

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 844

BY SENATOR WOODRUM

[Originating in the Committee on Government

Organization; reported February 21, 2024]

1 A BILL to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931,
2 as amended, all relating to Educational Broadcasting Authority; changing name of
3 Educational Broadcasting Authority to Educational Broadcasting Commission; reducing
4 number of commission members; authorizing Secretary of Department of Arts, Culture,
5 and History to appoint commission director; and making technical corrections.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. EDUCATIONAL BROADCASTING AUTHORITY COMMISSION.

§10-5-1. Legislative findings; definitions.

1 (a) The Legislature hereby finds and declares that:

2 (1) It is the duty of this state to provide the best educational training possible for all its
3 citizens;

4 (2) The encouragement and use of noncommercial educational radio, television, and
5 related media operating and originating from educational broadcasting, closed circuit, or related
6 facilities located at a site or sites within this state serving all the citizens of this state on a regional
7 basis or as part of a coordinated statewide plan is a proper, necessary and beneficial means of
8 providing and extending enriched educational instruction to all the citizens of this state at the
9 preschool, elementary, secondary, and higher education and adult levels;

10 (3) Private nonprofit corporations have been established in this state for the sole purpose
11 of raising funds for the financial support of the state's Public Broadcasting Network, which funds
12 have been a vital source of private funding for the ~~authority~~ commission and enure to the benefit
13 of all the citizens of the state; and

14 (4) Because of the unique educational benefit conferred upon and available to all the
15 citizens of the state by the efforts of the ~~authority~~ commission and the private nonprofit
16 corporations established for the sole purpose of providing support for public broadcasting in this
17 state, authorizing the ~~authority~~ commission to allow its employees to work with, and its property

18 and facilities to be used by, the private nonprofit corporations is a proper, necessary, and
19 beneficial means of providing financial support for the state's Public Broadcasting Network.

20 (b) The following terms have the following meanings:

21 (1) "~~Authority~~" "Commission" means the Educational Broadcasting ~~Authority~~ Commission
22 established by the provisions of this article. References to "Educational Broadcasting Authority"
23 or "the authority" throughout this article shall mean the Educational Broadcasting Commission
24 unless the context in which used plainly requires a different meaning.

25 (2) "Distance learning" means educational courses, seminars, programs, and
26 teleconferences transmitted electronically and designed to instruct students who are remote from
27 the instructor or other participants; such courses, seminars, programs, and teleconferences may
28 constitute all or a significant portion of a class offered for college or public school credit, or they
29 may be provided for faculty development, continuing professional education, for training
30 employees of governmental agencies, nonprofit organizations, business, or industry;

31 (3) "EdNet" means those individuals identified as an enterprise of the university of West
32 Virginia college of graduate studies and West Virginia state college on behalf of the state college
33 and university systems who are delegated the responsibility for developing, operating, and
34 maintaining facilities for the production and transmission of distance learning; and

35 (4) "SatNet" means those individuals identified as an enterprise of the state college and
36 university systems who are delegated the responsibility for developing and providing distance
37 learning.

**§10-5-2. West Virginia Educational Broadcasting ~~Authority~~ Commission; members;
organization; officers; employees; meetings; expenses.**

1 (a) The West Virginia Educational Broadcasting ~~Authority~~ Commission is continued as a
2 public benefit corporation. The ~~Authority~~ commission shall consist of ~~eleven~~ nine voting members,
3 who shall be residents of the state, including:

4 (1) The Governor or designee;

5 (2) The State Superintendent of Schools;

6 (3) One member of the West Virginia Board of Education to be selected by it annually;

7 (4) One member of the West Virginia Higher Education Policy Commission to be selected
8 by it annually; and

9 (5) ~~Seven~~ Five members appointed by the Governor by and with the advice and consent
10 of the Senate for overlapping terms of ~~seven~~ five years, one term expiring each year.

