

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

## ENROLLED

SENATE BILL NO. 330

(By Mr. McCourt)

PASSED March 8, 1969

In Effect from Passage



FILED IN THE OFFICE  
JOHN D. FORKNEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-17-69

# 330

**ENROLLED**

**Senate Bill No. 330**

(By MR. McCOURT)

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[Passed March 8, 1969: in effect from passage.]

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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 rates of interest on revenue bonds payable from special registration fees charged at each state institution 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:

**ARTICLE 1A. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS.**

**§25-1A-1b. Collection, disposition and use of additional registration fee; creation of special capital improvements fund; revenue bonds.**

1     In addition to all other fees imposed by the governing  
2     boards of state institutions of higher education, there is  
3     hereby imposed and the governing board of each state  
4     institution of higher education is hereby directed to provide  
5     for the collection of an additional registration fee  
6     from all students in the amounts as hereinafter provided.

7     For full-time students at each state institution of higher  
8     education, the additional registration fee shall be fifty  
9     dollars per semester. The board of governors of West  
10    Virginia University and the West Virginia board of education  
11    shall have authority to increase such additional  
12    registration fee at any institution of higher education  
13    under their respective control for students who are non-  
14    residents of this state. For all part-time students and  
15    for all summer school students, the respective governing  
16    boards shall impose and collect such fee in proportion to,  
17    but not exceeding, that paid by full-time students.

18    The fee imposed by this section shall be in addition to

19 the maximum fees allowed to be collected under the pro-  
20 visions of section one of this article and shall not be  
21 limited thereby. Refunds of such fee may be made in the  
22 same manner as any other fee collected at state institu-  
23 tions of higher education.

24 There is hereby created in the state treasury a special  
25 capital improvements fund, to be expended by the board  
26 of governors of West Virginia University for the benefit  
27 of West Virginia University and Potomac State College  
28 of West Virginia University, as provided in this section.  
29 On and after the first day of July, one thousand nine hun-  
30 dred sixty-three, there shall be paid into such special  
31 fund all proceeds of the additional registration fees col-  
32 lected from students at West Virginia University and at  
33 Potomac State College.

34 There is hereby created in the state treasury a special  
35 capital improvements fund, to be expended by the West  
36 Virginia board of education for the benefit of the state  
37 institutions of higher education under its control, as pro-  
38 vided in this section. On and after the first day of July,  
39 one thousand nine hundred sixty-three, there shall be

40 paid into such special fund all proceeds of the additional  
41 registration fees collected from students at such institu-  
42 tions.

43 The respective boards may make expenditures from  
44 such special capital improvements funds at the various  
45 state institutions of higher education under their control  
46 to finance in whole or in part, together with any federal,  
47 state or other grants or contributions, any one or more  
48 of the following purposes: (1) The acquisition of land  
49 or any rights or interest therein. (2) The construction or  
50 acquisition of new buildings. (3) The renovation or con-  
51 struction of additions to existing buildings. (4) The ac-  
52 quisition of furnishings and equipment for any such build-  
53 ings. (5) The construction or acquisition of any other  
54 capital improvements or capital educational facilities at  
55 such state institutions of higher education, including any  
56 roads, utilities or other properties, real or personal, or  
57 for other purposes necessary, appurtenant or incidental  
58 to the construction, acquisition, financing and placing in  
59 operation of such buildings, capital improvements or  
60 capital educational facilities.

