WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 351

(By Mr. Brunthin and Mr. Couragein)

PASSED March 8, 1969

In Effect July 1, 1969

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69
ENROLLED

Senate Bill No. 351
(By Mr. Brotherton and Mr. Carrigan)

[Passed March 8, 1969; in effect July 1, 1969.]

AN ACT to repeal article twenty-three, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal sections two, seven, eight, nine, twelve, thirteen, fourteen, seventeen eighteen and twenty-one through thirty-four, inclusive, article one, chapter twenty-five of said code; to repeal articles one-a and three of said chapter twenty-five; to amend article two, chapter five-a of said code by adding thereto a new section, designated section thirty-five; and to amend chapter eighteen of said code by adding thereto three new articles, designated articles twenty-three, twenty-four and twenty-five, relating to approval by commissioner of
the department of finance and administration of requisitions of certain offices and agencies not having an office at the state capitol; powers, duties and responsibilities of governing boards of state institutions of higher education with reference to deeds and contracts, condemnation, sale or exchange of property, acceptance of gift or devise, construction and repair of buildings, bonds of certain officers and employees, disposition of state moneys, expenditure of appropriations on proper requisition, certification to the governor of deficiency in appropriations, visitation and inspection of state institutions of higher education by the governing boards, requirements and procedures as to books, accounts, inventory and statistical records, authority to assemble any or all chief officers of the institutions, performance by governing boards of duty or work required by governor, construction and operation of dormitories, homes, refectories, gymnasiums, revenue bond authority, procedure and redemption, and special investigation of institutions by governor or his committee; powers, duties and authority of governing boards of state institutions of higher education regarding
fees and other money charged and collected at the institutions, scholarships, excuse from payment of certain fees, student union fees and revenue bonds, establishment and operation of book stores, joint establishment and operation of a two-year branch college, authority to provide special services and programs and fees and charges thereof, and disposition of certain funds in state treasury heretofore collected; and the purchase of tax sheltered annuities for teachers and employees.

Be it enacted by the Legislature of West Virginia:

That article twenty-three, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections two, seven, eight, nine, twelve, thirteen, fourteen, seventeen, eighteen and twenty-one through thirty-four, inclusive, article one, chapter twenty-five of said code be repealed; that articles one-a and three of said chapter twenty-five be repealed; that article two, chapter five-a of said code be amended by adding thereto a new section, designated section thirty-five, and that chapter eighteen of said code be amended by adding thereto three new articles, designated articles twenty-three, twenty-four and twenty-five, all to read as follows:
CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION.

ARTICLE 2. BUDGET DIVISION.

§5A-2-35. Appropriations for officers, commissions, boards or institutions without office at capital.

All appropriations now or hereafter made for officers, commissions, boards or institutions, public or private, other than state institutions of higher education, state charitable institutions, state hospitals and sanatoriums and state penal and correctional institutions, not having an office at the state capital, shall, unless otherwise provided by law, be expended on requisitions of such officer, commission, board or institution, after approval by the commissioner of the department of finance and administration.

CHAPTER 18. EDUCATION.

ARTICLE 23. ADDITIONAL POWERS, DUTIES AND RESPONSIBILITIES OF GOVERNING BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION.

§18-23-1. Governing boards defined.

For purposes of this chapter, "governing board" or "governing boards" means any board or other agency
3 having general control, supervision and management of
4 the business and educational affairs of any state insti-
5 tutions of higher education.

§18-23-2. Execution of deeds and contracts.

1 All deeds, contracts, agreements and other such writ-
2 ings may be executed by the governing boards by the
3 signing of the name of the board thereto by the presi-
4 dent of the board attested by the signature of the sec-
5 retary of the board; and, when so executed, the same
6 may be acknowledged and recorded as other writings.

§18-23-3. Condemnation generally; sale or exchange of prop-

1 The governing boards shall have power to acquire by
2 condemnation land or buildings for the use and benefit of
3 any of the state institutions subject to their control and
4 management, and, by and with the consent of the gover-
5 nor, to sell or exchange any property held by or for such
6 institutions All condemnation proceedings had here-
7 under shall be governed by chapter fifty-four of this code.

§18-23-4. Gifts to state institutions.

1 The governing boards are hereby empowered to ac-
2 cept any gift or devise of any property or thing which
lawfully may be given. If such gift or devise is to any particular state institution of higher education, whatever profit shall arise from its use or investment shall be paid into the state treasury for the use and benefit of such institution, and the governing board of each such institution is hereby invested with the title to the property which is or may be the subject of such gift or devise.


