

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 229

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

PASSED March 20, 1967

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That article five, chapter ten of the code West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and that a new article five of said chapter be enacted to read as follows: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

2 duty of this state to provide the best educational training

3 possible for all its citizens and that the encouragement

4 and use of noncommercial educational radio, television

5 and related media operating and originating from educa-

6 tional broadcasting, closed circuit or related facilities

7 located at a site or sites within this state serving all the

8 citizens of this state on a regional basis or as part of a

9 coordinated statewide plan is a proper, necessary and

10 beneficial means of providing and extending enriched

11 educational instruction to all the citizens of this state

12 at the pre-school, elementary, secondary and higher
13 education and adult levels.

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

The West Virginia educational broadcasting authority,
2 heretofore created, is hereby continued as a public benefit
3 corporation. It shall consist of nine members, who shall
4 be citizens and residents of the state, of whom one shall
5 be the state superintendent of schools, one shall be a
6 member of the West Virginia board of education to be
7 selected by it annually, and one shall be a member of
8 the West Virginia university board of governors to be
9 selected by it annually. The other six members shall be
10 appointed by the governor by and with the advice and
11 consent of the Senate for overlapping terms of six years.
12 The present members of the authority shall continue to
13 serve out the terms to which they were appointed. Any
14 vacancy among the appointive members shall be filled
15 by the governor by appointment for the unexpired term.
16 The chairman and vice chairman of the authority as
17 of the effective date of this article shall continue in their

18 respective offices until their successors are elected.
19 Thereafter, at its first regular meeting in each year the
20 authority shall elect one of its members as chairman and
21 one as vice chairman. The authority is authorized to
22 select an executive secretary and such other personnel
23 as may be necessary to perform its duties and to fix the
24 compensation of such personnel to be paid out of moneys
25 appropriated for this purpose. The executive secretary
26 shall keep a record of the proceedings of the authority
27 and shall perform such other duties as it may prescribe.
28 The authority is authorized to establish such office or
29 offices as may be necessary for the proper performance
30 of its duties.

31 The authority shall hold one meeting in July of each
32 year and at least two additional meetings at such times
33 and places as it may prescribe. It may meet at such other
34 times as may be necessary, such meetings to be held upon
35 its own resolution or at the call of the chairman of the
36 authority. The members shall serve without compensa-
37 tion, but every member may be reimbursed for actual
38 expenses incident to the performance of his duties upon

39 presentation to the chairman of an itemized sworn state-
40 ment thereof.

§10-5-3. Powers of authority.

The authority shall have the power:

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

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

9 (3) To promote and coordinate the use of these media
10 for noncommercial educational purposes.

11 (4) To construct, maintain and operate educational
12 broadcasting, closed circuit or related facilities located
13 at a suitable site or sites within this state including, with-
14 out limitation thereby, production centers, broadcasting
15 stations and a broadcasting network connecting such
16 communities or stations as may be designated by the
17 authority.

18 (5) To acquire in the name of the state for the use and
19 benefit of the authority by purchase, lease or agreement,
20 any property, both real and personal, and any interest in
21 such property necessary to carry out the provisions of this
22 article.

23 (6) To apply for and receive any license from the ap-
24 propriate federal agency necessary to operate any educa-
25 tional broadcasting, closed circuit or related facility.

26 (7) To supervise and approve the origination and trans-
27 mission of all noncommercial educational radio, television
28 and related media programs in this state which would
29 be carried through the facilities of a state network.

30 (8) To employ such personnel as may be necessary to
31 operate and maintain any facility created under the pro-
32 visions of this article.

33 (9) To lease from communications common carriers
34 and use such transmission channels as may be necessary
35 or, if it determines it could more economically construct
36 and maintain such transmission channels, it may design,
37 construct, maintain and operate the same, including a
38 television microwave network.

39 (10) To sue and be sued, plead and be impleaded.

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

44 (12) To have and use a corporate seal.

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

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

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

The authority is further authorized and empowered to
2 apply for and receive appropriations, gifts, bequests or
3 grants from any agency of the United States government,
4 any agency of the state of West Virginia, any municipality
5 or county within this state, any school board or college

6 or university supported in whole or in part by this state
7 or any other person, firm, partnership, association or
8 corporation, within or without this state, and any agency
9 of the state of West Virginia, any municipality or county
10 within this state, or any school board or college or univer-
11 sity supported in whole or in part by this state is hereby
12 authorized and empowered to make appropriations or
13 grants to the authority, to assist in achieving the public
14 purpose of the authority. All such funds shall be deposited
15 with the state treasurer of West Virginia and dispersed
16 by the authority to be used exclusively for carrying out
17 the provisions of this article: *Provided*, That any ap-
18 propriations, gifts, bequests or grants received by the
19 authority with any restriction or restrictions on the use
20 thereof shall be expended by the authority in accordance
21 with such restriction or restrictions.

§10-5-5. Advisory councils.

The authority may also create one or more advisory
2 councils. Each council so created shall consist of not
3 more than nine members to be appointed by and serve at
4 the will and pleasure of the authority. Each council

5 shall annually elect a chairman, vice chairman and secre-
6 tary. Members so appointed shall serve without com-
7 pensation, but may be reimbursed for actual expenses
8 incident to the performance of their duties as provided
9 in this article for members of the authority.

10 Any such council shall serve in an advisory manner to
11 one or more facilities established under the provisions
12 of this article as directed by the authority and shall meet
13 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 Keener
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.

Hubert C. Smith
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 4:00 PM.