such revenue exceeds the amount appropriated as a deduction in section 1 of this act. For the fiscal year 1971-72 this provision shall apply to tuition or student fee rate increases applicable to Michigan resident students announced subsequent to April 15, 1971. Each institution of higher education shall certify to the legislature not later than April 15, 1971, the schedule of tuition and student fees applicable to Michigan resident students for the fiscal year 1971-72.

It is the intent of the legislature to institute in 1971-72 a rational structure of student fees that recognizes program diversity and complexity. In computing student fees the state colleges and universities will request and the bureau of the budget shall recommend according to the following schedule.

<i>Rate Per Semester Hour</i>	<i>Rate Per Quarter Hour</i>	<i>Level</i>	<i>Institution</i>
\$21	\$14	graduate	Michigan state university, university of Michigan, Wayne state university
\$18	\$12	complex	Western Michigan university, Michigan technological university
\$15	\$10	regional	Central Michigan university, eastern Michigan university, Oakland university, northern Michigan university
\$13.50	\$ 9	developing	Saginaw valley college, Lake Superior state college, Grand valley state college, university of Michigan—Flint campus—Dearborn campus
\$12	\$ 8	technical	Ferris state college

Any community or junior college not collecting or allocating for the fiscal year ending June 30, 1971 the equivalent of 1 mill on the college district's state equalized valuation for college operation purposes shall forfeit state funds at a rate equal to 10% for each 2/10 of a mill less than 1 mill. The bureau of the budget shall decrease the monthly payment to junior and community colleges for noncompliance if such compliance has not occurred by December 1, 1970.

If the enrollments cited in section 2 (d) of this act for junior and community colleges are increased or decreased in the certified enrollments reports as specified by the bureau of the budget and submitted to the bureau of the budget at the end of each normal registration period, the bureau of the budget shall prorate or increase the payment to support actual credit hour production.

Payments shall be based on the following formula:

<i>FYES Formula</i>	<i>Liberal Arts</i>	<i>Business</i>	<i>Vocational Technical</i>	<i>Health</i>
A. Schools enrollment more than 4000 FYES	\$500	\$515	\$745	\$800
B. Schools enrollment more than 1000 FYES	\$560	\$575	\$745	\$800

C. Schools enrollment less than 1000 FYES.....	\$655	\$670	\$745	\$800
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If the enrollment increases exceed the decreases, the bureau of the budget shall provide the legislature with information regarding requests for a supplemental appropriation by April 1, 1971. In no case shall any payments be made which do not adjust for increases or decreases in FYES. Enrollment reports shall be made within 30 days after the close of the normal registration period. The auditor general shall audit enrollment reports at all colleges during the course of the fiscal year. No payments shall be issued without submission of these reports after that time.

(l) It is a condition of this appropriation that the junior and community colleges henceforth shall pay the employer's contributions to the retirement system, and that the executive shall include such contributions to the retirement system by junior and community colleges in the executive recommendations for each junior and community college.

(m) The legislative auditor general is directed to conduct, at least biennially performance audits of community colleges in any number not less than 3 as he may deem necessary.

(n) No institution of higher education receiving funds under this act may have expenditures in excess of actual revenues resulting in a deficit budget.

Sec. 3. It is not the intent of the legislature in making the appropriations provided in this act to appropriate moneys for any institution of higher education to establish any new branch institution away from its main campus. In no instance shall any of the appropriations contained in this act be used for the construction of buildings, or operation of institutions of higher education not expressly authorized in section 1.

(b) In view of the fact that state appropriations have been used for certain expenses in connection with self-liquidating projects, no contract shall be let for construction of any self-liquidating project at any of the state supported institutions of higher education without prior approval therefor by the legislature.

Sec. 4. (a) All institutions of higher education shall furnish actual statistics reflecting head count and student credit hour enrollment for each semester, quarter or term, including summer school, for each separate campus, for the preceding, current and ensuing fiscal years. Each budget request and the detail budget document submitted to the legislature by the governor shall contain the number of on-campus and off-campus students on both a head count and a fiscal year equated basis, as defined in section 2 (e) of this act in the following groups: freshmen, sophomores, juniors, seniors, masters, doctoral and professional students.

(b) Each junior and community college shall report on both a head count and fiscal year equated basis the number of student enrollments and student completions by the following program categories: liberal art, business and commerce, trade and industry and other vocational technical, and health.

(c) Each budget request shall set forth by semester, quarter or term, including summer school, the total credit hours, the approximate cost per credit hour for each group of students, and the portion of the total cost paid in tuition and fees by both resident and nonresident students in each group.

(d) Pursuant to section 4 of article 8 of the constitution of 1963, all institutions of higher education shall furnish an annual accounting of all income and expenditures to the legislature. The accounting shall include a report of trust and endowment funds presently held by each institution, the purpose of each trust or endowment, expenditures from each trust or endowment fund during the fiscal year, revenue from interest and other sources added to each trust or endowment fund during the fiscal year, and the balance in each trust or endowment fund at year end.