1 The governing boards shall have authority to employ competent architects for the preparation of plans and specifications for all new buildings to be built for state institutions of higher education or for the repairing or remodeling of such existing buildings, or the construction of additions thereto; to employ competent persons to superintend the work of constructing such new buildings or of such repairs, remodeling or additions; and to call for bids and award contracts for such work. The governing boards shall have authority to erect any new building, or to make repairs or additions to, or changes in, any building already constructed that is used for higher education, without letting the same to contract,
or by employing thereon the labor of the inmates of
any institution of the state subject to the approval of the
director of the department of correction, whenever in
the judgment of the governing boards the best interests
of the state will be served thereby. The governing
boards may also arrange with contractors for the erec-
tion of new buildings or for additions or repairs to old
ones, to use thereon the labor of such inmates subject
to approval of the director of the department of cor-
rection. The governing boards shall have authority,
whenever in their judgment a new building is needed
by a state institution of higher education, or whenever
it is necessary to build an addition or make material
repairs to such building already in existence, with the
approval of the governor, to employ a competent archi-
tect or architects to make plans and specifications there-
for, and estimates of the cost thereof, for submission to
the next session of the Legislature, to aid that body in
making an appropriation for the purpose. The gover-
nor may pay the cost of such plans and specifications
and estimates out of his civil contingent fund, or the
governing boards may cause the same to be paid out of the current expense fund, or out of any appropriation made for buildings and land or for repairs and improvements of the institution for which the building or work is designed. So far as practicable all buildings erected for the use of the state shall be fireproof.

§18-23-6. Bonds of officers of state institutions and of employees of state institutions of higher education.

The governing boards shall have authority to cause the head officer or any other officer of any state institution of higher education or any employee thereof under its control or management in whole or in part, or any of its own employees, to give bond, in such sum as the governing boards may require, conditioned for the faithful performance of their duties, and for accounting for and paying over all money and other property of the state which shall come into their hands or control by virtue of their office. The governing boards may provide that the surety in any such bond shall be a surety or bonding company authorized to do business in this state, and cause the premiums for bonds so given to be
paid out of the current or contingent expense fund of the institution or governing board with which the person so bound is connected. All such bonds shall be approved by the attorney general as to form, and by the governing boards as to sufficiency, and, when so approved, shall be filed with the treasurer of the governing boards and by him recorded and safely kept.

§18-23-7. Disposition of state moneys in possession of officers of state institutions of higher education; manner of expending appropriations; certification of deficiency in appropriations.

All moneys and funds belonging to the state which shall come into the possession or under the control of the head officer, or any other officer, of any state institution of higher education, or of any person connected therewith, under the control and management of the governing boards in whole or in part, or the fiscal or financial affairs of which are subject to the control and management of the governing boards, shall be paid to the treasurer of said boards monthly, on or before the tenth day of the month succeeding the month in which
such moneys or funds were received, under such rules and regulations as the governing boards shall prescribe. They shall cause such moneys and funds to be paid into the state treasury immediately in the manner provided in article two, chapter twelve of this code.

All moneys appropriated for the governing boards or for any state institution of higher education under their supervision and management may be expended on proper requisitions issued by the appropriate governing board. Whenever the appropriations by the Legislature for any of said institutions are insufficient to pay the expenses of conducting such institution, the deficiency shall be certified by the appropriate governing board to the governor. Such certificate shall state the name of the institution and the items and amount in detail needed, and the governor may direct payment of the same or any part thereof out of any appropriation available for that purpose.

§18-23-8. Visitation and inspection of state institutions of higher education.

The governing boards, or one or more of their members, shall visit each of the state institutions of higher
education under their control and management in whole
or in part as often as may be necessary, and may hold a
regular meeting of the governing boards at any such
institution. During any such visitation the governing
boards or any member thereof shall thoroughly inspect
all the departments thereof and investigate the condi-
tion and management of the same; and for the purpose
of aiding any such investigation the governing boards
or any member thereof shall have power to summon
and compel the attendance of witnesses, to be examined
under oath, which any member shall have the power to
administer; and the governing boards or any member
thereof shall have access to all books, papers and prop-
erty necessary to any such investigation, and may order
the production of any books, papers or property. Wit-
nesses, other than employees of the state, shall be en-
titled to the same fees as in civil cases in the circuit
court. In any investigation by the governing boards, or
by any member thereof, they or he may cause the tes-
timony to be taken in shorthand and transcribed and
filed in the office of the governing board as soon after
the same is taken as practicable. Any person refusing or failing to obey the order of the governing boards or any member thereof, issued under the provisions of this section, or to give or produce any evidence required, shall be reported by the governing boards or the member thereof conducting the investigation to the proper circuit court or the judge thereof, and such person refusing or failing shall be dealt with by the court or judge as for contempt.


The governing boards shall cause to be kept at their office a proper and complete set of books and accounts with each state institution of higher education under their respective control, which shall clearly show every expenditure authorized and made thereat. The books shall exhibit an account of all appropriations made by the Legislature concerning any institution under their control, and of all other funds under the control of the governing boards. They shall, in conjunction with and subject to the approval of the chief inspector of public offices, prescribe the form of vouchers, records and meth-
ods of keeping accounts at and by each of the institutions under their control. Such vouchers, records and methods of accounts of the institutions shall be as nearly uniform as possible. The governing boards, or any member thereof, shall have the power to investigate the conditions and to examine and check the records of any of said institutions at any time. The governing boards shall also have the power to authorize any of their members or officers, its bookkeeper, accountant, or other employee, to proceed to any of the institutions under their control, and to examine and check its records, take inventory of its property, or that of any of its departments or for any other purpose the governing boards may deem necessary. Any person doing such work shall receive, in addition to regular compensation, his actual expenses incurred thereby. Upon the completion of any such special work the governing boards shall cause a full and complete written report of the same to be made to it as soon as practicable.

