

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

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APR 24 9 12 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

WV Women's Commission
AGENCY: Department of Health and Human Resources TITLE NUMBER: 98

RULE TYPE: Procedural; CITE AUTHORITY W. Va. Code §6-9A-3 & 29-20-5

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 RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Meetings and Bylaws

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 May 29, 1998 AT 4:30 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Regulatory Development

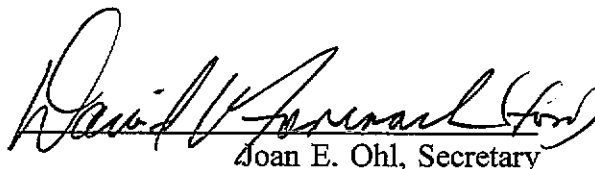
Department of Health & Human Resources

Capitol Complex - Building 3, Room 265

Charleston, WV 25305

ATTN: Marsha Dadisman, Acting Director

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


Joan E. Ohl, Secretary

ATTACH A **BRIEF SUMMARY** OF YOUR PROPOSAL

SUMMARY OF THE PROPOSED RULE

The proposed procedural rule establishes the procedure by which notice is provided of the time, place and purpose of regular and special meetings of the Commission, states the requirements for the conduct of such meetings and specifies the functions and responsibilities of the Commission's officers.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE PROPOSED RULE

The proposed procedural rule is proposed to comply with requirements of West Virginia Code §6-9A-3 and 29-20-5 for the Commission to adopt rules regarding notice and conduct of its meetings and responsibilities of its officers.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Women's Commission Meetings and Bylaws

Type of Rule: ☐ Legislative ☐ Interpretive ☒ Procedural

Agency: West Virginia Women's Commission
Department of Health and Human Resources

Address: Building 3, Capitol Complex
Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs & Alterations					
Equipment					
Other					
Revenue	0	0	0	0	0

2. Explanation of above estimates.

There will be no cost to implement the proposed procedural rule.

3. Objectives of this rule:

The proposed procedural rule establishes the procedure by which notice is provided of the time, place and purpose of regular and special meetings of the Commission, states the requirements for the conduct of such meetings and specifies the functions and responsibilities of the Commission's officers.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

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

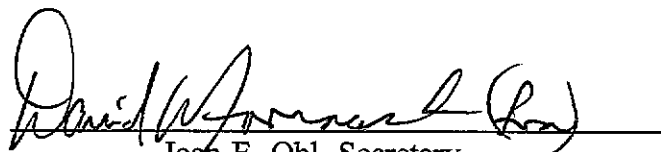
None

C. Economic Impact on Citizens/Public at Large.

None

Date:

Signature of Agency Head or Authorized Representative

A handwritten signature in black ink, appearing to read "Joan E. Ohl", is written over a horizontal line.

Joan E. Ohl, Secretary

Department of Health and Human Resources

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**WEST VIRGINIA WOMEN'S COMMISSION
PROPOSED PROCEDURAL RULE
TITLE 98, SERIES 1**

MEETINGS AND BYLAWS

1998

**For a Public Comment Period
Ending May 29, 1998**

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**WEST VIRGINIA WOMEN'S COMMISSION
PROPOSED PROCEDURAL RULE**

MEETINGS AND BYLAWS

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TITLE 98
WEST VIRGINIA WOMEN'S COMMISSION
PROPOSED PROCEDURAL RULE
SERIES 1
MEETINGS AND BYLAWS

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§98-1-1. 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 West Virginia women's commission.

1.2. Authority. - W. Va. Code §§ 6-9A-3 and 29-20-5.

1.3. Filing Date. -

1.4. Effective Date. -

1.5. Application. - This rule applies to the commission, its staff and all individuals desiring to attend or to address the West Virginia women's commission.

1.6. Enforcement. - This rule is enforced by the chairperson of the West Virginia women's commission with the assistance of the executive director of the commission.

§98-1-2. Definitions.

2.1. Meeting. -- The convening of the West Virginia Women's Commission for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.

2.2. Quorum. -- A simple majority of the constituent membership of the commission.

2.3. Women's Commission or Commission. -- The West Virginia women's commission created in W. Va. Code § 29-20-1.

§98-1-3. Regular Meetings.

3.1. The commission shall establish a regular meeting schedule and shall meet no less than four (4) times per year. The chairperson or executive director shall notify the public and the news media of a regular meeting 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 time to allow the notice to appear in the state register at least five (5) days prior to the date of the meeting.

3.2. The commission may without notice, move the location of a regular 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.

3.3. All regular meetings are general meetings for the consideration of any and all matters which may properly come before the commission.

§98-1-4. Special Meetings; Emergency Meetings.

4.1. The commission may convene special meetings in accordance with the procedures established in this rule.

4.2. Special meetings of the commission may be called by the chairperson, the executive director, or by two (2) members of the commission upon written request to the executive director.

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

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

4.5. The provisions of this section do not apply in the event of an emergency requiring immediate official action by the commission. In the event of an emergency requiring immediate official action, the executive director 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. The chairperson or the executive director shall notify members by telephone of an emergency meeting.

§98-1-5. Cancellation of Meetings.

5.1. Meetings may be canceled by the chairperson or the executive director one (1) or more days prior to the scheduled time of the meeting. In the event of a cancellation, the chairperson or the executive director shall notify all members informing them of the cancellation.

5.2. The executive director shall immediately upon cancellation file a public notice of the meeting cancellation with the office of the secretary of state.

§98-1-6. Open Meetings; Exceptions; Executive Meeting.

6.1. All meetings of the commission are open to the public, except as provided in W. Va. Code § 6-9A-4.

6.2. The commission may hold an executive session only upon a majority affirmative vote of

the members present.

§98-1-7. Minutes and Records.

7.1. The commission shall provide for the preparation of written minutes of all its meetings. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

7.1.a. The date, time and place of the meeting;

7.1.b. The name of each commission member and whether he or she was present or absent;

7.1.c. The text and disposition of each motion, proposal, resolution, or measure proposed;

7.1.d. The name of the person who made the motion, proposal, resolution, or measure; and

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

7.2. 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.

7.3. All records and proceedings of the commission are public records and shall be available to the public during the usual and customary business hours of the commission in accordance with W. Va. Code §§ 29B-1-3 and 29B-1-4.

§98-1-8. Quorum; Majority Vote Required; Proxy Vote Prohibited.

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

§98-1-9. Appointment, Election and Duties of Officers.

9.1. The chairperson and vice chairperson are designated by the governor; the commission may elect other officers by majority vote of a quorum.

9.2. The commission may appoint an executive director to act as its executive director and other personnel consistent with the provisions of W. Va. Code § 29-30-3.

9.3. The duties of the chairperson are to:

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

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

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

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

§98-1-10. Resignation of Members.

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