WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 39

(By Mr. Burdett)

PASSED March 9, 1963

In Effect July 1, 1963

Filed in Office of the Secretary of State
of West Virginia 3-16-63

JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 39
(By Mr. Speaker, Mr. Singleton, and Mr. Seibert)

[Passed March 9, 1963; in effect July 1, 1963.]

AN ACT to amend and reenact section one-b, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the imposition, collection and disposition of registration fees at state institutions of higher education.

Be it enacted by the Legislature of West Virginia:

That section one-b, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1-b. Additional Registration Fee at State Institutions of Higher Education; Refund of Fee; Special Capital Improvements Funds Created; Disposition and Use of Additional Registration Fee.—In addition to all
other fees imposed by the governing boards of state institutions of higher education, there is hereby imposed and the governing board of each state institution of higher education is hereby directed to provide for the collection of an additional registration fee from all students in the amounts as hereinafter provided.

For full-time students at each state institution of higher education, the additional registration fee shall be fifty dollars per semester. The board of governors of West Virginia university and the West Virginia board of education shall have authority to increase such additional registration fee at any institution of higher education under their respective control for students who are nonresidents of this state, but in no event shall such additional registration fee including any increase exceed one hundred fifty dollars per semester. For all part-time students and for all summer-school students, the respective governing boards shall impose and collect such fee in proportion to, but not exceeding, that paid by full-time students.

The fee imposed by this section shall be in addition to
the maximum fees allowed to be collected under the
provisions of section one of this article and shall not be
limited thereby. Refunds of such fee may be made in
the same manner as any other fee collected at state
institutions of higher education.

There is hereby created in the state treasury a special
capital improvements fund, to be expended by the board
of governors of West Virginia university for the benefit
of West Virginia university and Potomac state college
of West Virginia university, as provided in this section.

On and after the first day of July, one thousand nine
hundred sixty-three, there shall be paid into such spec-
ial fund all proceeds of the additional registration fees
collected from students at West Virginia university and
at Potomac state college.

There is hereby created in the state treasury a special
capital improvements fund, to be expended by the West
Virginia board of education for the benefit of the state
institutions of higher education under its control, as
provided in this section. On and after the first day of
July, one thousand nine hundred sixty-three, there shall
be paid into such special fund all proceeds of the additional registration fees collected from students at such institutions.

The respective boards may make expenditures from such special capital improvements funds at the various state institutions of higher education under their control to finance in whole or in part, together with any federal, state or other grants or contributions, any one or more of the following purposes: (1) The acquisition of land or any rights or interest therein. (2) The construction or acquisition of new buildings. (3) The renovation or construction of additions to existing buildings. (4) The acquisition of furnishings and equipment for any such buildings. (5) The construction or acquisition of any other capital improvements or capital educational facilities at such state institutions of higher education, including any roads, utilities or other properties, real or personal, or for other purposes necessary, appurtenant or incidental to the construction, acquisition, financing and placing in operation of such buildings, capital improvements or capital educational facilities.
The respective boards, at their discretion, may use the moneys in such special capital improvements funds to finance the costs of the above purposes on a cash basis, or may from time to time issue revenue bonds of the state as provided in this section to finance all or part of such purposes and pledge all or any part of the moneys in such special funds for the payment of the principal of and interest on such revenue bonds, and for reserves therefor. Any pledge of such special funds for such revenue bonds shall be a prior and superior charge on such special funds over the use of any of the moneys in such funds to pay for the cost of any of such purposes on a cash basis: Provided, however, That any expenditures from such special funds, other than for the retirement of revenue bonds, may only be made by the board of governors of West Virginia university and the West Virginia board of education to meet the cost of a predetermined capital improvements program for one or more of the state institutions of higher education under their control, in such order of priority as shall have been agreed upon by the respective boards and presented to the board
of public works for inclusion in the annual budget bill, and only with the approval of the Legislature as indicated by direct appropriation for the purpose.

Such revenue bonds may be authorized and issued from time to time by the respective boards to finance in whole or in part the purposes provided in this section in an aggregate principal amount not exceeding the amount which the respective boards shall determine can be paid as to both principal and interest and reasonable margins for a reserve therefor from the moneys in such special funds.

The issuance of such revenue bonds shall be authorized by a resolution adopted by the respective board, and such revenue bonds shall bear such date or dates, mature at such time or times not exceeding forty years from their respective dates; bear interest at such rate or rates not exceeding five per centum per annum; be in such form either coupon or registered, with such exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places, within or without the state; be subject to such terms of prior
redemption at such prices not exceeding one hundred
five per centum of the principal amount thereof; and
shall have such other terms and provisions as such re-
spective board shall determine. Such revenue bonds
shall be signed by the governor and by the president of
the respective board authorizing the issuance thereof,
under the great seal of the state, attested by the secre-
tary of state, and the coupons attached thereto shall bear
the facsimile signature of the president of such respec-
tive board. Such revenue bonds shall be sold in such
manner as the respective board may determine to be for
the best interests of the state, such sale to be made at a
price not lower than a price which will show a net re-
turn of not more than six per centum per annum to the
purchaser upon the amount paid therefor computed to
the stated maturity dates of such revenue bonds without
regard to any right of prior redemption.

Such respective board may enter into trust agree-
ments with banks or trust companies, within or without
the state, and in such trust agreements or the resolutions
authorizing the issuance of such bonds may enter into
valid and legally binding covenants with the holders of such revenue bonds as to the custody, safeguarding and disposition of the proceeds of such revenue bonds, the moneys in such special funds, sinking funds, reserve funds, or any other moneys or funds; as to the rank and priority, if any, of different issues of revenue bonds by the same board under the provisions of this section; as to the maintenance or revision of the amounts of such additional registration fees, and the terms and conditions, if any, under which such additional registration fees may be reduced; and as to any other matters or provisions which are deemed necessary and advisable by such respective board in the best interests of the state and to enhance the marketability of such revenue bonds.

After the issuance of any of such revenue bonds, the additional registration fees at the state institutions of higher education under the control of the board which issued the bonds shall not be reduced as long as any of such revenue bonds are outstanding and unpaid except under such terms, provisions and conditions as shall be contained in the resolution, trust agreement or other
proceedings under which such revenue bonds were issued.

Such revenue bonds shall be and constitute negotiable instruments under the law merchant and the negotiable instruments law of the state; shall, together with the interest thereon, be exempt from all taxation by the state of West Virginia, or by any county, school district, municipality or political subdivision thereof; and such revenue bonds shall not be deemed to be obligations or debts of the state, and the credit or taxing power of the state shall not be pledged therefor, but such revenue bonds shall be payable only from the revenue pledged therefor as provided in this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1963.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ____________________________ this the ____________________________ day of ____________________________, 1963.

Governor