

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 351

(By Mr. Brotherton and Mr. Coe)

PASSED March 8 1969

In Effect July 1, 1969 Passage



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

351

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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.**

1 All appropriations now or hereafter made for officers,
2 commissions, boards or institutions, public or private,
3 other than state institutions of higher education, state
4 charitable institutions, state hospitals and sanatoriums
5 and state penal and correctional institutions, not having
6 an office at the state capital, shall, unless otherwise pro-
7 vided by law, be expended on requisitions of such offi-
8 cer, commission, board or institution, after approval by
9 the commissioner of the department of finance and ad-
10 ministration.

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.

1 For purposes of this chapter, "governing board" or
2 "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-
erty.**

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

3 lawfully may be given. If such gift or devise is to any
4 particular state institution of higher education, whatever
5 profit shall arise from its use or investment shall be paid
6 into the state treasury for the use and benefit of such
7 institution, and the governing board of each such insti-
8 tution is hereby invested with the title to the property
9 which is or may be the subject of such gift or devise.

§18-23-5. Construction and repair of state buildings.

1 The governing boards shall have authority to employ
2 competent architects for the preparation of plans and
3 specifications for all new buildings to be built for state
4 institutions of higher education or for the repairing or
5 remodeling of such existing buildings, or the construc-
6 tion of additions thereto; to employ competent persons
7 to superintend the work of constructing such new build-
8 ings or of such repairs, remodeling or additions; and to
9 call for bids and award contracts for such work. The
10 governing boards shall have authority to erect any new
11 building, or to make repairs or additions to, or changes
12 in, any building already constructed that is used for
13 higher education, without letting the same to contract,

14 or by employing thereon the labor of the inmates of
15 any institution of the state subject to the approval of the
16 director of the department of correction, whenever in
17 the judgment of the governing boards the best interests
18 of the state will be served thereby. The governing
19 boards may also arrange with contractors for the erec-
20 tion of new buildings or for additions or repairs to old
21 ones, to use thereon the labor of such inmates subject
22 to approval of the director of the department of cor-
23 rection. The governing boards shall have authority,
24 whenever in their judgment a new building is needed
25 by a state institution of higher education, or whenever
26 it is necessary to build an addition or make material
27 repairs to such building already in existence, with the
28 approval of the governor, to employ a competent archi-
29 tect or architects to make plans and specifications there-
30 for, and estimates of the cost thereof, for submission to
31 the next session of the Legislature, to aid that body in
32 making an appropriation for the purpose. The gover-
33 nor may pay the cost of such plans and specifications
34 and estimates out of his civil contingent fund, or the

35 governing boards may cause the same to be paid out of
36 the current expense fund, or out of any appropriation
37 made for buildings and land or for repairs and improve-
38 ments of the institution for which the building or work
39 is designed. So far as practicable all buildings erected
40 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.**

1 The governing boards shall have authority to cause
2 the head officer or any other officer of any state institu-
3 tion of higher education or any employee thereof under
4 its control or management in whole or in part, or any
5 of its own employees, to give bond, in such sum as the
6 governing boards may require, conditioned for the faith-
7 ful performance of their duties, and for accounting for
8 and paying over all money and other property of the
9 state which shall come into their hands or control by
10 virtue of their office. The governing boards may pro-
11 vide that the surety in any such bond shall be a surety
12 or bonding company authorized to do business in this
13 state, and cause the premiums for bonds so given to be

14 paid out of the current or contingent expense fund of
15 the institution or governing board with which the per-
16 son so bound is connected. All such bonds shall be ap-
17 proved by the attorney general as to form, and by the
18 governing boards as to sufficiency, and, when so ap-
19 proved, shall be filed with the treasurer of the govern-
20 ing 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 defi-
ciency in appropriations.**

1 All moneys and funds belonging to the state which
2 shall come into the possession or under the control of
3 the head officer, or any other officer, of any state insti-
4 tution of higher education, or of any person connected
5 therewith, under the control and management of the
6 governing boards in whole or in part, or the fiscal or
7 financial affairs of which are subject to the control and
8 management of the governing boards, shall be paid to
9 the treasurer of said boards monthly, on or before the
10 tenth day of the month succeeding the month in which

11 such moneys or funds were received, under such rules
12 and regulations as the governing boards shall prescribe.
13 They shall cause such moneys and funds to be paid into
14 the state treasury immediately in the manner provided
15 in article two, chapter twelve of this code.

16 All moneys appropriated for the governing boards or
17 for any state institution of higher education under their
18 supervision and management may be expended on proper
19 requisitions issued by the appropriate governing board.
20 Whenever the appropriations by the Legislature for any
21 of said institutions are insufficient to pay the expenses
22 of conducting such institution, the deficiency shall be
23 certified by the appropriate governing board to the gov-
24 ernor. Such certificate shall state the name of the in-
25 stitution and the items and amount in detail needed, and
26 the governor may direct payment of the same or any
27 part thereof out of any appropriation available for that
28 purpose.