61 The respective boards, at their discretion, may use the  
62 moneys in such special capital improvements funds to  
63 finance the costs of the above purposes on a cash basis,  
64 or may from time to time issue revenue bonds of the  
65 state as provided in this section to finance all or part of  
66 such purposes and pledge all or any part of the moneys  
67 in such special funds for the payment of the principal of  
68 and interest on such revenue bonds, and for reserves  
69 therefor. Any pledge of such special funds for such  
70 revenue bonds shall be a prior and superior charge on  
71 such special funds over the use of any of the moneys in  
72 such funds to pay for the cost of any of such purposes on  
73 a cash basis: *Provided*, That any expenditures from such  
74 special funds, other than for the retirement of revenue  
75 bonds, may only be made by the board of governors of  
76 West Virginia University and the West Virginia board  
77 of education to meet the cost of a predetermined capital  
78 improvements program for one or more of the state insti-  
79 tutions of higher education under their control, in such  
80 order of priority as shall have been agreed upon by the  
81 respective boards and presented to the board of public

82 works for inclusion in the annual budget bill, and only  
83 with the approval of the Legislature as indicated by direct  
84 appropriation for the purpose.

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

93 The issuance of such revenue bonds shall be authorized  
94 by a resolution adopted by the respective board, and  
95 such revenue bonds shall bear such date or dates, mature  
96 at such time or times not exceeding forty years from  
97 their respective dates; be in such form either coupon or  
98 registered, with such exchangeability and interchange-  
99 ability privileges; be payable in such medium of payment  
100 and at such place or places, within or without the state;  
101 be subject to such terms of prior redemption at such  
102 prices not exceeding one hundred five per centum of the

103 principal amount thereof; and shall have such other terms  
104 and provisions as such respective board shall determine.  
105 Such revenue bonds shall be signed by the governor and  
106 by the president of the respective board authorizing the  
107 issuance thereof, under the great seal of the state, attested  
108 by the secretary of state, and the coupons attached thereto  
109 shall bear the facsimile signature of the president of  
110 such respective board. Such revenue bonds shall be sold  
111 in such manner as the respective board may determine  
112 to be for the best interests of the state.

113 Such respective board may enter into trust agreements  
114 with banks or trust companies, within or without the  
115 state, and in such trust agreements or the resolutions  
116 authorizing the issuance of such bonds may enter into  
117 valid and legally binding covenants with the holders of  
118 such revenue bonds as to the custody, safeguarding and  
119 disposition of the proceeds of such revenue bonds, the  
120 moneys in such special funds, sinking funds, reserve  
121 funds, or any other moneys or funds; as to the rank and  
122 priority, if any, of different issues of revenue bonds by  
123 the same board under the provisions of this section; as



124 to the maintenance or revision of the amounts of such  
125 additional registration fees, and the terms and conditions,  
126 if any, under which such additional registration fees may  
127 be reduced; and as to any other matters or provisions  
128 which are deemed necessary and advisable by such re-  
129 spective board in the best interests of the state and to  
130 enhance the marketability of such revenue bonds.

131 After the issuance of any of such revenue bonds, the  
132 additional registration fees at the state institutions of  
133 higher education under the control of the board which  
134 issued the bonds shall not be reduced as long as any of  
135 such revenue bonds are outstanding and unpaid except  
136 under such terms, provisions and conditions as shall be  
137 contained in the resolution, trust agreement or other pro-  
138 ceedings under which such revenue bonds were issued.

139 Such revenue bonds shall be and constitute negotiable  
140 instruments under the law merchant and the <sup>Uniform</sup> negotiable  
141 <sup>Commercial Code</sup> ~~instruments-law~~ of the state; shall, together with the  
142 interest thereon, be exempt from all taxation by the state  
143 of West Virginia, or by any county, school district,  
144 municipality or political subdivision thereof; and such



145 revenue bonds shall not be deemed to be obligations or  
146 debts of the state, and the credit or taxing power of the  
147 state shall not be pledged therefor, but such revenue  
148 bonds shall be payable only from the revenue pledged  
149 therefor as provided in this section.

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

William Tompa  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Lloyd G. Jackson  
President of the Senate

Woe F. Boiarsky  
Speaker House of Delegates

The within approved this the 17<sup>th</sup>  
day of March, 1969.

Arch A. Moore Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/14/69

Time 2:20 p.m.