§18-23-10. Records of state institutions of higher education for statistical and other purposes; conference of chief officers.

The governing boards shall prescribe the records to
be kept for statistical and other purposes in the state institutions of higher education under their respective control. Each month they shall require a copy of such record to be transmitted to them for the preceding month, and they shall keep in their office in a substantially bound book a copy of every report that they may require from the chief officers of any institution under their control. The governing boards shall have authority to assemble the chief officers of the institutions under their respective control or any of them at their office, for the purpose of discussing any question which may be common to their welfare. The actual expenses made necessary in traveling to and from such meeting, and while in attendance thereat, shall be paid out of the funds of the several institutions involved in any such meetings.

§18-23-11. Special investigation of any state institution of higher education by governor or committee appointed by him.

The governor is hereby empowered to make a special investigation, either in person or by a committee ap-
pointed by him, of the condition, management or affairs
of any state institution of higher education, and for the
purpose of aiding any such investigation the governor
or committee shall have the same powers as are con-
ferred upon the governing boards by section eight of
this article, in making similar investigations.

§18-23-12. Governing boards to perform duties required by
governor.

1 The governor may require the governing boards to
2 perform any duty or work pertaining to the manage-
3 ment and control of any of the institutions under their
4 control and consistent with the objects of this article.

§18-23-13. Construction and operation of dormitories, homes
and refectories for teachers and students.

1 The governing boards are hereby authorized to pro-
2 vide, construct, erect, improve, equip, maintain and oper-
3 ate dormitories, homes or refectories on land owned by
4 the state for students or teachers at the various state
5 educational institutions of higher education under their
6 control, but the cost of construction, erection, improve-
7 ment or equipment shall be solely by means of or with
the proceeds of the revenue bonds hereinafter authorized. The governing boards shall have power and authority to employ engineering, architectural and construction experts, and such other employees as may be necessary in their judgment, and fix their compensation, all of whom shall do such work as the governing boards shall direct, all of which shall be included as part of the cost of construction and equipment thereof.

§18-23-14. Construction and operation of gymnasiums, etc.; declaration of emergency.

The governing boards, within their discretion, are hereby authorized to provide, construct, erect, improve, equip, maintain and operate gymnasiums or stadia for athletic games, contests or exhibitions or physical training, dormitories, homes, refectories, swimming pools, or such other structures or buildings, for students, teachers, officers and employees at the various state institutions of higher education under their control and management subject to the provisions and limitations of sections thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of this article.

1 Whenever it shall become necessary, the governing boards may condemn any interest, right or privilege, land or improvement which in their opinion may be necessary, in the manner provided by law for the acquisition by this state of property for public purposes. The state shall be under no obligation to accept and pay for any property condemned and shall in no event pay for the same except from the funds provided hereinafter, and in any proceedings to condemn, such orders shall be made by the court having jurisdiction of the suit, action or proceedings as may be just to the state and to the owners of property to be condemned, and a bond or other security may be required by the court securing such owners against any loss or damage to be sustained by reason of the failure of the state to accept and pay for the property, but such bond or security shall impose no liability or debt on or of the state as contemplated by the provisions of the constitution of the state in relation to state debt.

§18-23-16. Cost of dormitories, homes and refectories to be paid from proceeds of revenue bonds.