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

1 The governing boards, or one or more of their mem-
2 bers, shall visit each of the state institutions of higher

3 education under their control and management in whole
4 or in part as often as may be necessary, and may hold a
5 regular meeting of the governing boards at any such
6 institution. During any such visitation the governing
7 boards or any member thereof shall thoroughly inspect
8 all the departments thereof and investigate the condi-
9 tion and management of the same; and for the purpose
10 of aiding any such investigation the governing boards
11 or any member thereof shall have power to summon
12 and compel the attendance of witnesses, to be examined
13 under oath, which any member shall have the power to
14 administer; and the governing boards or any member
15 thereof shall have access to all books, papers and prop-
16 erty necessary to any such investigation, and may order
17 the production of any books, papers or property. Wit-
18 nesses, other than employees of the state, shall be en-
19 titled to the same fees as in civil cases in the circuit
20 court. In any investigation by the governing boards, or
21 by any member thereof, they or he may cause the tes-
22 timony to be taken in shorthand and transcribed and
23 filed in the office of the governing board as soon after

24 the same is taken as practicable. Any person refusing
25 or failing to obey the order of the governing boards
26 or any member thereof, issued under the provisions of
27 this section, or to give or produce any evidence required,
28 shall be reported by the governing boards or the mem-
29 ber thereof conducting the investigation to the proper
30 circuit court or the judge thereof, and such person so
31 refusing or failing shall be dealt with by the court or
32 judge as for contempt.

§18-23-9. Books and accounts.

1 The governing boards shall cause to be kept at their
2 office a proper and complete set of books and accounts
3 with each state institution of higher education under their
4 respective control, which shall clearly show every ex-
5 penditure authorized and made thereat. The books shall
6 exhibit an account of all appropriations made by the
7 Legislature concerning any institution under their con-
8 trol, and of all other funds under the control of the
9 governing boards. They shall, in conjunction with and
10 subject to the approval of the chief inspector of public
11 offices, prescribe the form of vouchers, records and meth-

12 ods of keeping accounts at and by each of the institu-
13 tions under their control. Such vouchers, records and
14 methods of accounts of the institutions shall be as nearly
15 uniform as possible. The governing boards, or any mem-
16 ber thereof, shall have the power to investigate the con-
17 ditions and to examine and check the records of any of
18 said institutions at any time. The governing boards shall
19 also have the power to authorize any of their members
20 or officers, its bookkeeper, accountant, or other employee,
21 to proceed to any of the institutions under their control,
22 and to examine and check its records, take inventory
23 of its property, or that of any of its departments or for
24 any other purpose the governing boards may deem
25 necessary. Any person doing such work shall receive, in
26 addition to regular compensation, his actual expenses
27 incurred thereby. Upon the completion of any such spe-
28 cial work the governing boards shall cause a full and
29 complete written report of the same to be made to it as
30 soon as practicable.

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

1 The governing boards shall prescribe the records to

2 be kept for statistical and other purposes in the state
3 institutions of higher education under their respective
4 control. Each month they shall require a copy of such
5 record to be transmitted to them for the preceding month,
6 and they shall keep in their office in a substantially
7 bound book a copy of every report that they may re-
8 quire from the chief officers of any institution under
9 their control. The governing boards shall have author-
10 ity to assemble the chief officers of the institutions under
11 their respective control or any of them at their office,
12 for the purpose of discussing any question which may
13 be common to their welfare. The actual expenses made
14 necessary in traveling to and from such meeting, and
15 while in attendance thereat, shall be paid out of the
16 funds of the several institutions involved in any such
17 meetings.

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

1 The governor is hereby empowered to make a special
2 investigation, either in person or by a committee ap-

3 pointed by him, of the condition, management or affairs
4 of any state institution of higher education, and for the
5 purpose of aiding any such investigation the governor
6 or committee shall have the same powers as are con-
7 ferred upon the governing boards by section eight of
8 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

8 the proceeds of the revenue bonds hereinafter authorized.

9 The governing boards shall have power and authority to
10 employ engineering, architectural and construction ex-
11 perts, and such other employees as may be necessary in
12 their judgment, and fix their compensation, all of whom
13 shall do such work as the governing boards shall direct,
14 all of which shall be included as part of the cost of con-
15 struction and equipment thereof.

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

1 The governing boards, within their discretion, are
2 hereby authorized to provide, construct, erect, improve,
3 equip, maintain and operate gymnasiums or stadia for
4 athletic games, contests or exhibitions or physical train-
5 ing, dormitories, homes, refectories, swimming pools,
6 or such other structures or buildings, for students,
7 teachers, officers and employees at the various state
8 institutions of higher education under their control and
9 management subject to the provisions and limitations
10 of sections thirteen, fifteen, sixteen, seventeen, eight-
11 een, nineteen, twenty, twenty-one, twenty-two, twenty-
12 three and twenty-four of this article.

§18-23-15. Power of condemnation; payment; orders; bond.

