

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



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

THIS DATE 2-21-72

82

ENROLLED

Senate Bill No. 82

(By MR. GALPERIN and MR. PALUMBO)

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

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 *21st* 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