1 The governing boards may pay the cost as defined in
sections thirteen to twenty-four, inclusive, of this article, 
of any one or more of such dormitories, homes or re-
fectories out of the proceeds of revenue bonds of the 
state. The governing boards are authorized to issue 
revenue bonds of the state, by a resolution of the board 
which shall recite an estimate by the board of such cost, 
the principal and interest of which bonds shall be pay-
able solely from the special fund herein provided for 
such payment. The board, after any such issue of bonds 
or simultaneously therewith, may issue further issues 
of bonds to pay the cost of any other one or more of 
such dormitories, homes or refectories, in the manner 
and subject to all of the provisions herein contained 
as to the bonds first mentioned in this section. All such 
bonds shall have and are hereby declared to have all 
the qualities of negotiable instruments under the uni-
form commercial code. Such bonds shall bear inter-
est, payable semiannually, and shall mature in not more 
than thirty years from their date or dates and may 
be made redeemable at the option of the state, to be 
exercised by the governing boards, at such price and
under such terms and conditions as they may fix prior
to the issuance of such bonds. They shall determine
the form of such bonds, including coupons to be at-
tached thereto to evidence the right of interest pay-
ments, which bonds shall be signed by the governor
and the president of the appropriate governing board,
under the great seal of the state, attested by the secre-
tary of the state, and the coupons attached thereto
shall bear the facsimile signature of the president
of the appropriate board. In case any of the officers
whose signatures appear on the bonds or coupons shall
cease to be such officers before the delivery of such
bonds, such signatures shall nevertheless be valid and
sufficient for all purposes the same as if they had re-
mained in office until such delivery. The governing
boards shall fix the denominations of such bonds, the
principal and interest of which shall be payable at the
office of the treasurer of the state of West Virginia,
at the capitol of said state, or, at the option of the holder,
at some bank or trust company in the city of New York
to be named in the bonds, either in lawful money or
in gold coin of the United States of America, of or equal
to the then current standard of weight and fineness,
as may be determined by the governing boards. Such
bonds shall be exempt from taxation by the state of
West Virginia or any county, school district or munici-
pality therein. The governing boards may provide for
the registration of such bonds in the name of the owner
as to principal alone and as to both principal and interest
under such terms and conditions as the governing boards
may determine, and shall sell such bonds in such man-
er as they may determine to be for the best interest
of the state, taking into consideration the financial
responsibility of the purchaser and the terms and con-
ditions of the purchase and especially the availability
of the proceeds of the bonds when required for payment
of the cost of the dormitories, homes or refectories, such
sale to be made at a price not lower than a price which,
computed upon standard tables of bond values, will show
a net return of not more than six per centum per
annum to the purchaser based on the purchase price
thereof.
The proceeds of such bonds shall be used solely for the payment of the cost of such dormitories, homes or refectories, and shall be checked out by the president of the appropriate governing board and the treasurer thereof and under such further restrictions, if any, as the board may provide. If the proceeds of such bonds, by error or otherwise, shall be less than the cost of such dormitories, homes or refectories, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the trust agreement hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued for the same dormitory or dormitories, home or homes, or refectory or refectories. If the proceeds of bonds issued for any such dormitories, homes or refectories shall exceed the cost thereof, the surplus shall be paid into the fund hereinafter provided for payment of the principal and interest of such bonds. Such fund may be used for the purchase of any of the outstanding bonds payable from such fund at the market.
price, but not exceeding the price, if any, at which 
such bonds shall in the same year be redeemable, and 
all bonds redeemed or purchased shall forthwith be 
cancelled and shall not again be issued.

Prior to the preparation of definitive bonds, the gov-
erning boards may under like restrictions issue tem-
porary bonds with or without coupons, exchangeable 
for definitive bonds upon the issuance of the latter. Such 
revenue bonds may be issued without any other pro-
cedings or the happening of any other conditions and 
things than those proceedings, conditions and things 
which are specified and required by this article or by 
the constitution of the state.

§18-23-17. Agreements with trustees for bondholders.

The governing boards may enter into an agreement 
or agreements with any trust company or with any bank 
having the powers of a trust company, either within 
or outside of the state, as trustee for the holders of the 
bonds issued hereunder, setting forth therein such duties 
of the state and of the governing boards in respect of the 
acquisition, construction, erection, improvement, main-
tenance, operation, repair and insurance of the dormitories, homes or refectories, the conservation and application of all moneys, the insurance of moneys on hand or on deposit, and the rights and remedies of the trustee and the holders of the bonds, as may be agreed on with the original purchasers of such bonds, and including therein provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds and debentures of corporations, protecting and enforcing the rights and remedies of the trustee and the bondholders, and providing for approval by the original purchasers of the bonds, of the appointment of consulting engineers and of the security given by those who contract to make improvements, and by any bank or trust company in which the proceeds of bonds or rents, fees or charges shall be deposited, and for approval by the consulting engineers of all contracts for improvements. All expenses incurred in carrying out such agreement may be treated as a part of the cost of maintenance, operation and repair of the dormitories, homes or refectories affected by the
agreement. Any such agreement entered into by the governing boards shall be binding in all respects on such governing boards from time to time in accordance with its terms and all the provisions thereof shall be enforceable by appropriate proceedings at law or in equity, or otherwise.

§18-23-18. Operation and control of fiscal affairs of dormitories, homes or refectories.

The governing boards shall properly maintain, repair, operate, manage and control the fiscal affairs of such dormitories, homes or refectories, fix the rates of rents, fees or charges and establish rules and regulations for the use and operation of such dormitories, homes or refectories, for the welfare of the students or teachers, and may make and enter into all contracts or agreements necessary and incidental to the performance of their duties and the execution of their powers under this article.

§18-23-19. Payment of principal and interest of construction bonds from revenues of dormitories, homes and refectories; redemption of bonds.