1 Whenever it shall become necessary, the governing
2 boards may condemn any interest, right or privilege,
3 land or improvement which in their opinion may be
4 necessary, in the manner provided by law for the acqui-
5 sition by this state of property for public purposes. The
6 state shall be under no obligation to accept and pay
7 for any property condemned and shall in no event pay
8 for the same except from the funds provided herein-
9 after, and in any proceedings to condemn, such orders
10 shall be made by the court having jurisdiction of the
11 suit, action or proceedings as may be just to the state
12 and to the owners of property to be condemned, and
13 a bond or other security may be required by the court
14 securing such owners against any loss or damage to be
15 sustained by reason of the failure of the state to accept
16 and pay for the property, but such bond or security
17 shall impose no liability or debt on or of the state as
18 contemplated by the provisions of the constitution of
19 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

2 sections thirteen to twenty-four, inclusive, of this article,
3 of any one or more of such dormitories, homes or re-
4 fectories out of the proceeds of revenue bonds of the
5 state. The governing boards are authorized to issue
6 revenue bonds of the state, by a resolution of the board
7 which shall recite an estimate by the board of such cost,
8 the principal and interest of which bonds shall be pay-
9 able solely from the special fund herein provided for
10 such payment. The board, after any such issue of bonds
11 or simultaneously therewith, may issue further issues
12 of bonds to pay the cost of any other one or more of
13 such dormitories, homes or refectories, in the manner
14 and subject to all of the provisions herein contained
15 as to the bonds first mentioned in this section. All such
16 bonds shall have and are hereby declared to have all
17 the qualities of negotiable instruments under the uni-
18 form commercial code. Such bonds shall bear inter-
19 est, payable semiannually, and shall mature in not more
20 than thirty years from their date or dates and may
21 be made redeemable at the option of the state, to be
22 exercised by the governing boards, at such price and

23 under such terms and conditions as they may fix prior
24 to the issuance of such bonds. They shall determine
25 the form of such bonds, including coupons to be at-
26 tached thereto to evidence the right of interest pay-
27 ments, which bonds shall be signed by the governor
28 and the president of the appropriate governing board,
29 under the great seal of the state, attested by the secre-
30 tary of the state, and the coupons attached thereto
31 shall bear the facsimile signature of the president
32 of the appropriate board. In case any of the officers
33 whose signatures appear on the bonds or coupons shall
34 cease to be such officers before the delivery of such
35 bonds, such signatures shall nevertheless be valid and
36 sufficient for all purposes the same as if they had re-
37 mained in office until such delivery. The governing
38 boards shall fix the denominations of such bonds, the
39 principal and interest of which shall be payable at the
40 office of the treasurer of the state of West Virginia,
41 at the capitol of said state, or, at the option of the holder,
42 at some bank or trust company in the city of New York
43 to be named in the bonds, either in lawful money or

44 in gold coin of the United States of America, of or equal
45 to the then current standard of weight and fineness,
46 as may be determined by the governing boards. Such
47 bonds shall be exempt from taxation by the state of
48 West Virginia or any county, school district or munici-
49 pality therein. The governing boards may provide for
50 the registration of such bonds in the name of the owner
51 as to principal alone and as to both principal and interest
52 under such terms and conditions as the governing boards
53 may determine, and shall sell such bonds in such man-
54 ner as they may determine to be for the best interest
55 of the state, taking into consideration the financial
56 responsibility of the purchaser and the terms and con-
57 ditions of the purchase and especially the availability
58 of the proceeds of the bonds when required for payment
59 of the cost of the dormitories, homes or refectories, such
60 sale to be made at a price not lower than a price which,
61 computed upon standard tables of bond values, will show
62 a net return of not more than six per centum per
63 annum to the purchaser based on the purchase price
64 thereof.

65 The proceeds of such bonds shall be used solely for
66 the payment of the cost of such dormitories, homes or
67 refectories, and shall be checked out by the president
68 of the appropriate governing board and the treasurer
69 thereof and under such further restrictions, if any, as
70 the board may provide. If the proceeds of such bonds,
71 by error or otherwise, shall be less than the cost of such
72 dormitories, homes or refectories, additional bonds may
73 in like manner be issued to provide the amount of such
74 deficit, and, unless otherwise provided in the trust
75 agreement hereinafter mentioned, shall be deemed to
76 be of the same issue and shall be entitled to payment
77 from the same fund, without preference or priority of
78 the bonds first issued for the same dormitory or dor-
79 mitories, home or homes, or refectory or refectories. If
80 the proceeds of bonds issued for any such dormitories,
81 homes or refectories shall exceed the cost thereof, the
82 surplus shall be paid into the fund hereinafter provided
83 for payment of the principal and interest of such bonds.
84 Such fund may be used for the purchase of any of the
85 outstanding bonds payable from such fund at the market

86 price, but not exceeding the price, if any, at which
87 such bonds shall in the same year be redeemable, and
88 all bonds redeemed or purchased shall forthwith be
89 cancelled and shall not again be issued.

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

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

1 The governing boards may enter into an agreement
2 or agreements with any trust company or with any bank
3 having the powers of a trust company, either within
4 or outside of the state, as trustee for the holders of the
5 bonds issued hereunder, setting forth therein such duties
6 of the state and of the governing boards in respect of the
7 acquisition, construction, erection, improvement, main-

8 tenance, operation, repair and insurance of the dor-
9 mitories, homes or refectories, the conservation and
10 application of all moneys, the insurance of moneys on
11 hand or on deposit, and the rights and remedies of the
12 trustee and the holders of the bonds, as may be agreed
13 on with the original purchasers of such bonds, and in-
14 cluding therein provisions restricting the individual
15 right of action of bondholders as is customary in trust
16 agreements respecting bonds and debentures of corpo-
17 rations, protecting and enforcing the rights and remedies
18 of the trustee and the bondholders, and providing for
19 approval by the original purchasers of the bonds, of the
20 appointment of consulting engineers and of the security
21 given by those who contract to make improvements,
22 and by any bank or trust company in which the pro-
23 ceeds of bonds or rents, fees or charges shall be de-
24 posited, and for approval by the consulting engineers
25 of all contracts for improvements. All expenses incurred
26 in carrying out such agreement may be treated as a
27 part of the cost of maintenance, operation and repair of
28 the dormitories, homes or refectories affected by the

29 agreement. Any such agreement entered into by the
30 governing boards shall be binding in all respects on
31 such governing boards from time to time in accordance
32 with its terms and all the provisions thereof shall be
33 enforceable by appropriate proceedings at law or in
34 equity, or otherwise.

