

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 844

By Senator Woodrum

[Passed March 6, 2024; in effect from passage]

1 AN ACT 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 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 commission and enure to the benefit of all the
13 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 commission and the private nonprofit corporations
16 established for the sole purpose of providing support for public broadcasting in this state,
17 authorizing the commission to allow its employees to work with, and its property and facilities to be
18 used by, the private nonprofit corporations is a proper, necessary, and beneficial means of

19 providing financial support for the state's Public Broadcasting Network.

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

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

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

31 "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 "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 Commission; members; organization;
officers; employees; meetings; expenses.**

1 (a) The West Virginia Educational Broadcasting Commission is continued as a public
2 benefit corporation. The commission shall consist of nine voting members, who shall be residents
3 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) Five members appointed by the Governor by and with the advice and consent of the
10 Senate for overlapping terms of 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 commission.

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

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

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

§10-5-3. Powers of commission.

1 The commission may:

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

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

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

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

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

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

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

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

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

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

34 (12) Have and use a corporate seal;

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

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