

**STATE HIGHER EDUCATION FACILITIES COMMISSION**  
**Act 233 of 1964**

AN ACT to establish a state higher education facilities commission and to prescribe its powers and duties.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

*The People of the State of Michigan enact:*

**390.941 State higher education facilities commission; establishment; appointment, qualifications, and terms of members; ex officio members; removal; vacancy; designation of chairperson; conducting business at public meeting; notice; availability of writings to public.**

Sec. 1. (1) The state higher education facilities commission is established consisting of 11 members, 9 of whom shall be appointed by the governor with the advice and consent of the senate as follows: 1 member representing public colleges and universities in the state, 1 member representing private colleges and universities in the state, 1 member representing public community colleges and junior colleges in the state, and 6 residents of the state who are interested in higher education but are not officially associated with a public or private university, college, community college, or junior college in the state. The superintendent of public instruction and the director of the department of management and budget shall be ex officio members without vote.

(2) The term of office of the appointed members shall be 4 years and until a successor is appointed and qualified except that of the members first appointed, 3 each shall serve for 2, 3, and 4 years. A member may be removed in the manner provided for by law for removal of public officers. A vacancy shall be filled for the unexpired term in the same manner and for the same class as the original appointment. The governor shall designate 1 of the appointed members as chairperson of the commission.

(3) The business which the state higher education facilities commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(4) A writing prepared, owned, used, in the possession of, or retained by the state higher education facilities commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964;—Am. 1967, Act 101, Imd. Eff. June 21, 1967;—Am. 1978, Act 204, Imd. Eff. June 4, 1978.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

**Transfer of powers:** See MCL 16.407.

**390.942 State higher education facilities commission; plan for participation in federal grant program.**

Sec. 2. The commission shall prepare a state plan for participation in the grant program authorized by the higher education facilities act of 1963, as enacted by the congress of the United States, being Public Law 88-204, 88th Congress, 77 Statutes 363, and amendments thereto, shall submit the state plan to the federal commissioner of education in accordance with appropriate federal law, and shall be responsible for the administration of the plan.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

**390.943 State higher education facilities commission; expenditure of appropriations.**

Sec. 3. The commission may take such action as is necessary to comply fully with the provisions of the higher education facilities act of 1963, and amendments thereto. This act shall not be construed as authorizing the commission to spend or incur any obligation to spend state funds in excess of any amount which may be appropriated for such purpose by the legislature.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

### **390.944 State higher education facilities commission; rules and regulations, hearing; approval of eligible projects.**

Sec. 4. The commission shall formulate such rules and regulations as are necessary for the administration of this act, in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to the provisions of Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, including the filing of applications by public and private institutions of higher education within the state, for approval of eligible projects for the construction of academic facilities, the determination of relative priorities for eligible projects submitted by public and private institutions of higher education within the state, and for determination of the federal share of the development cost of each such project to be recommended to the commissioner of education. The rules and regulations shall be adopted by the commission only after a public hearing with due notice to interested persons and after interested persons have had a reasonable opportunity to request and obtain copies of proposed rules and regulations prior to the public hearing.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

**Administrative rules:** R 390.961 et seq. of the Michigan Administrative Code.

### **390.945 State higher education facilities commission; applications for approval, priority, determination of federal share of cost.**

Sec. 5. The commission, in accordance with rules and regulations promulgated by it, shall receive applications from public and private institutions of higher education in this state for approval of projects for the construction of academic facilities, shall determine the relative priority of eligible projects for the construction of academic facilities submitted by such institutions and shall determine the federal share of the development cost of each such project for recommendation to the commissioner of education.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

### **390.946 State higher education facilities commission; hearing, eligibility of project, priority, determination as to federal grant.**

Sec. 6. The commission, upon request of an applicant who has submitted to the commission a project, shall provide an opportunity for a fair hearing as to the eligibility of the project, the priority assigned to the project, the determination by the commission of the federal grant for the project, or any other determination of the commission affecting such applicant.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

### **390.947 State higher education facilities commission; gifts.**

Sec. 7. The commission may receive gifts, grants, bequests, devises, moneys or properties, real, personal or mixed, to carry out the purposes of this act.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.

### **390.948 State higher education facilities commission; annual report, contents.**

Sec. 8. The commission shall make an annual report to the governor and to the legislature as to the administration of this act, which shall contain an explicit statement of the determination of the relative priority of each application and the determination of the federal share of the development cost of each project.

**History:** 1964, Act 233, Imd. Eff. May 22, 1964.

**Compiler's note:** For transfer of powers and duties of state higher education facilities commission to Michigan finance authority, see E.R.O. No. 2010-2, compiled at MCL 12.194.