**§18-23-18. Operation and control of fiscal affairs of dormi-
tories, homes or refectories.**

1 The governing boards shall properly maintain, repair,
2 operate, manage and control the fiscal affairs of such
3 dormitories, homes or refectories, fix the rates of rents,
4 fees or charges and establish rules and regulations for
5 the use and operation of such dormitories, homes or re-
6 fectories, for the welfare of the students or teachers,
7 and may make and enter into all contracts or agree-
8 ments necessary and incidental to the performance of
9 their duties and the execution of their powers under this
10 article.

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

1 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,

23 home or refectory for students or teachers at state edu-
24 cational institutions, as a single construction project, the
25 revenues derivable from both such dormitories, homes
26 or refectories and such additions or extensions to an
27 existing dormitory, home or refectory, as constructed
28 from the proceeds of a single issue of bonds, as a single
29 construction project, may be pledged to provide a fund
30 sufficient to pay the principal and interest of such single
31 issue of bonds and to provide an additional fund to pay
32 the cost of maintaining, repairing, operating and insur-
33 ing such dormitories, homes or refectories, and such
34 additions or extensions to an existing dormitory, home
35 or refectory. The rents, fees and charges from the dormi-
36 tories, homes or refectories for which a single issue of
37 bonds is issued, except such part thereof as may be
38 necessary to pay such cost of maintaining, repairing,
39 operating and insuring during any period in which such
40 cost is not otherwise provided for (during which period
41 the rents, fees and charges may be reduced accordingly),
42 shall be transmitted each month to the state sinking
43 fund commission and by it placed in a special fund which

44 is hereby pledged to and charged with the payment of
45 the principal of such bonds and the interest thereon, and
46 to the redemption or repurchase of such bonds, such
47 special fund to be a fund for all such bonds without dis-
48 tinction or priority of one over another. The moneys in
49 such special fund, less a reserve for payment of interest,
50 if not used by the sinking fund commission, within a
51 reasonable time for the purchase of bonds for cancella-
52 tion at a price not exceeding the market price and not
53 exceeding the redemption price, shall be applied to the
54 redemption by lot of any bonds which by their terms
55 are then redeemable, at the redemption price then appli-
56 cable: *Provided, however,* That if said revenue bonds
57 are sold to and purchased by the United States of Amer-
58 ica or any federal or public agency or department created
59 under and by virtue of the laws of the United States of
60 America, then at the option of the United States of
61 America or such federal or public agency or depart-
62 ment in lieu of such moneys being transmitted to the
63 sinking fund commission and by it placed in a special
64 fund, the rents, fees and charges from the dormitories,

65 homes or refectories for which a single issue of bonds is
66 issued, except such part thereof as may be necessary to
67 pay such cost of maintaining, repairing, operating and
68 insuring as provided aforesaid, may be transmitted and
69 paid to a trustee designated and named by the United
70 States of America or such federal or public agency or
71 department in its agreement and contract with the appro-
72 priate governing board, for the payment of the principal
73 of such bonds and the interest thereon, under such terms
74 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-
2 tories, home or homes, refectory or refectories, and the
3 interest on such bonds, shall have been paid, or a suffi-
4 cient amount has been provided for their payment and
5 shall continue to be held for that purpose, the said dormi-
6 tories, homes or refectories shall thereafter be exclusively
7 the property of the state of West Virginia, and thereafter
8 the rents, fees and charges collected for the use or occu-
9 pancy of, or service rendered and furnished by, such

10 dormitories, homes or refectories shall be paid into the
11 state treasury as provided by the provisions of section
12 two, article two, chapter twelve of this code, as amended,
13 and used and expended for the benefit of the institution
14 where collected.

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

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

9 Any governing board authorized to issue bonds under
10 the provisions of this article is authorized and em-
11 powered to accept loans or grants or temporary advances
12 for the purpose of paying part or all of the cost of con-
13 struction of the dormitories, homes or refectories and

14 the other purposes herein authorized, from the United
15 States of America or such federal or public agency or
16 department of the United States or any private agency,
17 corporation or individual, which temporary advances
18 may be repaid out of the proceeds of the bonds au-
19 thorized to be issued under the provisions of this ar-
20 ticle and to enter into the necessary contracts and
21 agreements to carry out the purposes hereof with the
22 United States of America or such federal or public
23 agency or department of the United States, or with
24 any private agency, corporation or individual: *Pro-*
25 *vided, however,* That if such bonds are not sold to
26 and purchased by the United States of America or
27 any such federal or public agency or department, then
28 the governing board shall advertise such bonds for
29 sale, on sealed bids, which advertisement shall be pub-
30 lished as a Class II legal advertisement in compli-
31 ance with the provisions of article three, chapter fifty-
32 nine of this code, and the publication area for such
33 publication shall be the state. Such advertisement shall
34 be so published within the fourteen consecutive days

