

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 132

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



PASSED March 9, 1963

In Effect ninety days from Passage



#132

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, relating 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**

2 **Broadcasting Authority.**—The purpose of this article is to
3 provide a means of extending education and instruction
4 to and enriching instruction at the elementary, secondary,
5 higher education and adult levels through radio, tele-
6 vision and related media. The authority shall act in
7 matters pertaining to educational television, radio and
8 related media of a noncommercial nature, used for edu-
9 cational purposes in West Virginia, to the end that a
10 coordinated state-wide plan for the use of such media be
11 established as soon as practicable.

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

20 The authority is authorized and empowered to estab-

21 lish broadcasting facilities including production centers,
22 broadcasting stations and a broadcasting network con-
23 necting such communities or stations as may be desig-
24 nated by the authority. It may lease from communica-
25 tions common carriers and use such transmission channels
26 as may be necessary; *Provided, however,* That should
27 the authority decide, upon investigation, that it could more
28 economically construct and maintain such transmission
29 channels, it is authorized and empowered to design, con-
30 struct, operate and maintain the same, including a tele-
31 vision microwave network. The origination and trans-
32 mission of all programs over such network shall be as
33 directed and authorized by the authority under plans
34 approved by the authority.

35 The authority shall perform such other services in be-
36 half of the use of these media in education as it may
37 consider for the best interest of the state.

Sec. 2. Establishment of Educational Broadcasting

2 **Authority.**—The West Virginia educational broadcasting
3 authority shall consist of nine members, who shall be
4 citizens and residents of the state, of whom one shall be

5 the state superintendent of schools, one shall be a mem-
6 ber of the West Virginia board of education to be selected
7 by it annually, and one shall be a member of the West
8 Virginia university board of governors to be selected by
9 it annually. The other six members shall be appointed
10 by the governor by and with the advice and consent
11 of the senate for overlapping terms of six years, except
12 that the original appointments shall be for terms of one,
13 two, three, four, five and six years, respectively.

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

Sec. 3. Organization of Broadcasting Authority.—At

2 its first regular meeting in each year the broadcasting
3 authority shall elect one of its members as chairman and
4 one as vice chairman. The authority is authorized to
5 select an executive secretary and such other personnel

6 as may be necessary to perform its duties and to fix the
7 compensation of such personnel to be paid out of moneys
8 appropriated for this purpose. The executive secretary
9 shall keep a record of the proceedings of the authority
10 and shall perform such other duties as it may prescribe.
11 The authority is authorized to establish such office or
12 offices as may be necessary for the proper performance
13 of its duties.

Sec. 4. Corporate Body and Powers.—The authority is
2 hereby created and established as a public benefit cor-
3 poration, and as such may sue and be sued, plead and be
4 impleaded, contract and be contracted with, including
5 the power to enter into contracts with any person, firm
6 or corporation, including any like authority of a neighbor-
7 ing state, and have and use a corporate seal. The author-
8 ity shall have the power to acquire for the state, in the
9 name of the authority, by purchase, condemnation, lease
10 or agreement, property, both real and personal, and any
11 interest in such property, and shall have the rights,
12 powers, and privileges of eminent domain coextensive
13 with the rights, powers, and privileges of the state. The

14 authority shall have power to establish reasonable rules
15 and regulations for performing its purposes and duties
16 hereunder.

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

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

Sec. 7. Advisory Council.—There is hereby created an

2 advisory council to the authority to consist of fifteen
3 members which shall be appointed by the governor to
4 serve for one year.

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

8 Members of the advisory council shall serve without
9 compensation, but they may be reimbursed for actual
10 expenses incident to the performance of their duties as
11 provided in connection with members of the authority.

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

Al Ray Parker

Chairman Senate Committee

Etzel L. Randall
Chairman House Committee

Originated in the House.

Takes effect *ninety days from* passage.

Howard Myers

Clerk of the Senate

C A Blankenship

Clerk of the House of Delegates

Howard W. Carson

President of the Senate

Julius W. Slaughter Jr.

Speaker House of Delegates

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

W. M. Hanson

Governor