Whenever bonds are issued for the construction, erec-
2 tion or equipment of dormitories, homes or refectories, or
3 for the improvement or equipment of existing dormi-
4 tories, homes or refectories, or for any or all of such
5 purposes, as joint or several projects, for which a single
6 or several issues of bonds may be issued within the dis-
7 cretion of the governing boards, rents, fees and charges
8 shall be fixed, charged and collected in connection with
9 the use or occupancy of, or service to be thereby ren-
10 dered and furnished by, such dormitories, homes or re-
11 fectories, and shall be so fixed or adjusted, in respect
12 of the aggregate of rents, fees and charges from the
13 dormitories, homes or refectories so constructed, erected,
14 improved or equipped by means of or with the proceeds
15 of a single issue of bonds, as to provide a fund sufficient
16 to pay the principal and interest of each such issue of
17 bonds and to provide an additional fund to pay the cost
18 of maintaining, repairing, operating and insuring such
19 dormitories, homes or refectories. Whenever bonds are
20 issued to finance, at any one time, the construction and
21 erection of dormitories, homes or refectories together
22 with additions or extensions to an existing dormitory,
home or refectory for students or teachers at state educational institutions, as a single construction project, the revenues derivable from both such dormitories, homes or refectories and such additions or extensions to an existing dormitory, home or refectory, as constructed from the proceeds of a single issue of bonds, as a single construction project, may be pledged to provide a fund sufficient to pay the principal and interest of such single issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing, operating and insuring such dormitories, homes or refectories, and such additions or extensions to an existing dormitory, home or refectory. The rents, fees and charges from the dormitories, homes or refectories for which a single issue of bonds is issued, except such part thereof as may be necessary to pay such cost of maintaining, repairing, operating and insuring during any period in which such cost is not otherwise provided for (during which period the rents, fees and charges may be reduced accordingly), shall be transmitted each month to the state sinking fund commission and by it placed in a special fund which
is hereby pledged to and charged with the payment of the principal of such bonds and the interest thereon, and to the redemption or repurchase of such bonds, such special fund to be a fund for all such bonds without distinction or priority of one over another. The moneys in such special fund, less a reserve for payment of interest, if not used by the sinking fund commission, within a reasonable time for the purchase of bonds for cancellation at a price not exceeding the market price and not exceeding the redemption price, shall be applied to the redemption by lot of any bonds which by their terms are then redeemable, at the redemption price then applicable: Provided, however, That if said revenue bonds are sold to and purchased by the United States of America or any federal or public agency or department created under and by virtue of the laws of the United States of America, then at the option of the United States of America or such federal or public agency or department in lieu of such moneys being transmitted to the sinking fund commission and by it placed in a special fund, the rents, fees and charges from the dormitories,
homes or refectories for which a single issue of bonds is
issued, except such part thereof as may be necessary to
pay such cost of maintaining, repairing, operating and
insuring as provided aforesaid, may be transmitted and
paid to a trustee designated and named by the United
States of America or such federal or public agency or
department in its agreement and contract with the appro-
priate governing board, for the payment of the principal
of such bonds and the interest thereon, under such terms
and conditions as may be agreed upon.

§18-23-20. When dormitories, homes or refectories become
property of state.

1 When the particular bonds for any dormitory or dormi-
tories, home or homes, refectory or refectories, and the
interest on such bonds, shall have been paid, or a suffi-
cient amount has been provided for their payment and
shall continue to be held for that purpose, the said dormi-
tories, homes or refectories shall thereafter be exclusively
the property of the state of West Virginia, and thereafter
the rents, fees and charges collected for the use or occu-
pancy of, or service rendered and furnished by, such
dormitories, homes or refectories shall be paid into the state treasury as provided by the provisions of section two, article two, chapter twelve of this code, as amended, and used and expended for the benefit of the institution where collected.

§18-23-21. State debt not to be incurred for dormitories, homes or refectories; federal and private assistance; provisions separable.

Nothing in these sections dealing with dormitories, homes or refectories shall be so construed or interpreted as to authorize or permit the incurring of state debt of any kind or nature as contemplated by the constitution of this state in relation to the state debt. The dormitories, homes or refectories herein are of the character described as self-liquidating projects under the laws of the United States.

Any governing board authorized to issue bonds under the provisions of this article is authorized and empowered to accept loans or grants or temporary advances for the purpose of paying part or all of the cost of construction of the dormitories, homes or refectories and
the other purposes herein authorized, from the United States of America or such federal or public agency or department of the United States or any private agency, corporation or individual, which temporary advances may be repaid out of the proceeds of the bonds authorized to be issued under the provisions of this article and to enter into the necessary contracts and agreements to carry out the purposes hereof with the United States of America or such federal or public agency or department of the United States, or with any private agency, corporation or individual: Provided, however, That if such bonds are not sold to and purchased by the United States of America or any such federal or public agency or department, then the governing board shall advertise such bonds for sale, on sealed bids, which advertisement shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the state. Such advertisement shall be so published within the fourteen consecutive days
next preceding the date fixed for the reception of bids.
Such advertisement shall also be published in a finan-
cial paper published either in the city of New York,
in the state of New York, or the city of Chicago, in
the state of Illinois. The governing board may reject
any and all bids. If the bonds be not sold pursuant to
such advertisement, they may, within sixty days after
the date advertised for the reception of bids, be sold
by the governing board at private sale, but no private
sale shall be made at a price less than the highest bid
which shall have been received pursuant to such adver-
tisement. If not sold, such bonds shall be readvertised
in the manner herein provided.

The provisions and parts of this section are separable
and are not matters of mutual essential inducement,
and it is the intention to confer the whole or any part
of the powers herein provided for, and if any of the
sections or provisions, or parts thereof, are for any
reason illegal or invalid, it is the intention that the re-
maining sections and provisions or parts thereof shall
remain in full force and effect.

