

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

JUN 9 12 05 PM '93

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Cancer Advisory Committee TITLE NUMBER: 70

CITE AUTHORITY: W. Va. Code §§6-9A-3 and 16-5A-2a(d)

RULE TYPE: PROCEDURAL [X] INTERPRETIVE

EXEMPT LEGISLATIVE RULE CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 1

TITLE OF RULE BEING ADOPTED: West Virginia Cancer Advisory Committee Meetings and Bvlaws

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS August 9, 1993

[Signature] Ruth Ann Panepinto, Ph.D. Secretary

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TITLE 70

WEST VIRGINIA ADMINISTRATIVE RULES
WEST VIRGINIA CANCER ADVISORY COMMITTEE

WEST VIRGINIA CANCER ADVISORY
COMMITTEE MEETINGS AND BYLAWS
SERIES 1

1993

WEST VIRGINIA ADMINISTRATIVE RULES
WEST VIRGINIA CANCER ADVISORY COMMITTEE

SERIES 1
WEST VIRGINIA CANCER ADVISORY COMMITTEE
MEETINGS AND BY LAWS

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TITLE 70
ADMINISTRATIVE RULES
WEST VIRGINIA CANCER ADVISORY COMMITTEE

SERIES 1
WEST VIRGINIA CANCER
ADVISORY COMMITTEE MEETINGS AND BYLAWS

§70-1-1. General.

1.1. Scope - This procedural rule sets forth the means by which the time, place and purpose of all regular and special meetings are made available in advance to the public and the news media, and also establishes bylaws of the cancer advisory committee.

1.2. Authority - W. Va. Code §§6-9A-3 and 16-5A-2a(d).

1.3. Filing Date - July 9, 1993.

1.4. Effective Date - August 9, 1993.

§70-1-2. Application and Enforcement.

2.1. Application - This rule applies to the committee and any and all individuals desiring to attend or to address the West Virginia cancer advisory committee.

2.2. Enforcement - This rule is enforced by the chairperson of the West Virginia cancer advisory committee with the assistance of the director.

§70-1-3. Definitions.

3.1. Cancer Advisory Committee (Committee) - A committee created according to the provisions of W. Va. Code §16-5A-2a to provide technical guidance to the director regarding the operation of the cancer registry and such advice and assistance as needed to carry out effective cancer prevention and control activities.

3.2. Director - The director of the West Virginia division of health or his or her lawful designee.

3.3. Division - The West Virginia division of health of the department of health and human resources.

3.4. Meeting - The convening of a governing body of a public body for which a quorum is required.

3.5. Quorum - A simple majority of the constituent membership of the committee.

§70-1-4. Regular Meetings Established; Notice Required, Time, Place and Purpose.

4.1. The West Virginia cancer advisory committee shall meet in regular session at a date, time and place to be announced in

advance by the chairperson or secretary.

4.2. The committee may without notice, move the location of the meeting to accommodate members of the public who wish to attend the meeting in the event the meeting room is too small to accommodate the attendance.

4.3. All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the committee.

4.4. The secretary shall notify the public and the news media by filing a notice of the meeting with the secretary of state for publication in the state register. Each notice shall state the date, time, place and purpose of the meeting and shall be filed in a manner to allow the notice to appear in the state register at least five (5) days prior to the date of the meeting.

§70-1-5. Special Meetings; Emergency Meetings.

5.1. The committee may convene special meetings in accordance with the procedures established herein.

5.2. Special meetings of the committee may be called by the chairperson, the secretary or by two (2) members of the committee upon written request to the secretary.

5.3. The secretary shall send a written notice setting forth the time and place of the special meeting and the matter to be considered to all members at least five (5) days in advance of a special meeting, except that the written notice shall not be required if the time, the place, and matter for consideration have been fixed in a regular meeting or at a special meeting at which all members are present.

5.4. The secretary shall notify the public and the news media by filing a notice of the special meeting with the secretary of state for publication in the state register. Each notice shall state the time, place and purpose of the meeting and shall be filed in a manner to allow the notice to appear in the state register at least five (5) days prior to the date of the meeting.