35 next preceding the date fixed for the reception of bids.
36 Such advertisement shall also be published in a finan-
37 cial paper published either in the city of New York,
38 in the state of New York, or the city of Chicago, in
39 the state of Illinois. The governing board may reject
40 any and all bids. If the bonds be not sold pursuant to
41 such advertisement, they may, within sixty days after
42 the date advertised for the reception of bids, be sold
43 by the governing board at private sale, but no private
44 sale shall be made at a price less than the highest bid
45 which shall have been received pursuant to such adver-
46 tisement. If not sold, such bonds shall be readvertised
47 in the manner herein provided.

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

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

1 Sections thirteen to twenty-four, inclusive, of this

2 article, shall be deemed to provide an additional and
3 alternative method for the doing of the things authorized
4 hereby and shall be regarded as supplementary and
5 additional to powers conferred by other laws: *Provided,*
6 *however,* That when any revenue bonds are issued
7 hereunder for the purposes provided by sections thir-
8 teen to twenty-four, inclusive, of this article, for the
9 benefit of any particular state educational institution,
10 no dormitories, homes or refectories shall thereafter be
11 constructed, built or erected at such state educational
12 institution until the appropriate governing board shall,
13 by investigating and hearing had thereon, under such
14 rules as it may prescribe, determine that there is an
15 imperative public need for the construction, building or
16 erection of such dormitories, homes or refectories, and
17 that their construction, building or erection and sub-
18 sequent maintenance or operation will not materially
19 injure the revenues of and from any dormitories, homes
20 or refectories constructed, built, erected, maintained or
21 operated at such state educational institution under the
22 provisions of sections thirteen to twenty-four, inclusive,
23 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.

§18-23-24. Liberal construction.

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

2 shall fix enrollment, tuition, and other fees for each
3 semester or school term for the different classes or cate-
4 gories of students enrolling at the state educational insti-
5 tutions, and may include among such fees any one or
6 more of the following: (1) Health service fees; (2) in-
7 firmary fees; (3) student activities, recreational, athletic
8 and extracurricular fees; and (4) graduate center fees,
9 and branch college fees, or either, if the establishment
10 and operation of graduate centers or branch colleges are
11 otherwise authorized by law. All fees collected under
12 (1), (2) and (3) shall be paid into special funds and
13 shall be used only for the purposes for which the fees
14 are collected; and all fees collected at any graduate
15 center or at any branch college shall be paid into special
16 funds and shall be used solely for the maintenance and
17 operation of the graduate center or branch college at
18 which they were collected: *Provided, however,* That
19 except in the case of graduate center fees or branch
20 college fees, the minimum tuition fee for full-time resi-
21 dent students shall be twenty-five dollars per semester
22 and the minimum tuition fee for full-time nonresident

23 students shall be one hundred seventy-five dollars per
24 semester at all state institutions of higher education
25 except West Virginia University: *And provided further,*
26 That the minimum tuition fee for full-time resident stu-
27 dents at West Virginia University shall be forty dollars
28 per semester and the minimum tuition fee for full-time
29 nonresident students at West Virginia University shall
30 be two hundred five dollars per semester: *And provided*
31 *further,* That except for graduate center fees, branch
32 college fees, and the student union fees hereinafter au-
33 thorized, the maximum fees to be collected under this
34 section for resident students shall not exceed two hun-
35 dred dollars per semester; and for nonresident students,
36 five hundred dollars per semester. The schedule of all
37 fees, and any changes therein, shall be entered in the
38 minutes of the meeting of the governing board, and the
39 governing board shall file with the state auditor and
40 director of the budget division a certified copy of such
41 schedule and changes.

42 In addition to the fees mentioned in the preceding
43 paragraph, the governing board of any state educational

44 institution may impose and collect a student union build-
45 ing fee. All such building fees collected at the institution
46 shall be paid into a special student union building fund
47 for such institution, which is hereby created in the state
48 treasury, and shall be used only for the construction,
49 operation, and maintenance of a student union building
50 or a combination student union and dining hall building
51 or for the renovation of an existing structure for use as
52 a student union building or a combination student union
53 and dining hall building or for the payment of the prin-
54 cipal of and interest on any bonds issued to finance part
55 or all of the construction of a student union building
56 or a combination student union and dining hall building
57 or the renovation of an existing structure for use as a
58 student union building or a combination student union
59 and dining hall building, all as more fully provided in
60 section six of this article. Any moneys in such funds
61 not immediately needed for such purposes may be in-
62 vested in any such bonds or other securities as are now
63 or may hereafter be authorized as proper investments
64 for state funds.

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

§18-24-2. Scholarships—undergraduate schools.

