

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 82

(By Mr. GALPERIN and Mr. PALUMBO.)

PASSED FEBRUARY 15 1972

In Effect FROM Passage



82

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 2-21-72

**ENROLLED**

**Senate Bill No. 82**

(By MR. GALPERIN and MR. PALUMBO)

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[Passed February 15, 1972; in effect from passage.]

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AN ACT to amend and reenact section three, article five, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the educational broadcasting authority, powers of the authority and the right to enter into royalty agreements or receive moneys for the use of programs by stations outside this state.

*Be it enacted by the Legislature of West Virginia:*

That section three, article five, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. EDUCATIONAL BROADCASTING AUTHORITY.**

**§10-5-3. Powers of authority.**

1 The authority shall have the power:

2 (1) To act as advisor and consultant to television and  
3 radio stations concerning noncommercial educational pro-  
4 grams supported by federal, state, county, city or private  
5 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  
9 media.

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

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

19 (5) To acquire in the name of the state for the use

20 and benefit of the authority by purchase, lease or agree-  
21 ment, any property, both real and personal, and any  
22 interest in such property necessary to carry out the pro-  
23 visions of this article.

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

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

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

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

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

41 (11) To contract and be contracted with, including  
42 the power to enter into contracts with any person, firm  
43 or corporation, including any like authority of neigh-  
44 boring states; and shall have the authority, within state  
45 regulations, to enter into program royalty and distribu-  
46 tion contracts and receive moneys for these purposes:  
47 *Provided*, That such contracts shall be for noncommercial  
48 purposes only.

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

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

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

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

*Russell M. Beale*  
Chairman Senate Committee

*Phyllis R. Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

*Howard Robinson*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*E. Spivey*  
President of the Senate

*Lewis T. McKeen*  
Speaker House of Delegates

The within *approved* this the *21<sup>st</sup>*  
day of *February*, 1972.

*Arch A. Shaare, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/16/72

Time 4:20 p.m.

FEB 21 3 49 PM '72

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA