

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark in this Box
FILED
Nov 19 11 21 AM '98
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Educational Broadcasting Authority TITLE NUMBER: 195
RULE TYPE: Procedural; CITE AUTHORITY WV Code §10-5-3 & §29A-3-1
AMENDMENT TO AN EXISTING RULE: YES ___ NO X
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____
TITLE OF RULE BEING AMENDED: _____
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 1
TITLE OF RULE BEING PROPOSED: Educational
WV Broadcasting Authority
Organization Procedure

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 21, 1998 AT 5:00 pm. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dale M. Rhodes, Director of Planning &
Administration
WV Educational Broadcasting Authority
600 Capitol Street, Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Dale M. Rhodes
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.80

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 195 Procedural Rule Organization Procedures
 Type of Rule: Legislative Interpretive Procedural
 Agency WV Educational Broadcasting Authority
 Address 600 Capitol Street
Charleston, WV 25301-1223

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
PERSONAL SERVICES	N/A	N/A	N/A	N/A	N/A
CURRENT EXPENSE	N/A	N/A	N/A	N/A	N/A
REPAIRS & ALTERNATIONS	N/A	N/A	N/A	N/A	N/A
EQUIPMENT	N/A	N/A	N/A	N/A	N/A
OTHER	N/A	N/A	N/A	N/A	N/A

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

The objective of this rule is to establish procedures governing the organization of the WV Educational Broadcasting Authority, its committees and meetings as authorized by WV Codes §29A-3-1 and §10-5-3.

Rule Title: Title 195 Procedural Rule Organization Procedures

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: November 6, 1998

Signature of Agency Head or Authorized Representative



Rita Ray, Executive Director

FILED
Nov 19 11 21 AM '98

TITLE 195
PROCEDURAL RULE
SERIES 1
ORGANIZATION PROCEDURES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

195-1-1. General.

- 1.1. Scope. This rule is being filed pursuant to West Virginia Code §29A-3-1 et seq. and West Virginia Code §10-5-3. This rule establishes procedures governing the organization of the Educational Broadcasting Authority, its committees and meetings.
- 1.2. Authority. West Virginia Code §29A-3-1 et seq. and §10-5-3.
- 1.3. Filing Date.
- 1.4. Effective Date.

195-1-2. Authority Meetings.

- 2.1. Annual Meeting. - The annual meeting of the Authority is the last meeting of the Authority during the fiscal year.
- 2.2. Regular Meetings. - The Authority shall meet at least twice each year and may meet more often as it deems appropriate.
- 2.3. Special Meetings. - The Authority shall hold special meetings if the executive committee determines a special meeting is necessary or if requested in a letter to the chairman signed by a majority of the members. Special meetings shall be scheduled as soon as is practicable, but not later than sixty days after the determination or a request is made.
- 2.4. Emergency Meetings. - The Authority shall hold an emergency meeting if called by the chairman or if requested by the executive director.
- 2.5. Robert's Rules of Order. - All meetings of the Authority and its committees shall be governed by Robert's Rules of Order as revised.
- 2.6. Attendance. - The chairman shall notify any Authority member absent from three consecutive regular meetings of the Authority that the member's absence diminishes the Authority's ability to carry out its public trust.

195-1-3. Notice of Meetings.

- 3.1. Notices of the annual meeting and regular meetings. - Notices of the annual meeting and regular meetings shall be filed with the Secretary of State not fewer than five days prior to the meeting. Each notice shall state the time, date, place, and purpose of the meeting. At least one week prior to an annual or regular meeting, the executive director shall notify no fewer than five newspapers of general circulation in this state of the date, time, place and purpose of each annual and regular meeting. In addition, the executive director shall notify Authority licensed broadcasting stations of annual and regular meetings and the stations shall broadcast notice of the annual and regular meetings in a timely manner.
- 3.2. Notices of Special Meetings. - Notices of special meetings shall be provided as required for the annual and regular meetings. If it is not possible to notify Authority members at least five days in advance of a special meeting, the notice to the public shall be made at the time Authority members are notified.
- 3.3. Notices of Emergency Meetings. - Notices of emergency meetings shall be filed with the Secretary of State as soon as possible and shall contain the date, time, place and purpose of the meeting. The notice shall also include a statement of the reason for the emergency.

195-1-4. Authority Committees.

- 4.1. Generally. - The Authority may establish committees as it deems necessary to carry out its responsibilities. The chairman of the Authority may appoint Authority members and non-Authority members to serve on such committees. Each committee shall elect a chairman who shall report to the Authority when requested to do so by the chairman of the Authority. Committees so appointed shall continue in existence until dissolved by action of the Authority.
- 4.2. Executive Committee. - The Authority shall establish an executive committee as a standing committee. The executive committee shall consist of the chairman, the vice-chairman and one Authority member, to be selected at the annual meeting by a vote of the Authority. The executive director shall serve as an ex officio nonvoting member of the executive committee. The executive committee may act on behalf of the Authority if the action does not affect an Authority policy and any action taken by the executive committee is subject to the approval of the Authority at the next regular meeting.

