WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 209

(By Mr. Cassin, Mr. Pendleton and Mr. Smith)

PASSED March 10, 1967
In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

# 229
ENROLLED

Senate Bill No. 229

(By Mr. Carson, Mr. President, and Mr. Smith)

[Passed March 10, 1967; in effect from passage.]

AN ACT to repeal article five, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article five of said chapter, relating to the establishment of an authority to develop, promote and extend instruction at all levels of education through radio, television and related media; permitting the authority to establish noncommercial educational broadcasting, closed circuit or related facilities at a suitable site or sites within this state; authorizing and empowering the authority to apply for, accept and spend appropriations, gifts, bequests and grants for such purposes and authorizing and empowering certain state
agencies and political subdivisions to make appropriations
and grants to the authority.

Be it enacted by the Legislature of West Virginia:

That article five, chapter ten of the code West Virginia, one
thousand nine hundred thirty-one, as amended, be repealed and
that a new article five of said chapter be enacted to read as
follows:

ARTICLE 5. EDUCATIONAL BROADCASTING
AUTHORITY.

§10-5-1. Legislative findings.

The Legislature hereby finds and declares that it is the
duty of this state to provide the best educational training
possible for all its citizens and that the encouragement
and use of noncommercial educational radio, television
and related media operating and originating from educa-
tional broadcasting, closed circuit or related facilities
located at a site or sites within this state serving all the
citizens of this state on a regional basis or as part of a
coordinated statewide plan is a proper, necessary and
beneficial means of providing and extending enriched
educational instruction to all the citizens of this state
at the pre-school, elementary, secondary and higher education and adult levels.

§10-5-2. West Virginia educational broadcasting authority; members; organization; officers; employees; meetings.

The West Virginia educational broadcasting authority, heretofore created, is hereby continued as a public benefit corporation. It 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. The present members of the authority shall continue to serve out the terms to which they were appointed. Any vacancy among the appointive members shall be filled by the governor by appointment for the unexpired term. The chairman and vice chairman of the authority as of the effective date of this article shall continue in their
respective offices until their successors are elected.

Thereafter, at its first regular meeting in each year the
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.

The 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 compensa-
tion, 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.


The authority shall have the power:

1. To act as advisor and consultant to television and radio stations concerning noncommercial educational programs supported by federal, state, county, city and/or private funds.

2. To cooperate with and assist all local and state educational institutions in planning and development of the use of educational radio, television and related media.

3. To promote and coordinate the use of these media for noncommercial educational purposes.

4. To construct, maintain and operate educational broadcasting, closed circuit or related facilities located at a suitable site or sites within this state including, without limitation thereby, production centers, broadcasting stations and a broadcasting network connecting such communities or stations as may be designated by the authority.
(5) To acquire in the name of the state for the use and benefit of the authority by purchase, lease or agreement, any property, both real and personal, and any interest in such property necessary to carry out the provisions of this article.

(6) To apply for and receive any license from the appropriate federal agency necessary to operate any educational broadcasting, closed circuit or related facility.

(7) To supervise and approve the origination and transmission of all noncommercial educational radio, television and related media programs in this state which would be carried through the facilities of a state network.

(8) To employ such personnel as may be necessary to operate and maintain any facility created under the provisions of this article.

(9) To lease from communications common carriers and use such transmission channels as may be necessary or, if it determines it could more economically construct and maintain such transmission channels, it may design, construct, maintain and operate the same, including a television microwave network.
(10) To sue and be sued, plead and be impleaded.

(11) To contract and be contracted with, including the power to enter into contracts with any person, firm or corporation, including any like authority of neighboring state.

(12) To have and use a corporate seal.

(13) To promulgate reasonable rules and regulations to carry out the provisions of this article in accordance with the provisions of article three, chapter twenty-nine-a of the code.

(14) To perform such other services in behalf of non-commercial educational radio, television and related media as it may consider to be in the best interest of the state.

§10-5-4. Funds; right of state agencies, etc., to contribute to authority.

The authority is further authorized and empowered to apply for and receive appropriations, gifts, bequests or grants from any agency of the United States government, any agency of the state of West Virginia, any municipality or county within this state, any school board or college
or university supported in whole or in part by this state or any other person, firm, partnership, association or corporation, within or without this state, and any agency of the state of West Virginia, any municipality or county within this state, or any school board or college or university supported in whole or in part by this state is hereby authorized and empowered to make appropriations or grants to the authority, to assist in achieving the public purpose of the authority. 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: Provided, That any appropriations, gifts, bequests or grants received by the authority with any restriction or restrictions on the use thereof shall be expended by the authority in accordance with such restriction or restrictions.

§10-5-5. Advisory councils.

The authority may also create one or more advisory councils. Each council so created shall consist of not more than nine members to be appointed by and serve at the will and pleasure of the authority. Each council
shall annually elect a chairman, vice chairman and secretary. Members so appointed shall serve without compensation, but may be reimbursed for actual expenses incident to the performance of their duties as provided in this article for members of the authority.

Any such council shall serve in an advisory manner to one or more facilities established under the provisions of this article as directed by the authority and shall meet at least twice a year.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard M. Yeager  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

H. Laban White  
Speaker House of Delegates

The within approved this the 17 day of March, 1967.

Hulet C. Smith  
Governor
PRESENTED TO THE
GOVERNOR

Date 3/10/67
Time 4:00 PM.