§18-23-22. Sections regarded as supplementary.

Sections thirteen to twenty-four, inclusive, of this
article, shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplementary and additional to powers conferred by other laws: Provided, however, That when any revenue bonds are issued hereunder for the purposes provided by sections thirteen to twenty-four, inclusive, of this article, for the benefit of any particular state educational institution, no dormitories, homes or refectories shall thereafter be constructed, built or erected at such state educational institution until the appropriate governing board shall, by investigating and hearing had thereon, under such rules as it may prescribe, determine that there is an imperative public need for the construction, building or erection of such dormitories, homes or refectories, and that their construction, building or erection and subsequent maintenance or operation will not materially injure the revenues of and from any dormitories, homes or refectories constructed, built, erected, maintained or operated at such state educational institution under the provisions of sections thirteen to twenty-four, inclusive, of this article.
§18-23-23. Approval of dormitories, homes or refectories.

1 It shall not be necessary to secure from any officer
2 or board not named in sections thirteen to twenty-four,
3 inclusive, of this article, any approval or consent or
4 any certificate or finding, or to hold any election, or to
5 take any proceedings whatever, either for the acquisition,
6 construction or erection of such dormitories, homes or
7 refectories, or the improvement thereof, or their main-
8 tenance, operation, repair or insurance, or for the is-
9 suance of bonds hereunder, except such as are prescribed
10 in the sections herein named or are required by the
11 constitution of the state.


1 Sections thirteen to twenty-four, inclusive, of this
2 article, being necessary for the health, welfare and con-
3 venience of the students and teachers at the various state
4 educational institutions, shall be liberally construed to
5 effectuate the purposes thereof.

ARTICLE 24. FEES AND OTHER MONEY COLLECTED AT STATE
INSTITUTIONS OF HIGHER EDUCATION.

§18-24-1. Enrollment, tuition and other fees at educational
institutions; refund of fees.

1 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 nonresident
students shall be one hundred seventy-five dollars per semester at all state institutions of higher education except West Virginia University: And provided further, That the minimum tuition fee for full-time resident students at West Virginia University shall be forty dollars per semester and the minimum tuition fee for full-time nonresident students at West Virginia University 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 hereinafter authorized, the maximum fees to be collected under this section for resident students shall not exceed two hundred dollars per semester; and for nonresident students, 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 building 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 and dining hall building or for the renovation of an existing structure for use as a student union building or a combination student union and 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 combination student union and dining hall building or the renovation of an existing structure for use as a student union building or a combination student union and dining hall building, all as more fully provided in section six 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.


1 Scholarships entitling recipients to waiver of enrollment, tuition, registration, and other fees, heretofore established by the governing boards of state educational institutions, may be continued and other such scholarships may be established from time to time by the governing boards, subject to the following conditions and limitations:

(1) No state educational institution shall have in effect at any time such scholarships in a number which exceeds five percent of the maximum number of full-time students registered at any time during the immediately preceding academic year.

(2) Each such scholarship shall entitle the recipient thereof to attend a designated state educational institution without payment of such enrollment, tuition, regis-
16 traction, and other fees as may be prescribed by the
17 governing board of that institution and for a period of
18 time not to exceed eight semesters of undergraduate
19 study.
20 (3) The governing boards shall make rules governing
21 the award of such scholarships, the issuance and can-
22 cellation of certificates entitling the recipients to the
23 benefits thereof, the use of such scholarships by the
24 recipients, and the rights and duties of the recipients in
25 respect to such scholarships. Such rules shall not be
26 inconsistent with the provisions of this section.
27 (4) The awarding of such scholarships shall be enter-
28 ed in the minutes of the meetings of the governing
29 board, and the governing board shall file with the state
30 auditor and the director of the budget division a certified
31 copy of the rules governing the award of such scholar-
32 ships and of a list of the names of the recipients thereof.

§18-24-3. Same—professional and graduate schools.

1 In addition to the scholarships heretofore authorized
2 for undergraduate study by the provisions of section
3 two of this article, the governing board of West Virginia
University is hereby authorized and empowered to establish from time to time scholarships for study in the school of medicine, the school of dentistry, the college of law, and the graduate school, entitling the recipients to waiver of enrollment, tuition, registration, and other fees, subject to the following conditions and limitations:

1. The number of such scholarships in effect at any one time shall not exceed six for each class in the school of medicine, five for each class in the school of dentistry, four for each class in the college of law, and four for graduate students in social work. Such scholarships may be for a period of time not to exceed eight semesters of study in medicine and dentistry, six semesters of study in law, and five semesters of study in graduate social work.

2. Each such scholarship shall entitle the recipient to waiver of such enrollment, tuition, registration and other fees as may be prescribed by the board.