1 Scholarships entitling recipients to waiver of enroll-
2 ment, tuition, registration, and other fees, heretofore
3 established by the governing boards of state educational
4 institutions, may be continued and other such scholar-
5 ships may be established from time to time by the
6 governing boards, subject to the following conditions
7 and limitations:

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

13 (2) Each such scholarship shall entitle the recipient
14 thereof to attend a designated state educational institu-
15 tion without payment of such enrollment, tuition, regis-

16 tration, 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

4 University is hereby authorized and empowered to estab-
5 lish from time to time scholarships for study in the school
6 of medicine, the school of dentistry, the college of law, and
7 the graduate school, entitling the recipients to waiver of
8 enrollment, tuition, registration, and other fees, subject to
9 the following conditions and limitations:

10 (1) The number of such scholarships in effect at any
11 one time shall not exceed six for each class in the school
12 of medicine, five for each class in the school of dentistry,
13 four for each class in the college of law, and four for
14 graduate students in social work. Such scholarships
15 may be for a period of time not to exceed eight semesters
16 of study in medicine and dentistry, six semesters of
17 study in law, and five semesters of study in graduate
18 social work.

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

22 (3) The board shall make rules governing the award
23 of such scholarships, the issuance and cancellation of
24 certificates entitling the recipients to the benefits thereof,

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

9 education, the additional registration fee shall be fifty
10 dollars per semester. The governing boards shall have
11 authority to increase such additional registration fee
12 at any institution of higher education under their re-
13 spective control for students who are nonresidents of
14 this state. For all part-time students and for all sum-
15 mer school students, the respective governing boards
16 shall impose and collect such fee in proportion to, but
17 not exceeding, that paid by full-time students.

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

24 There is hereby created in the state treasury a special
25 capital improvements fund, to be expended by the gov-
26 erning board of West Virginia University for the bene-
27 fit of West Virginia University and Potomac State Col-
28 lege of West Virginia University, as provided in this
29 section. On and after the first day of July, one thou-

30 sand nine hundred sixty-three, there shall be paid into
31 such special fund all proceeds of the additional regis-
32 tration fees collected from students at West Virginia
33 University and at Potomac State College.

34 There is hereby created in the state treasury a second
35 special capital improvements fund, to be expended
36 by the governing board for the benefit of all other
37 state institutions of higher education, as provided in this
38 section. On and after the first day of July, one thousand
39 nine hundred sixty-three, there shall be paid into such
40 special fund all proceeds of the additional registration
41 fees collected from students at such institutions.

42 The respective boards may make expenditures from
43 such special capital improvements funds at the various
44 state institutions of higher education under their con-
45 trol to finance in whole or in part, together with any
46 federal, state or other grants or contributions, any one
47 or more of the following purposes: (1) The acquisition
48 of land or any rights or interest therein. (2) The con-
49 struction or acquisition of new buildings. (3) The ren-
50 ovation or construction of additions to existing build-

51 ings. (4) The acquisition of furnishings and equipment
52 for any such buildings. (5) The construction or ac-
53 quisition of any other capital improvements or capital
54 educational facilities at such state institutions of higher
55 education, including any roads, utilities or other prop-
56 erties, real or personal, or for other purposes necessary,
57 appurtenant or incidental to the construction, acquisi-
58 tion, financing and placing in operation of such build-
59 ings, capital improvements or capital educational facil-
60 ties.

61 The respective boards, at their discretion, may use
62 the moneys in such special capital improvements funds
63 to finance the costs of the above purposes on a cash
64 basis, or may from time to time issue revenue bonds of
65 the state as provided in this section to finance all or
66 part of such purposes and pledge all or any part of the
67 moneys in such special funds for the payment of the
68 principal of and interest on such revenue bonds, and for
69 reserves therefor. Any pledge of such special funds
70 for such revenue bonds shall be a prior and superior
71 charge on such special funds over the use of any of the

72 moneys in such funds to pay for the cost of any of such
73 purposes on a cash basis: *Provided*, That any expen-
74 ditures from such special funds, other than for the re-
75 tirement of revenue bonds, may only be made by the
76 governing boards to meet the cost of a predetermined
77 capital improvements program for one or more of
78 the state institutions of higher education under their
79 control, in such order of priority as shall have been
80 agreed upon by the respective boards and presented
81 to the governor for inclusion in the annual budget
82 bill, and only with the approval of the Legislature
83 as indicated by direct appropriation for the pur-
84 pose.

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

93 The issuance of such revenue bonds shall be author-
94 ized by a resolution adopted by the respective board,
95 and such revenue bonds shall bear such date or dates,
96 mature at such time or times not exceeding forty years
97 from their respective dates; bear interest at such rate
98 or rates not exceeding five per centum per annum; be
99 in such form either coupon or registered, with such ex-
100 changeability and interchangeability privileges; be pay-
101 able in such medium of payment and at such place or
102 places, within or without the state; be subject to such
103 terms of prior redemption at such prices not exceeding
104 one hundred five per centum of the principal amount
105 thereof; and shall have such other terms and provisions
106 as such respective board shall determine. Such revenue
107 bonds shall be signed by the governor and by the pres-
108 ident of the respective board authorizing the issuance
109 thereof, under the great seal of the state, attested by
110 the secretary of state, and the coupons attached thereto
111 shall bear the facsimile signature of the president of
112 such respective board. Such revenue bonds shall be
113 sold in such manner as the respective board may deter-

114 mine to be for the best interests of the state, such
115 sale to be made at a price not lower than a price which
116 will show a net return of not more than six per centum
117 per annum to the purchaser upon the amount paid
118 therefor computed to the stated maturity dates of such
119 revenue bonds without regard to any right of prior
120 redemption.