5.5. The provisions of this section do not apply in the event of an emergency requiring immediate official action by the committee. In the event of an emergency requiring immediate official action, the secretary may file an emergency meeting notice stating the time, place and purpose of the meeting and the facts and circumstances of the emergency with the secretary of state at any time prior to the meeting.

§70-1-6. Cancellation of Meetings.

6.1. Meetings may be canceled by the chairperson or the

secretary one (1) or more days prior to the scheduled time of the meeting. In the event of a cancellation, the chairperson or the secretary shall notify all members informing them of the cancellation.

6.2. The secretary shall send a written notice of the cancellation to all members, and shall immediately file a public notice of the meeting cancellation with the office of the secretary of state.

§70-1-7. Proceedings to be Open; Exceptions Executive Session Permitted.

7.1. Notwithstanding any other provision of law or regulation all meetings of the committee are open to the public, except as provided in W. Va. Code §6-9A-4.

7.2. An executive session may be held only upon a majority affirmative vote of the members present.

§70-1-8. Minutes and Records.

8.1. The West Virginia cancer advisory committee shall provide for the preparation of written minutes of all its meetings. All minutes are available to the public within a reasonable time after the meeting and shall include the following information:

8.1.1. The date, time and place of the meeting;

8.1.2. The name of each committee member present or absent;

8.1.3. All motions, proposals, resolutions, and measures proposed, the name of the person proposing the same and their disposition; and

8.1.4. The results of all votes and, upon request of a member, the vote of each member, by name.

8.2. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of W.Va. Code §6-9A-4.

8.3. All records and proceedings of the committee are public records and are available to the public during the usual and customary business hours of the division of health in accordance with W. Va. Code §§29B-1-3 and 29B-1-4.

§70-1-9. Quorum; Majority Vote Required; Vote by Proxy Prohibited.

A majority of the members of the committee constitutes a quorum. The vote of a majority of all members present at any meeting of the committee is necessary to take any action. Proxy voting is prohibited.

§70-1-10. Election of Officers; Duties of Officers.

10.1. At the first regular quarterly meeting in every other calendar year, beginning in 1993, the committee shall elect a chairperson and vice-chairperson for a term of two (2) years.

10.2. The director shall provide a secretary to the committee.

10.3. In the event a chairperson or vice-chairperson resigns or cannot complete the term, a new election shall be held to fill the office.

10.4. The duties of the chairperson shall be the following:

10.4.1. Preside at all meetings and conduct them according to Robert's Rules of Order when such rules are applicable and not inconsistent with this rule;

10.4.2. Appoint members to serve on committees as may be created; and

10.4.3. Perform such other functions as pertain to the office of chairperson.

10.5. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

§70-1-11. Resignation of Members.

A committee member desiring to resign shall send a letter of resignation to the director with a copy to the chairperson.

§70-1-12. Severability.

The provisions of this rule are severable. If any portion of this rule is held invalid, the remaining provisions remain in effect.

Discussion of Public Comments Received
West Virginia Cancer Advisory Committee Meetings and Bylaws,
70 CSR 1

This procedural rule sets forth the means by which the time, place and purpose of all regular and special meetings of the West Virginia Cancer Advisory Committee are made available in advance to the public and the news media, and also establishes bylaws of the Committee. The Committee was established by the Legislature in 1992 in W. Va. Code §16-5A-2a(d). This rule complies with W. Va. Code §6-9A-3.

A public comment period was held from May 18, 1993 to June 18, 1993. No comments were received. No changes to the rule are proposed.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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DONALD R. WILKES
Director, Corporations

Plus all the volunteer help we can get
X: (304) 558-0900
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TO: Kay Howard
AGENCY: Cancer Advisory Committee
FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION
DATE: September 3, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 70 Cancer Advisory Committee

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____
TITLE OF PERSON SIGNING: Kay Howard
DATE: 9/16/93

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____
TITLE OF PERSON SIGNING: _____
DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Gaston Caperton
Governor

Date: September 27, 1993
To: Judy Cooper, Director
Administrative Law Division
From: Kay Howard, Director
Regulatory Development
Re: Cancer Advisory Committee Meeting and Bylaws, 70 CSR 1

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SEP 29 9 05 AM '93

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As we discussed, a copy of the above rule is attached indicating the correction that needs to be made.

Thanks.

KH:js

Enclosure