

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 906

(By Mr. Watson)



PASSED March 10, 1965

In Effect pro Passage



FILED IN THE OFFICE OF  
JON N. DUBRETT  
SECRETARY OF STATE  
THIS DATE 3-18-65

#906

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# House Bill No. 906

(By MR. WATSON)

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

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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

17 paid into special funds and shall be used solely for the  
18 maintenance and operation of the graduate center or  
19 branch college at which they were collected: *Provided,*  
20 *however,* That except in the case of graduate center fees  
21 or branch college fees, the minimum tuition fee for full-  
22 time resident students shall be twenty-five dollars per  
23 semester and the minimum tuition fee for full-time non-  
24 resident students shall be one hundred seventy-five dol-  
25 lars per semester at all state institutions of higher edu-  
26 cation except West Virginia University: *And provided*  
27 *further,* That the minimum tuition fee for full-time resi-  
28 dent students at West Virginia University shall be forty  
29 dollars per semester and the minimum tuition fee for  
30 full-time nonresident students at West Virginia Univer-  
31 sity shall be two hundred five dollars per semester: *And*  
32 *provided further,* That except for graduate center fees,  
33 branch college fees, and the student union fees herein-  
34 after authorized, the maximum fees to be collected under  
35 this section for resident students shall not exceed two  
36 hundred dollars per semester; and for nonresident stu-  
37 dents, five hundred dollars per semester. The schedule  
38 of all fees, and any changes therein, shall be entered in

39 the minutes of the meeting of the governing board, and  
40 the governing board shall file with the state auditor and  
41 director of the budget division a certified copy of such  
42 schedule and changes.

43 In addition to the fees mentioned in the preceding  
44 paragraph, the governing board of any state educational  
45 institution may impose and collect a student union build-  
46 ing fee. All such building fees collected at the institution  
47 shall be paid into a special student union building fund  
48 for such institution, which is hereby created in the state  
49 treasury, and shall be used only for the construction,  
50 operation, and maintenance of a student union building  
51 or a combination student union-dining hall building or  
52 for the renovation of an existing structure for use as a  
53 student union building or a combination student union-  
54 dining hall building or for the payment of the principal  
55 of and interest on any bonds issued to finance part or all  
56 of the construction of a student union building or a com-  
57 bination student union-dining hall building or the reno-  
58 vation of an existing structure for use as a student union  
59 building or a combination student union-dining hall

60 building, all as more fully provided in section one-d of  
61 this article. Any moneys in such funds not immediately  
62 needed for such purposes may be invested in any such  
63 bonds or other securities as are now or may hereafter be  
64 authorized as proper investments for state funds.

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

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

2 Wherever the term “student union building” is used in  
3 this section the same shall mean a student union building  
4 or a combination student union building and dining hall  
5 building; and wherever the term “building fund” is used  
6 in this section the same shall mean the respective special  
7 student union building funds created as provided in sec-  
8 tion one of this article for each state educational institu-  
9 tion which has imposed student union fees pursuant to  
10 section one of this article, to be expended by the board  
11 of governors of West Virginia University for the benefit

12 of West Virginia University and Potomac state college of  
13 West Virginia University, and by the West Virginia board  
14 of education for the benefit of the state educational insti-  
15 tutions under its control.

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

21 (1) The construction and acquisition of new student union  
22 buildings. (2) The acquisition, renovation and improve-  
23 ment of existing buildings to be used as student union  
24 buildings. (3) The construction of additions, extensions  
25 and improvements to existing student union buildings.  
26 (4) The acquisition of furnishings and equipment for any  
27 existing student union buildings or student union build-  
28 ings to be constructed or acquired, or the construction  
29 of any roads, utilities or other properties, real or personal,  
30 or for any other purposes necessary, appurtenant or inci-  
31 dental to the construction, acquisition, financing and  
32 placing in operation of such student union buildings.

33 (5) The payment of the cost of the operation and mainte-  
34 nance of such <sup>student</sup> union buildings, subject however to  
35 to any covenants or agreements made with the holders  
36 of revenue bonds heretofore or hereafter issued pur-  
37 suant to this section or pursuant to section one of  
38 this article.

39 The respective boards, at their discretion, may use the  
40 moneys in such building funds to finance the costs of  
41 the above purposes on a cash basis, or may from time to  
42 time issue revenue bonds of the state as provided in  
43 this section to finance all or part of such purposes and  
44 pledge all or any part of the moneys in such building  
45 funds for the payment of the principal of and interest  
46 on such revenue bonds, and for reserves therefor. Any  
47 pledge of such building funds for such revenue bonds  
48 shall be a prior and superior charge on such special funds  
49 over the use of any of the moneys in such funds to pay  
50 for the cost of any of such purposes on a cash basis, or  
51 for the payment of the cost of operation and maintenance,  
52 or any part thereof, of such student union buildings,  
53 under such terms and conditions as shall be provided in

54 the proceedings which authorized the issuance of such  
55 revenue bonds.