3. The board shall make rules governing the award of such scholarships, the issuance and cancellation of certificates entitling the recipients to the benefits thereof,
Enr. S. B. No. 351]

25 the use of such scholarships by the recipients, and the
26 rights and duties of the recipients in respect to such
27 scholarships. Such rules shall not be inconsistent with
28 the provisions of this section.
29 (4) The awarding of such scholarships shall be
30 entered in the minutes of the meeting of the board, and
31 the board shall file with the state auditor and the direc-
32 tor of the budget division a certified copy of the rules
33 governing the award of such scholarships and a list
34 of the names of the recipients thereof.

§18-24-4. Collection, disposition and use of additional registra-
tion 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
3 is hereby imposed and the governing board of each state
4 institution of higher education is hereby directed to pro-
5 vide for the collection of an additional registration fee
6 from all students in the amounts as hereinafter pro-
7 vided.
8 For full-time students at each state institution of higher
education, the additional registration fee shall be fifty
dollars per semester. The governing boards shall have
authority to increase such additional registration fee
at any institution of higher education under their re-
spective control for students who are nonresidents of
this state. For all part-time students and for all sum-
mer 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 gov-
erning board of West Virginia University for the bene-
fit of West Virginia University and Potomac State Col-
lege of West Virginia University, as provided in this
section. On and after the first day of July, one thou-
sand nine hundred sixty-three, there shall be paid into such special 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 second special capital improvements fund, to be expended by the governing board for the benefit of all other state institutions of higher education, 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 build-
(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, That any ex- penditures from such special funds, other than for the retirement of revenue bonds, may only be made by the governing boards 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 governor 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 respective 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 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 respective board may deter-
mine 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 board may enter into trust agreements
with banks or trust companies, within or without the
state, and in such trust agreements or the resolutions au-
thorizing 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 dis-
position 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 condi-
tions, 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.

§18-24-5. Authority to excuse students in certain educational programs from payment of enrollment fees.

Whenever the cost of any institute, workshop, special course, or other educational program is wholly financed by a grant from any federal agency or from any foundation, corporation, or other association or person, except for indirect costs of administration and other overhead expenses, such as the cost of providing classrooms and other facilities, the governing board of the state educational institution administering such program shall have the authority to excuse all students enrolled in such program from the payment of tuition, registration and other enrollment fees.

§18-24-6. Disposition and use of student union fees; issuance of revenue bonds.

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 governing boards for the benefit of the state educational institutions under their control.

The respective boards may make expenditures from such building funds at the various state educational institutions 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 construction and acquisition of new student union buildings. (2) The acquisition, renovation and improvement 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 buildings to be constructed or acquired, or the construction of any roads, utilities or other properties, real or personal, or for any other purposes neces-
sary, appurtenant or incidental 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 respective 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 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 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 agreements 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 out-
standing and unpaid except under such terms, provi-
sions and conditions as shall be contained in the reso-
lution, 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.

§18-24-7. Fees and money derived from athletic contests.

The directors of athletics at state educational institutions may fix and charge admission fees to athletic contests at state educational institutions and may enter into contracts, spend and receive money under such contracts for the student athletic teams of state educational institutions to contest with other athletic teams inside or outside the state.

All money derived from such fees and under such contracts shall be used to defray the cost of maintaining the athletic department and athletic program of such institutions. The operation of training camps and training tables and providing room accommodations for participants in the athletic program of such institutions shall be recognized and considered as a proper part of such maintenance, but the specific mention of training camps and
training tables and providing room accommodations shall not be construed or understood to limit in any way the general power and authority otherwise granted and conferred by this section.

§18-24-8. Student activity fees.

The president of any state educational institution may authorize the collection of fees from students for the support of extracurricular activities of the students, and after authorizing the collection of such fees, the president shall file with the state auditor and state budget director a certified detailed statement of the fees authorized to be collected and the purpose for which they are to be spent.

§18-24-9. Fees from operation of dormitories, faculty homes, dining halls, and cafeterias.

The governing board of each state educational institution shall fix the fees to be charged students and faculty members for rooms, board and meals at the dormitories, faculty homes, dining halls, and cafeterias operated by the board at the institution. Such fees shall be commensurate with the complete cost of such services.

All fees collected for such services shall be used first to pay the operating and maintenance costs of the dormi-
9 tories, faculty homes, dining halls, and cafeterias and to
10 meet interest, principal, and sinking fund requirements
11 due on any outstanding revenue bonds for which such
12 receipts may have been pledged as security. Any such
13 receipts not needed for these purposes may be expended
14 by the governing board to defray the costs in whole or
15 in part for the construction of any such facility.


1 The governing board of each state educational institu-
2 tion shall have the authority to establish and operate
3 a book store at the institution. The book store shall be
4 operated for the use of the institution itself, including
5 each of its schools and departments, in making purchases
6 of books, stationery and other school and office supplies
7 generally carried in college stores, and for the benefit
8 of students and faculty members in purchasing such
9 products for their own use, but no sales shall be made
10 to the general public. The prices to be charged the in-
11 stitution, the students and the faculty for such products
12 shall be fixed by the governing board, shall not be less
13 than the prices fixed by any fair trade agreements, and
14 shall in all cases include in addition to the purchase
price paid by the book store a sufficient handling charge
to cover all expenses incurred for personal and other
services, supplies and equipment, storage, and other
operating expenses, to the end that the prices charged
shall be commensurate with the total cost to the state
of operating the book store.