(e) All institutions of higher learning shall be required to submit a full report of any incidents that results from any physical violence or the destruction of property including the total damages in dollars incurred. Further, such report will include the number of students arrested, and classes missed due to strikes, boycotts or demonstrations. This report would be due within 30 days.

Sec. 5. It is a condition of this appropriation that no college or university having an enrollment of out-of-state students in excess of 20% of their total enrollment shall increase their enrollment of out-of-state students in either actual number or percentage over the actual numbers and percentages that were enrolled in the 1969-70 school year.

Further it is the intent of the legislature that out-of-state students shall pay a student fee equal to approximately 75% of the cost of instruction at the respective institution of higher education.

Sec. 6. No waiver of tuition or student fees shall be granted by any institution of higher education. This section shall in no way prohibit the granting of scholarships or student aid grants if the full amount of tuition and student fees due is assessed against each and every student enrolled.

Sec. 7. When it appears to the governor, based upon written information received by him from the director and the department of treasury, that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, the estimates being as determined by the legislature in accordance with section 31 of article 4 of the state constitution, the governor shall make a finding that actual revenue for that fiscal period will fall below such revenue estimates. He shall then order the director to review all appropriations made by the legislature, except those made for the legislative and judicial branches of government or from funds constitutionally dedicated for specific purposes.

Based upon needs, the director shall recommend to the governor a reduction of expenditures authorized by such appropriations, either direct or open-ended, for that fiscal year. The governor shall review the recommendations of the director and shall prepare his order containing reductions in expenditures authorized by appropriations so that actual revenues for the fiscal period will be sufficient to equal such expenditures. The governor shall give not less than 5 days' written notice to the members of the appropriations committees of the house and senate specifying a time and place for a joint meeting of the governor and the 2 committees, at which the governor shall present to the committees his recommendations and copies of his proposed order.

Not later than 10 days after submission of the order to the committees, each committee by vote of a majority of its members elected and serving shall approve or disapprove the order. Approval of both appropriations committees is required before any expenditures authorized by appropriations shall be reduced. Upon approval by both appropriations committees, the director shall carry out and implement the order.

If either or both appropriations committees disapproves the order, the order is without force and effect. Not later than 30 days after any disapproval of a proposed order, the governor may give reasonable written notice to the members of the appropriation committees of the house and senate as to the time and place of a further joint meeting of the 2 committees at which time he shall resubmit an order reducing expenditures authorized by appropriations. Within 10 days of the receipt of such order by the appropriations committees, each committee shall by a majority vote of its members elected and serving, approve or disapprove the order. A copy of the order of the governor and resolutions of both the appropriations committees approving it shall be filed with the secretary of state and the order shall thereupon become effective.

Sec. 8. Any student who receives scholarship funds under the provisions of Act No. 208 of the Public Acts of 1964, as amended, being sections 390.971 to 390.980 of the Compiled Laws of 1948, or receiving tuition grants under the provisions of Act No. 313 of the Public Acts of 1966, as amended, being sections 390.991 to 390.997 of the Compiled Laws of 1948, for or while in attendance at an institution of higher education, which receives appropriations under this act, and is either convicted in a court of law of the violation of any penal statute or ordinance prohibiting disorderly conduct, violence to a person or damage to property, which violation is committed while participating in any disorder, disruption of the administration of or the rendering of services, or giving of instruction at any such institution, or by the proper authorities of such institutions of violating its rules and regulations while so participating shall forfeit any right or qualification which

he may otherwise have for the receipt of further benefits under either or both said acts. Upon final conviction of any such student of any penal violation or determination of violations of such rules or regulations, the president of such institution of learning shall cause report of the same to be forwarded forthwith to the awarding authority under said acts, which authority shall forthwith terminate any such assistance provided under either or both of said acts to such students. Any rule of any such institution relied upon to determine continued eligibility for said scholarship shall be in accord with due process of law including the right of appeal.

Sec. 9. No part of any appropriation made by this act may be used for the payment of any salary or wages to any faculty member or other employee or for the education of students convicted of the offense of interference with normal operations of any public institution of higher education as described in Act No. 26 of the Public Acts of 1970.

Sec. 10. No part of any appropriation made by this act may be used for the payment of any salaries, wages, or fees to any trustees, administrators, faculty member or other employee or for the education of a student, either full or part time, who shall possess or permit to be possessed, without being a peace officer employed by an institution of higher education, any firearm, not registered with the institution, or other dangerous weapon in any university, college or institution of higher education, including all the buildings and grounds under their jurisdiction.

Sec. 11. It is a condition of this appropriation that a student of a college or university who causes willful damage to public property on a campus or other facility of a college or a university and subject to all other legal penalties shall be expelled from the college or university.

Sec. 12. It is the intent of the legislature that each full-time faculty member who is paid wholly from the line item instruction will teach a minimum of not less than fifteen (15) classroom contact hours per week at junior and community colleges; twelve (12) classroom contact hours at technical colleges, developing colleges and universities, regional colleges and universities, and complex universities; and ten (10) classroom contact hours at graduate institutions as cited in section 2 (j). Any faculty member who is paid partly from the line item instruction and partly from other line items of appropriations shall teach a number of classroom hours in proportion to the salary paid from the line item instruction.