56 Such revenue bonds may be authorized and issued from  
57 time to time by the respective boards to finance in whole  
58 or in part the purposes at any state educational institution  
59 under their control provided for in this section in an  
60 aggregate principal amount not exceeding the amount  
61 which the respective boards shall determine can be paid  
62 as to both principal and interest and reasonable margins  
63 for a reserve therefor from the moneys in such building  
64 funds.

65 The issuance of such revenue bonds shall be authorized  
66 by a resolution adopted by the respective board, and such  
67 revenue bonds shall bear such date or dates, mature at  
68 such time or times not exceeding forty years from their  
69 respective dates; bear interest at such rate or rates not  
70 exceeding five per centum per annum; be in such form  
71 either coupon or registered, with such exchangeability  
72 and interchangeability privileges; be payable in such  
73 medium of payment and at such place or places, within  
74 or without the state; be subject to such terms of prior

75 redemption at such prices not exceeding one hundred  
76 five per centum of the principal amount thereof; and shall  
77 have such other terms and provisions as such respective  
78 board shall determine. Such revenue bonds shall be  
79 signed by the governor and by the president of the respec-  
80 tive board authorizing the issuance thereof, under the  
81 great seal of the state, attested by the secretary of state,  
82 and the coupons attached thereto shall bear the facsimile  
83 signature of the president of such respective board. Such  
84 revenue bonds shall be sold in such manner as the respec-  
85 tive board may determine to be for the best interests of  
86 the state, such sale to be made at a price not lower than  
87 a price which will show a net return of not more than  
88 six per centum per annum to the purchaser upon the  
89 amount paid therefor computed to the stated maturity  
90 dates of such revenue bonds without regard to any right  
91 of prior redemption.

92 Such respective boards may enter into trust agree-  
93 ments with banks or trust companies, within or without  
94 the state, and in such trust agreements or the resolutions  
95 authorizing the issuance of such bonds may enter into

96 valid and legally binding covenants with the holders of  
97 such revenue bonds as to the custody, safeguarding and  
98 disposition of the proceeds of such revenue bonds, the  
99 moneys in such building funds, sinking funds, reserve  
100 funds, or any other moneys or funds; as to the rank and  
101 priority, if any, of different issues of revenue bonds issued  
102 by the same board for the same educational institution  
103 under the provisions of this section; as to the mainte-  
104 nance or revision of the amounts of such student union  
105 fees, and the terms and conditions, if any, under which  
106 any of such student union fees may be reduced; and as  
107 to any other matters or provisions which are deemed  
108 necessary and advisable by such respective board in  
109 the best interests of the state and to enhance the market-  
110 ability of such revenue bonds.

111 Any revenues or income derived from the operation of  
112 such student union buildings may, in the discretion of  
113 the respective boards, be used to pay the cost of the  
114 operation and maintenance of such student union build-  
115 ings, or for the debt service on any bonds issued pur-  
116 suant to this section or pursuant to any other law.

117 After the issuance of any of such revenue bonds, the  
118 student union fees at the state educational institution  
119 for which such revenue bonds were issued shall not be  
120 reduced as long as any of such revenue bonds are out-  
121 standing and unpaid except under such terms, provi-  
122 sions and conditions as shall be contained in the resolu-  
123 tion, trust agreement or other proceedings under which  
124 such revenue bonds were issued.

125 Such revenue bonds shall be and constitute negotiable  
126 instruments under the law merchant and the negotiable  
127 instruments law of the state; shall, together with the  
128 interest thereon, be exempt from all taxation by the state  
129 of West Virginia, or by any county, school district, mu-  
130 nicipality or political subdivision thereof; and such rev-  
131 enue bonds shall not be deemed to be obligations or debts  
132 of the state, and the credit or taxing power of the state  
133 shall not be pledged therefor, but such revenue bonds  
134 shall be payable only from the student union fees pledged  
135 therefor as provided in this section.

136 The provisions of this section shall constitute an addi-  
137 tional, alternative and complete authority for the exercise

138 of the powers and the issuance of the bonds provided for  
139 in this section, but shall not prevent said respective  
140 boards from exercising similar or related powers or  
141 issuing bonds therefor under any other law or laws, but  
142 such respective boards, in exercising the powers and  
143 issuing the bonds provided for in this section, shall only  
144 be required to comply with the provisions of this section  
145 and shall not be required to comply with or be subject  
146 to the provisions of any other law or laws.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*O. Roy Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*J. Homer Meyers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Harold W. Gibson*  
President of the Senate

*H. Nelson White*  
Speaker House of Delegates

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

*H. C. Smith*  
Governor

