WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

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ENROLLED

HOUSE BILL No. 132

(By Mr. Speaker, Mr. Singleton of
Mr. Christian, of McDowell)

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PASSED ________ March 9 ________ 1963

In Effect ___ ninety days from ___ Passage

Filed in Office of the Secretary of State
of West Virginia 3-16-63
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 132
(By Mr. Speaker, Mr. Singleton, and Mr. Christian,
of McDowell)

[Passed March 9, 1963; in effect ninety days from passage.]

AN ACT to amend chapter ten of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, by
adding thereto a new article, designated article five, re-
lating to the establishment of an authority to develop,
promote and extend instruction at all levels of education
through radio, television and related media.

Be it enacted by the Legislature of West Virginia:

That chapter ten of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, be amended by adding
thereto a new article, designated article five, to read as
follows:
Article 5. Educational Broadcasting Authority.

Section 1. Purposes and Powers of the Educational Broadcasting Authority.—The purpose of this article is to provide a means of extending education and instruction to and enriching instruction at the elementary, secondary, higher education and adult levels through radio, television and related media. The authority shall act in matters pertaining to educational television, radio and related media of a noncommercial nature, used for educational purposes in West Virginia, to the end that a coordinated state-wide plan for the use of such media be established as soon as practicable.

The authority is further authorized to act as advisor and consultant to television and radio stations for non-commercial, educational programs supported by federal, state, county, city and/or private funds. It will cooperate with and assist all local and state educational agencies in planning and developing the use of these media. It will promote and coordinate the use of these media for noncommercial educational purposes.

The authority is authorized and empowered to estab-
lish broadcasting facilities including production centers, broadcasting stations and a broadcasting network connecting such communities or stations as may be designated by the authority. It may lease from communications common carriers and use such transmission channels as may be necessary; Provided, however, That should the authority decide, upon investigation, that it could more economically construct and maintain such transmission channels, it is authorized and empowered to design, construct, operate and maintain the same, including a television microwave network. The origination and transmission of all programs over such network shall be as directed and authorized by the authority under plans approved by the authority.

The authority shall perform such other services in behalf of the use of these media in education as it may consider for the best interest of the state.

Sec. 2. Establishment of Educational Broadcasting Authority.—The West Virginia educational broadcasting authority shall consist of nine members, who shall be citizens and residents of the state, of whom one shall be
the state superintendent of schools, one shall be a member of the West Virginia board of education to be selected by it annually, and one shall be a member of the West Virginia university board of governors to be selected by it annually. The other six members shall be appointed by the governor by and with the advice and consent of the senate for overlapping terms of six years, except that the original appointments shall be for terms of one, two, three, four, five and six years, respectively.

The governor shall appoint such six members of the authority as soon after the effective date hereof as is practicable for their respective terms of office beginning on the first day of July, one thousand nine hundred sixty-three. Any vacancy among the appointive members shall be filled by the governor by appointment for the unexpired term.

Sec. 3. Organization of Broadcasting Authority.—At its first regular meeting in each year the broadcasting authority shall elect one of its members as chairman and one as vice chairman. The authority is authorized to select an executive secretary and such other personnel
as may be necessary to perform its duties and to fix the
compensation of such personnel to be paid out of moneys
appropriated for this purpose. The executive secretary
shall keep a record of the proceedings of the authority
and shall perform such other duties as it may prescribe.
The authority is authorized to establish such office or
offices as may be necessary for the proper performance
of its duties.

Sec. 4. Corporate Body and Powers.—The authority is
hereby created and established as a public benefit cor-
poration, and as such may sue and be sued, plead and be
impleaded, contract and be contracted with, including
the power to enter into contracts with any person, firm
or corporation, including any like authority of a neighbor-
ing state, and have and use a corporate seal. The author-
ity shall have the power to acquire for the state, in the
name of the authority, by purchase, condemnation, lease
or agreement, property, both real and personal, and any
interest in such property, and shall have the rights,
powers, and privileges of eminent domain coextensive
with the rights, powers, and privileges of the state. The
authority shall have power to establish reasonable rules and regulations for performing its purposes and duties hereunder.

Sec. 5. Meetings of Broadcasting Authority; Expense of Members.—The broadcasting authority shall hold one meeting in July of each year and at least two additional meetings at such times and places as it may prescribe. It may meet at such other times as may be necessary, such meetings to be held upon its own resolution or at the call of the chairman of the authority. The members shall serve without compensation, but every member may be reimbursed for actual expenses incident to the performance of his duties upon presentation to the chairman of an itemized sworn statement thereof.

Sec. 6. Funds.—The authority is further authorized to seek and receive federal and state appropriations, gifts, bequests and grants. All such funds shall be deposited with the state treasurer of West Virginia and dispersed by the authority to be used exclusively for carrying out the provisions of this article.

Sec. 7. Advisory Council.—There is hereby created an
advisory council to the authority to consist of fifteen members which shall be appointed by the governor to serve for one year.

The advisory council shall meet at least once with the authority and shall evaluate the work of the authority and shall act in an advisory capacity to the authority.

Members of the advisory council shall serve without compensation, but they may be reimbursed for actual expenses incident to the performance of their duties as provided in connection with members of the authority.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of March, 1963.

Governor