Sec. 13. The board of trustees of a community or junior college shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based.

This act is ordered to take immediate effect.

APPENDIX F

Michigan Supreme Court Cases
Referenced in the Study
in Chronological Order
1970-1851

Source of Information: Michigan Reports. Rochester, New York:
Lawyer's Cooperative Publishing Company.

Board of Trustees of Michigan State University v. State Labor
Mediation Board, 1968 (381 Mich. 44).

*Subject: Court of Appeals has jurisdiction to review
orders of State Labor Mediation Board.

Western Michigan University Board of Trustees v. Slavin, 1968 (381
Mich. 23).

Subject: Power to condemn privately owned land.

Fox v. Board of Regents of The University of Michigan, 1965 (375
Mich. 238).

Subject: Malpractice charge against University of
Michigan hospital.

Glass v. Dudley Paper Company, 1961 (365 Mich. 227).

Subject: Governing bodies have entire control.

Christie v. Board of Regents of The University of Michigan, 1961
(364 Mich. 202).

Subject: Personal liability charge against
University.

Jackson Broadcasting and TV Corporation v. State Board of Agriculture,
1960 (360 Mich. 481).

Subject: Provision prohibiting the letting of self-
liquidating projects without legislative approval exceeds
legislative authority.

Lucking v. People, 1948 (320 Mich. 495).

Subject: Property belongs to the state.

Peters v. Michigan State College, 1948 (320 Mich. 243).

Subject: Subject to workmen's compensation--divided
court.

Attorney General ex rel. Cook v. Burhans, 1942 (304 Mich. 108).

Subject: Regents are state officers--legislators
ineligible.

Regents of The University of Michigan v. Herrst, 1925 (231 Mich.
396).

Subject: Negligence charge against University.

Robinson v. Washtenaw Circuit Judge, 1924 (228 Mich. 225).

Subject: Money for university hospitals--regents.

State Board of Agriculture v. State Administrative Board, 1924
(226 Mich. 417).

Subject: Governing board has full control of
funds--discusses conditions on appropriations.

*The subject titles only relate to the relationship of these
cases to this study.

People v. Brooks, 1923 (224 Mich. 45).

Subject: Property belongs to the state.

Regents of The University of Michigan v. Draper, 1917 (195 Mich. 449).

Subject: Workmen's compensation claim.

The University of Michigan Board of Regents v. Bancroft, 1916 (192 Mich. 168).

Subject: Personal injury claim.

Michigan Agriculture College v. Agler, 1914 (181 Mich. 559).

Subject: Constitutional body, working compensation.

State Board of Agriculture v. Auditor General (Fuller), 1914 (180 Mich. 349).

Subject: Conditioning entire appropriations, unconstitutional.

The University of Michigan v. Auditor General, 1911 (167 Mich. 444).

Subject: Regents equal to legislators--conditioned appropriations.

State Board of Agriculture v. Bauer, 1911 (164 Mich. 415).

Subject: Internal distribution of appropriations is for the board to decide.

State Board of Agriculture v. Attorney General, 1908 (152 Mich. 689).

Subject: Authorized to provide water to local village.

The University of Michigan Athletic Association v. Scott, 1908 (152 Mich. 684).

Subject: Negligence liability case.

Regents of The University of Michigan v. Sterling, 1896 (110 Mich. 369).

Subject: Defines "body corporate" and delineates constitutional powers.

Regents v. Auditor General (Turner), 1896 (109 Mich. 134).

Subject: University Interest Fund--rate of interest.

Regents of The University of Michigan v. Weinberg, 1893 (97 Mich. 246).

Subject: Conditioned appropriations--regents in full control.

Regents of The University of Michigan v. Auditor General, 1890 (83 Mich. 467).

Subject: Property owned by Regents is tax exempt--state property.

Regents v. Douglas (or Rose), 1881 (45 Mich. 284).

Subject: Accounting for deficit in public moneys.

Regents of The University of Michigan v. People ex rel. Attorney General, 1874 (30 Mich. 473).

Subject: Declined mandamus to appoint homeopathy professors.

People ex rel. McIntyre v. Auditor General, 1869 (19 Mich. 13).

Subject: University is entitled to all moneys collected under various public acts.

Regents of The University of Michigan v. People, 1869 (18 Mich. 469).

Subject: Declined mandamus to appoint homeopathy professor.

People ex rel. Regents of The University of Michigan v. Auditor General, 1868 (17 Mich. 161).

Subject: Regents have direct control of University Interest Fund--establishment of branch campuses.

Regents v. Detroit Young Men's Society, 1863 (12 Mich. 138).

Subject: Right to take and hold real estate.

Regents v. Board of Education of City of Detroit, 1856 (4 Mich. 213).

Subject: Regents are legal successors of board named in constitution of 1835.

Regents of The University of Michigan v. People ex rel. Drake, 1856 (4 Mich. 98).

Subject: Declined mandamus to appoint homeopathy professor.