WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

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ENROLLED

HOUSE BILL No. 904

(By Mr. Watson)

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PASSED March 10, 1965

In Effect Passage

FILED IN THE OFFICE OF
IGR K. BENNETT
SECRETARY OF STATE
THIS DATE 3-18-65
ENROLLED

House Bill No. 906
(By Mr. Watson)

[Passed March 10, 1965; in effect from passage.]

AN ACT to amend and reenact section one, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article one-a by adding thereto a new section, designated section one-d, relating to the imposition, collection and use of tuition and other student fees at state educational institutions, including the imposition and collection of student union fees and the use thereof to finance the cost of construction of student union or combination student union-dining buildings at such institutions.

Be it enacted by the Legislature of West Virginia:

That section one, article one-a, chapter twenty-five of the
code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article one-a be further amended by adding thereto a new section, designated section one-d, all to read as follows:

Article 1-a. Fees and Other Money Collected at State Institutions.

Section 1. Enrollment and Other Fees at Educational Institutions; Refund of Fees.—The governing boards of state educational institutions shall fix enrollment, tuition, and other fees for each semester or school term for the different classes or categories of students enrolling at the state educational institutions, and may include among such fees any one or more of the following: (1) Health service fees; (2) infirmary fees; (3) student activities, recreational, athletic and extracurricular fees; and (4) graduate center fees, and branch college fees, or either, if the establishment and operation of graduate centers or branch colleges are otherwise authorized by law. All fees collected under (1), (2) and (3) shall be paid into special funds and shall be used only for the purposes for which the fees are collected; and all fees collected at any graduate center or at any branch college shall be
paid into special funds and shall be used solely for the
maintenance and operation of the graduate center or
branch college at which they were collected: Provided,
however, That except in the case of graduate center fees
or branch college fees, the minimum tuition fee for full-
time resident students shall be twenty-five dollars per
semester and the minimum tuition fee for full-time non-
resident students shall be one hundred seventy-five dol-
lars per semester at all state institutions of higher edu-
cation except West Virginia University: And provided
further, That the minimum tuition fee for full-time resi-
dent students at West Virginia University shall be forty
dollars per semester and the minimum tuition fee for
full-time nonresident students at West Virginia Univer-
sity shall be two hundred five dollars per semester: And
provided further, That except for graduate center fees,
branch college fees, and the student union fees herein-
after authorized, the maximum fees to be collected under
this section for resident students shall not exceed two
hundred dollars per semester; and for nonresident stu-
dents, five hundred dollars per semester. The schedule
of all fees, and any changes therein, shall be entered in
the minutes of the meeting of the governing board, and
the governing board shall file with the state auditor and
director of the budget division a certified copy of such
schedule and changes.

In addition to the fees mentioned in the preceding
paragraph, the governing board of any state educational
institution may impose and collect a student union build-
ing fee. All such building fees collected at the institution
shall be paid into a special student union building fund
for such institution, which is hereby created in the state
treasury, and shall be used only for the construction,
operation, and maintenance of a student union building
or a combination student union-dining hall building or
for the renovation of an existing structure for use as a
student union building or a combination student union-
dining hall building or for the payment of the principal
of and interest on any bonds issued to finance part or all
of the construction of a student union building or a com-
bination student union-dining hall building or the ren-
ovation of an existing structure for use as a student union
building or a combination student union-dining hall
building, all as more fully provided in section one-d of this article. Any moneys in such funds not immediately needed for such purposes may be invested in any such bonds or other securities as are now or may hereafter be authorized as proper investments for state funds.

Refund, as an erroneous payment, may be made of any such fees, upon the voluntary or involuntary withdrawal from classes of any student, until eight weeks of the school semester or term have expired, but no refund may be made thereafter.

Sec. 1-d. Disposition and Use of Student Union Fees.—

Wherever the term “student union building” is used in this section the same shall mean a student union building or a combination student union building and dining hall building; and wherever the term “building fund” is used in this section the same shall mean the respective special student union building funds created as provided in section one of this article for each state educational institution which has imposed student union fees pursuant to section one of this article, 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, and by the West Virginia board
of education for the benefit of the state educational insti-
tutions under its control.

The respective boards may make expenditures from
such building funds at the various state educational insti-
tutions under their control to finance in whole or in part,
Together with any federal, state or other grants or con-
tributions, any one or more of the following purposes:

(1) The construction and acquisition of new student union
buildings. (2) The acquisition, renovation and improve-
ment of existing buildings to be used as student union
buildings. (3) The construction of additions, extensions
and improvements to existing student union buildings.

(4) The acquisition of furnishings and equipment for any
existing student union buildings or student union build-
ings to be constructed or acquired, or the construction
of any roads, utilities or other properties, real or personal,
or for any other purposes necessary, appurtenant or inci-
dental to the construction, acquisition, financing and
placing in operation of such student union buildings.
(5) The payment of the cost of the operation and maintenance of such student union buildings, subject however to any covenants or agreements made with the holders of revenue bonds heretofore or hereafter issued pursuant to this section or pursuant to section one of this article.

The respective boards, at their discretion, may use the moneys in such building 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 building funds for the payment of the principal of and interest on such revenue bonds, and for reserves therefor. Any pledge of such building 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, or for the payment of the cost of operation and maintenance, or any part thereof, of such student union buildings, under such terms and conditions as shall be provided in
the proceedings which authorized the issuance of such
revenue bonds.

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 at any state educational institution
under their control provided for 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 building
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 respective
board shall determine. Such revenue bonds shall be
signed by the governor and by the president of the respec-
tive board authorizing the issuance thereof, under the
great seal of the state, attested by the secretary of state,
and the coupons attached thereto shall bear the facsimile
signature of the president of such respective board. Such
revenue bonds shall be sold in such manner as the respec-
tive 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 return 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 boards 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 building 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 issued by the same board for the same educational institution under the provisions of this section; as to the maintenance or revision of the amounts of such student union fees, and the terms and conditions, if any, under which any of such student union 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.

Any revenues or income derived from the operation of such student union buildings may, in the discretion of the respective boards, be used to pay the cost of the operation and maintenance of such student union buildings, or for the debt service on any bonds issued pursuant to this section or pursuant to any other law.
After the issuance of any of such revenue bonds, the student union fees at the state educational institution for which such revenue bonds were issued 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 student union fees pledged therefor as provided in this section.

The provisions of this section shall constitute an additional, alternative and complete authority for the exercise
of the powers and the issuance of the bonds provided for in this section, but shall not prevent said respective boards from exercising similar or related powers or issuing bonds therefor under any other law or laws, but such respective boards, in exercising the powers and issuing the bonds provided for in this section, shall only be required to comply with the provisions of this section and shall not be required to comply with or be subject to the provisions of any other law or laws.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 18th day of March, 1965.

Governor