121 Such respective board may enter into trust agreements
122 with banks or trust companies, within or without the
123 state, and in such trust agreements or the resolutions au-
124 thorizing the issuance of such bonds may enter into valid
125 and legally binding covenants with the holders of such
126 revenue bonds as to the custody, safeguarding and dis-
127 position of the proceeds of such revenue bonds, the
128 moneys in such special funds, sinking funds, reserve
129 funds, or any other moneys or funds; as to the rank and
130 priority, if any, of different issues of revenue bonds by
131 the same board under the provisions of this section; as
132 to the maintenance or revision of the amounts of such
133 additional registration fees, and the terms and condi-
134 tions, if any, under which such additional registration

135 fees may be reduced; and as to any other matters or
136 provisions which are deemed necessary and advisable
137 by such respective board in the best interests of the state
138 and to enhance the marketability of such revenue bonds.

139 After the issuance of any of such revenue bonds, the
140 additional registration fees at the state institutions of
141 higher education under the control of the board which
142 issued the bonds shall not be reduced as long as any of
143 such revenue bonds are outstanding and unpaid except
144 under such terms, provisions and conditions as shall be
145 contained in the resolution, trust agreement or other
146 proceedings under which such revenue bonds were is-
147 sued.

148 Such revenue bonds shall be and constitute negotiable
149 instruments under the law merchant and the negotiable
150 instruments law of the state; shall, together with the
151 interest thereon, be exempt from all taxation by the
152 state of West Virginia, or by any county, school district,
153 municipality or political subdivision thereof; and such
154 revenue bonds shall not be deemed to be obligations or
155 debts of the state, and the credit or taxing power of the

156 state shall not be pledged therefor, but such revenue
157 bonds shall be payable only from the revenue pledged
158 therefor as provided in this section.

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

1 Whenever the cost of any institute, workshop, special
2 course, or other educational program is wholly financed
3 by a grant from any federal agency or from any foun-
4 dation, corporation, or other association or person, except
5 for indirect costs of administration and other overhead
6 expenses, such as the cost of providing classrooms and
7 other facilities, the governing board of the state edu-
8 cational institution administering such program shall
9 have the authority to excuse all students enrolled in
10 such program from the payment of tuition, registration
11 and other enrollment fees.

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

1 Wherever the term "student union building" is used
2 in this section the same shall mean a student union
3 building or a combination student union building and
4 dining hall building; and wherever the term "building

5 fund" is used in this section the same shall mean the
6 respective special student union building funds created
7 as provided in section one of this article for each state
8 educational institution which has imposed student union
9 fees pursuant to section one of this article, to be
10 expended by the governing boards for the benefit of the
11 state educational institutions under their control.

12 The respective boards may make expenditures from
13 such building funds at the various state educational
14 institutions under their control to finance in whole or
15 in part, together with any federal, state or other grants
16 or contributions, any one or more of the following
17 purposes: (1) The construction and acquisition of new
18 student union buildings. (2) The acquisition, renovation
19 and improvement of existing buildings to be used as
20 student union buildings. (3) The construction of addi-
21 tions, extensions and improvements to existing student
22 union buildings. (4) The acquisition of furnishings and
23 equipment for any existing student union buildings or
24 student union buildings to be constructed or acquired,
25 or the construction of any roads, utilities or other proper-
26 ties, real or personal, or for any other purposes neces-

27 sary, appurtenant or incidental to the construction, acquis-
28 tion, financing and placing in operation of such student
29 union buildings. (5) The payment of the cost of the oper-
30 tion and maintenance of such student union buildings,
31 subject however to any covenants or agreements made
32 with the holders of revenue bonds heretofore or hereafter
33 issued pursuant to this section or pursuant to section one
34 of this article.

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

49 buildings, under such terms and conditions as shall
50 be provided in the proceedings which authorized the
51 issuance of such revenue bonds.

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

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

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

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

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

108 Any revenues or income derived from the operation
109 of such student union buildings may, in the discretion
110 of the respective boards, be used to pay the cost of
111 the operation and maintenance of such student union
112 buildings, or for the debt service on any bonds issued
113 pursuant to this section or pursuant to any other law.

114 After the issuance of any of such revenue bonds, the

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

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

133 The provisions of this section shall constitute an
134 additional, alternative and complete authority for the
135 exercise of the powers and the issuance of the bonds
136 provided for in this section, but shall not prevent said

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

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

1 The directors of athletics at state educational institu-
2 tions may fix and charge admission fees to athletic con-
3 tests at state educational institutions and may enter into
4 contracts, spend and receive money under such contracts
5 for the student athletic teams of state educational insti-
6 tutions to contest with other athletic teams inside or out-
7 side the state.

8 All money derived from such fees and under such con-
9 tracts shall be used to defray the cost of maintaining the
10 athletic department and athletic program of such insti-
11 tutions. The operation of training camps and training
12 tables and providing room accommodations for partici-
13 pants in the athletic program of such institutions shall be
14 recognized and considered as a proper part of such main-
15 tenance, but the specific mention of training camps and

16 training tables and providing room accommodations shall
17 not be construed or understood to limit in any way the
18 general power and authority otherwise granted and con-
19 ferred by this section.