All moneys derived from the operation of the store
shall be paid into a special revenue fund as provided in
section two, article two, chapter twelve of this code.
The governing board shall, subject to the approval of
the governor, fix and from time to time change the
amount of the revolving fund necessary for the proper
and efficient operation of each book store. Whenever at
the end of any fiscal year the unencumbered balance in
the book store special revenue fund shall exceed the
amount of the revolving fund so established, the excess
shall be transferred by the state auditor to the general
revenue fund and become a part of the general revenue
of the state.

Moneys derived from the operation of the book store
shall be used first to replenish the stock of goods and
to pay the costs of operating and maintaining the store.
From any balance in the Marshall University book store fund not needed for operation and maintenance and replenishing the stock of goods, the governing board of that institution shall have authority to expend a sum not to exceed two hundred thousand dollars for the construction of quarters to house the book store in the university center at Marshall University. Until such quarters for housing the book store are completed, the governing board of Marshall University and the governor shall take this authorization into account in fixing the amount of the revolving fund for the Marshall University book store.


Any county board of education, county court, municipal corporation, or any two of them, may jointly establish with an approved educational institution, an approved two-year branch college offering transfer, terminal, technical and adult vocational programs. The respective governmental bodies operating such a two-year terminal branch and community college may provide by agreement among themselves all matters connected with such programs, subject to the approval of the state board of education, and determine what items of cost and ex-
§18-24-12. Authority of educational institutions to provide special services and programs; collection and disposition of fees therefor.

The governing board of each state educational institution shall have authority to provide special services and special programs at such institutions and may fix and collect special fees or charges therefor. Such special services and special programs may include any one or more of the following:

(1) The conduct of music camps and band, orchestra, or voice clinics for secondary school students or other youth groups, summer tutoring programs for primary and secondary school students, speech therapy clinics and services, educational and psychological testing programs, student guidance programs, and statistical studies and calculations by electronic computer service.

(2) Rental of lockers or other storage facilities and the maintenance and operation of parking facilities for use by students, faculty, staff, and visitors.

(3) Rental of musical recordings, educational films, slides, and other audiovisual aids.
(4) Microfilming or other mechanical reproduction of records and noncopyrighted library reference materials.

(5) Institutes, conferences, workshops, postgraduate and refresher noncredit courses, and any other special program or special service customarily provided by institutions of higher education.

(6) Motor pools, consisting of motor vehicles for the use of their employees when carrying on the business and affairs of the institutions.

All fees or charges collected for any such special services or programs shall be paid into a special fund and shall be expended solely for the maintenance, operation, and support of such services and programs.

Whenever any such special service is provided by one school, division or department of an educational institution for the benefit of any other school, division or department in the same institution, the cost shall be paid by the school, division or department requesting the service and shall be deposited and expended as provided above.

Whenever a motor pool is provided by the governing board of a state educational institution, such board may charge any school, college, department or division of such
institution for which a vehicle is used a reasonable amount for such use, which amount shall be paid by such school, college, department or division and shall be deposited and expended as above provided.


1 All funds in the state treasury heretofore collected from any of the sources defined in the foregoing sections shall remain in the state treasury and those funds and any such additional funds collected hereafter may be expended only as authorized in the foregoing sections.

ARTICLE 25. TAX SHELTERED ANNUITIES FOR TEACHERS AND EMPLOYEES.

§18-25-1. Authority to purchase tax sheltered annuities for teachers and employees.

1 A county board of education, the teachers retirement board, the West Virginia board of education and the board of regents and their agencies may provide by written agreement between any such board or agency and any teacher or other employee, to reduce the cash salary payable to such teacher or other employee, and, in consideration thereof, to pay an amount equal to the amount of such reduction to an insurance company licensed to
do business in this state as premiums or an annuity con-
tract owned by such teacher or other employee, which
annuity contract shall be in such form and upon such
terms as will qualify the payments thereon for tax de-
ferment under the United States Internal Revenue Code,
or to pay an amount equal to the amount of such reduction
as voluntary deposits to the teachers retirement board
as provided by section eighteen, article seven-a, chapter
eighteen of this code. The amount of such reduction
shall not exceed the amount excludable from income
under section 403(b) of the United States Internal Reve-
uue Code, and amendments and successors provisions
thereto, and shall be considered a part of the teacher's
or employee's salary for all purposes other than federal
and state income tax.

The purchase of such tax sheltered annuity for a teacher
or other employee by a board of education, the teachers
retirement board, the West Virginia board of education
and the board of regents and their agencies shall impose
no liability nor responsibility whatsoever on said boards
or members thereof except to show that the payments
have been remitted for the purposes for which deducted.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Summers
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

W. Sam Davis
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lyda G. Jackson
President of the Senate

Ivan F. Boesinsky
Speaker House of Delegates

The within appeared this the 12th day of March, 1969.

Nathan Silver Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date  3/14/69

Time  2:20 p.m.