11 (b) Not less than one appointive member shall come from each congressional district. Any
12 vacancy among the appointed members shall be filled by the Governor by appointment for the
13 unexpired term.

14 (c) Employees of noncommercial broadcasting stations in West Virginia are not eligible for
15 appointment to the ~~Authority~~ commission.

16 (d) The ~~authority~~ commission shall annually select a member to serve as the chair. The
17 ~~authority~~ commission shall annually select one of its public members as vice chair and shall
18 appoint a secretary who need not be a member of the ~~Authority~~ commission and who shall keep
19 records of its proceedings.

20 (e) The ~~authority~~ Cabinet Secretary of the Department of Arts, Culture, and History shall
21 appoint the ~~executive director~~ commission section director and fix his or her salary. The ~~executive~~
22 commission section director is responsible for managing and administering the daily functions of
23 the ~~authority~~ commission and for performing all other functions necessary to the effective
24 operation of the ~~authority~~ commission. The ~~authority~~ commission ~~is authorized to~~ may establish
25 offices for the proper performance of its duties.

26 (f) The ~~authority~~ commission shall hold at least one annual meeting. The time and place
27 of the meetings shall be established upon its own resolution or at the call of the chairperson of
28 the ~~authority~~ commission. The members shall serve without compensation but may be reimbursed
29 for all reasonable and necessary expenses actually incurred in the performance of their duties in

30 a manner consistent with the guidelines of the Travel Management Office of the Department of
31 Administration.

§10-5-3. Powers of ~~authority~~ commission.

1 ~~The authority shall have the power~~ The commission may:

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

4 (2) ~~To cooperate~~ Cooperate with and assist all local and state educational institutions in
5 planning and development of the use of educational radio, television, and related media;

6 (3) ~~To promote~~ Promote and coordinate the use of these media for noncommercial
7 educational purposes;

8 (4) ~~To construct~~, Construct, maintain, and operate educational broadcasting, closed
9 circuit, or related facilities located at a suitable site or sites within this state including, without
10 limitation thereby, production centers, broadcasting stations, and an audio-video microwave
11 system for a statewide broadcasting network connecting such communities or stations as may be
12 designated by the ~~authority~~ commission;

13 (5) ~~To acquire~~ Acquire in the name of the state for the use and benefit of the ~~authority~~
14 commission by purchase, lease, or agreement, any property, both real and personal, and any
15 interest in such property necessary to carry out the provisions of this article;

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

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

21 (8) ~~To employ~~ Employ such personnel as may be necessary to operate and maintain any
22 facility created under the provisions of this article, and to work with private nonprofit corporations
23 to raise funds for the financial support of the state's public broadcasting network;

24 (9) ~~To lease~~ Lease from communications common carriers and use such transmission
25 channels as may be necessary or, if it determines it could more economically construct and
26 maintain such transmission channels, it may design, construct, maintain, and operate the same,
27 including an audio-video microwave network;

28 (10) ~~To sue~~ Sue and be sued, plead and be impleaded;

29 (11) ~~To contract~~ Contract and be contracted with, including the power to enter into
30 contracts with any person, firm, or corporation, including any like ~~authority~~ commission of
31 neighboring states; and shall have the authority, within state regulations, to enter into program
32 royalty and distribution contracts and receive moneys for these purposes: *Provided*, That any
33 proceeds from such contracts shall be used by the ~~authority~~ commission for noncommercial
34 purposes only;

35 (12) ~~To have~~ Have and use a corporate seal;

36 (13) ~~To promulgate~~ Promulgate reasonable rules and ~~regulations~~ to carry out the
37 provisions of this article in accordance with ~~the provisions of~~ §29A-3-1 *et seq.* of this code; and

38 (14) ~~To perform~~ Perform such other services ~~in~~ on behalf of noncommercial educational
39 radio, television, and related media as it may consider to be in the best interest of the state,
40 including the use of the ~~authority's~~ commission's employees, property, and facilities for the
41 purpose of raising funds for the support of public broadcasting.