§18-24-8. Student activity fees.

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

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

1 The governing board of each state educational institu-
2 tion shall fix the fees to be charged students and faculty
3 members for rooms, board and meals at the dormitories,
4 faculty homes, dining halls, and cafeterias operated by
5 the board at the institution. Such fees shall be com-
6 mensurate with the complete cost of such services.

7 All fees collected for such services shall be used first
8 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.

§18-24-10. Book stores.

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

15 price paid by the book store a sufficient handling charge
16 to cover all expenses incurred for personal and other
17 services, supplies and equipment, storage, and other
18 operating expenses, to the end that the prices charged
19 shall be commensurate with the total cost to the state
20 of operating the book store.

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

34 Moneys derived from the operation of the book store
35 shall be used first to replenish the stock of goods and
36 to pay the costs of operating and maintaining the store.

37 From any balance in the Marshall University book store
38 fund not needed for operation and maintenance and re-
39 plenishing the stock of goods, the governing board of
40 that institution shall have authority to expend a sum not
41 to exceed two hundred thousand dollars for the con-
42 struction of quarters to house the book store in the uni-
43 versity center at Marshall University. Until such quarters
44 for housing the book store are completed, the governing
45 board of Marshall University and the governor shall take
46 this authorization into account in fixing the amount of
47 the revolving fund for the Marshall University book store.

**§18-24-11. Joint establishment and operation of two-year
branch colleges by governmental bodies.**

1 Any county board of education, county court, municipal
2 corporation, or any two of them, may jointly establish
3 with an approved educational institution, an approved
4 two-year branch college offering transfer, terminal, tech-
5 nical and adult vocational programs. The respective
6 governmental bodies operating such a two-year terminal
7 branch and community college may provide by agree-
8 ment among themselves all matters connected with such
9 programs, subject to the approval of the state board of
10 education, and determine what items of cost and ex-

11 pense shall be paid by each.

**§18-24-12. Authority of educational institutions to provide
special services and programs; collection and dis-
position of fees therefor.**

1 The governing board of each state educational insti-
2 tution shall have authority to provide special services
3 and special programs at such institutions and may fix
4 and collect special fees or charges therefor. Such special
5 services and special programs may include any one or
6 more of the following:

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

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

17 (3) Rental of musical recordings, educational films,
18 slides, and other audiovisual aids.

19 (4) Microfilming or other mechanical reproduction
20 of records and noncopyrighted library reference materials.

21 (5) Institutes, conferences, workshops, postgraduate
22 and refresher noncredit courses, and any other special
23 program or special service customarily provided by insti-
24 tutions of higher education.

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

28 All fees or charges collected for any such special serv-
29 ices or programs shall be paid into a special fund and
30 shall be expended solely for the maintenance, operation,
31 and support of such services and programs.

32 Whenever any such special service is provided by one
33 school, division or department of an educational institu-
34 tion for the benefit of any other school, division or depart-
35 ment in the same institution, the cost shall be paid by
36 the school, division or department requesting the service
37 and shall be deposited and expended as provided above.
38 Whenever a motor pool is provided by the governing
39 board of a state educational institution, such board may
40 charge any school, college, department or division of such

41 institution for which a vehicle is used a reasonable
42 amount for such use, which amount shall be paid by such
43 school, college, department or division and shall be
44 deposited and expended as above provided.

§18-24-13. Disposition of funds in state treasury.

1 All funds in the state treasury heretofore collected
2 from any of the sources defined in the foregoing sections
3 shall remain in the state treasury and those funds and
4 any such additional funds collected hereafter may be ex-
5 pended 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
2 board, the West Virginia board of education and the board
3 of regents and their agencies may provide by written
4 agreement between any such board or agency and any
5 teacher or other employee, to reduce the cash salary
6 payable to such teacher or other employee, and, in con-
7 sideration thereof, to pay an amount equal to the amount
8 of such reduction to an insurance company licensed to

9 do business in this state as premiums or an annuity con-
10 tract owned by such teacher or other employee, which
11 annuity contract shall be in such form and upon such
12 terms as will qualify the payments thereon for tax de-
13 ferment under the United States Internal Revenue Code,
14 or to pay an amount equal to the amount of such reduction
15 as voluntary deposits to the teachers retirement board
16 as provided by section eighteen, article seven-a, chapter
17 eighteen of this code. The amount of such reduction
18 shall not exceed the amount excludable from income
19 under section 403(b) of the United States Internal Reve-
20 nue Code, and amendments and successors provisions
21 thereto, and shall be considered a part of the teacher's
22 or employee's salary for all purposes other than federal
23 and state income tax.

24 The purchase of such tax sheltered annuity for a teacher
25 or other employee by a board of education, the teachers
26 retirement board, the West Virginia board of education
27 and the board of regents and their agencies shall impose
28 no liability nor responsibility whatsoever on said boards
29 or members thereof except to show that the payments
30 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 Tamm
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

Thomas M. ...
Clerk of the Senate

CA Blankenship
Clerk of the House of Delegates

Leah G. Jackson
President of the Senate

Wor T. Boiansky
Speaker House of Delegates

The within appeared this the 17th
day of March, 1969.

Arch. Shawe Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/14/69

Time 2:20 p.m.