195-1-5. Advisory Councils.

- 5.1. Creation. - As provided in West Virginia Code §10-5-5, the Authority may create one or more advisory councils to serve in an advisory manner to one or more broadcasting facilities as directed by the Authority. Each advisory council shall consist of not more than nine members who are appointed by and serve at the will and pleasure of the Authority.
- 5.2. Meetings. - Each advisory council shall meet at least twice each year at times determined by the Authority.
- 5.3. Notice of Advisory Council Meetings. - Notices of advisory council meetings shall be filed with the Secretary of State not fewer than five days prior to such meetings. Each notice shall state the time, date, place, and purpose of the meetings.

195-1-6. Authority Affiliations.

- 6.1. Generally. - The Authority may affiliate with another entity if it determines that the affiliation is in its best interests. When the Authority affiliates with another entity, the Authority chairman shall appoint an Authority member as liaison to the entity. Liaison members shall report to the Authority regarding the affiliation when requested to do so by the chairman of the Authority. Liaisons shall represent the Authority and support the Authority's position on matters involving the affiliation. A liaison failing to support the Authority's position shall be removed as liaison by the chairman of the Authority.
- 6.2. The West Virginia Public Broadcasting Foundation Affiliation. - The Authority shall appoint four of its members, including the chairman to serve on the board of the West Virginia Public Broadcasting Foundation. Any member so appointed shall continue to serve until a successor is appointed.

9/9/98

DEPARTMENT OF EDUCATION AND THE ARTS
Office of the Secretary

State Capitol Bldg. 5, Room 205
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Telephone: (304) 558-2440
Fax: (304) 558-1311

Cecil H. Underwood
Governor

David R. Ice
Cabinet Secretary

November 18, 1998

The Honorable Ken Hechler
Secretary of State
State Capitol Building 1
Charleston, West Virginia 25305

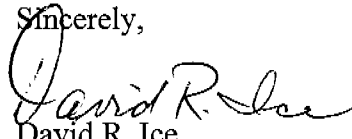
Dear Secretary Hechler,

I hereby grant consent as required pursuant to WV code §5F-2-2 for the promulgation of the following procedural rule of the Educational Broadcasting Authority:

Title 195, Series 1: Organization Procedures

A copy of the rule is attached.

Sincerely,



David R. Ice
Cabinet Secretary

DRI: bec
Attachment

cc: Ann Brotherton
Rita Ray

**WEST VIRGINIA EDUCATIONAL
BROADCASTING AUTHORITY**

600 CAPITOL STREET
CHARLESTON, WV 25301-1223

E-MAIL: WVEBA@WVPUBRAD.ORG

PHONE: (304) 558-3400
FAX: (304) 558-1561

November 6, 1998

TITLE 195
PROCEDURAL RULE
EDUCATIONAL BROADCASTING AUTHORITY

SERIES 1
ORGANIZATION PROCEDURES

The purpose of the above titled rule is to establish procedures governing the organization of the WV Educational Broadcasting Authority, its committees and meetings as authorized by West Virginia Code §10-5-3.

Ann C Brotherton
Ann C. Brotherton
Chairman
WV Educational Broadcasting Authority

/gm

THE WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY
OWNS AND OPERATES THE WV PUBLIC RADIO AND TELEVISION NETWORKS.

**WEST VIRGINIA EDUCATIONAL
BROADCASTING AUTHORITY**

600 CAPITOL STREET
CHARLESTON, WV 25301-1223

E-MAIL: WVEBA@WVPUBRAD.ORG

PHONE: (304) 558-3400
FAX: (304) 558-1561

November 6, 1998

Mr. David R. Ice
Secretary, Education and the Arts
1900 Kanawha Blvd., East
Building 5, Room 205
Charleston, WV 25301

Dear David:

Enclosed for your review and approval is a draft of proposed rule "Title 195, Procedural Rule-Organization Procedures."

The purpose of the above titled rule is to codify the workings of the West Virginia Educational Broadcasting Authority, a public benefit corporation, in carrying out its legislative mandate as described in §10-5-3 and §29A-3-1.

At Perry Pauley's suggestion, we have left blank the date and time the public comment period will be established. Either your office or that of the secretary of state will need to insert the correct date and time.

After your review, please forward the enclosed materials to the secretary of state's office along with a letter asserting your approval of the draft rule to be submitted for rule making. We will also need a copy of your approval for our files.

At the conclusion of the public comment period, we will send to you a final copy of the rules for your review and approval before they are sent to the secretary of state.

Please contact either Dale Rhodes or me if we can provide further information.

Sincerely,



Rita Ray
Executive Director

Enclosure

/gm