

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 844**

By Senator Woodrum

[Introduced February 19, 2024; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931, as  
 2 amended, relating to the Educational Broadcasting Authority; changing the name of the  
 3 Educational Broadcasting Authority to the Educational Broadcasting Commission; and  
 4 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 of  
 13 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 beneficial  
 19 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.

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

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

33 (4) "SatNet" means those individuals identified as an enterprise of the state college and  
34 university systems who are delegated the responsibility for developing and providing distance  
35 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 voting members, who  
3 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 of  
10 the Senate for overlapping terms of seven 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 director is responsible for managing and administering the daily functions of the authority  
23 commission and for performing all other functions necessary to the effective operation of the  
24 authority commission. The authority commission ~~is authorized to~~ may establish offices for the  
25 proper performance of its duties.

26 (f) The authority commission shall hold at least one annual meeting. The time and place of  
27 the meetings shall be established upon its own resolution or at the call of the chairperson of the  
28 authority commission. The members shall serve without compensation but may be reimbursed for  
29 all reasonable and necessary expenses actually incurred in the performance of their duties in a  
30 manner consistent with the guidelines of the Travel Management Office of the Department of  
31 Administration.

**§10-5-3. Powers of authority. ~~The authority shall have the power:~~**

1 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 circuit  
9 or related facilities located at a suitable site or sites within this state including, without limitation  
10 thereby, production centers, broadcasting stations and an audio-video microwave system for a  
11 statewide broadcasting network connecting such communities or stations as may be designated  
12 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 would  
20 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 behalf of noncommercial educational radio,  
39 television and related media as it may consider to be in the best interest of the state, including the  
40 use of the ~~authority's~~ commission's employees, property and facilities for the purpose of raising  
41 funds           for           the           support           of           public           broadcasting.

NOTE: The purpose of this bill is to change the name of the "Educational Broadcasting Authority" to the "Educational Broadcasting Commission" and to make technical corrections.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.