

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

May 18 1 58 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Cancer Advisory Committee TITLE NUMBER: 70

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

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 PROPOSED: 1

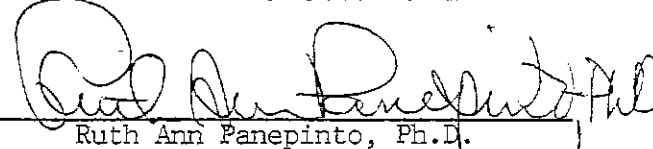
TITLE OF RULE BEING PROPOSED: West Virginia Cancer Advisory Committee
Meetings and Bylaws

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 June 18, 1993 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS. Comments may be hand delivered up to 4:30 p.m. or must be post marked no later than midnight

Regulatory Development
Building 3, Room 204
Capitol Complex
Charleston, WV 25305
ATTN: Kay Howard

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


Ruth Ann Panepinto, Ph.D.
Secretary

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.00

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Cancer Advisory Committee Meetings and Bylaws

Type of Rule: Legislative Interpretive X Procedural

Agency West Virginia Cancer Address Surveillance & Disease Control
Advisory Committee Dept. of Health & Human Resources
1422 Washington Street East
Charleston, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ N/A	\$ N/A	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense			0	0	0
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

No additional funding is needed to implement this rule. Monies would come from funds allocated for the West Virginia Cancer Registry.

It is estimated that \$100 per meeting x 4 meetings will cover incidental expenses of copying, mailing, and telephone incurred in planning and conducting quarterly committee meetings.

3. Objectives of these rules:

To establish procedural rules for the West Virginia Cancer Advisory Committee relating to making available to the public the time, place, and purpose of regular and special meetings of the committee and for election of 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.

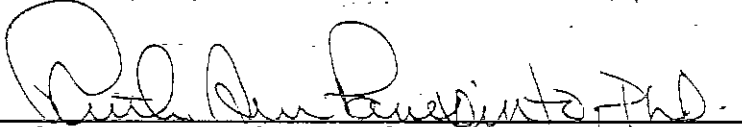
None

C. Economic Impact on Citizens/Public at Large.

None

Date May 10, 1993

Signature of Agency Head or Authorized Representative


Ruth Ann Panepinto, Ph.D., Secretary
Department of Health and Human Resources

RULE ABSTRACT

Agency: West Virginia Cancer Advisory Committee

Rule Title: West Virginia Cancer Advisory Committee Meetings
and Bylaws

CSR Title and Series: 70 CSR 1

Type: Procedural

Summary: This procedural rule sets forth the means by which the time, place and purpose of all regular and special meetings of the 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.

For further information contact: Beverly Keener, Bureau of Public Health, Office of Epidemiology and Health Promotion, telephone 558-5358, 1422 Washington Street East, Charleston, West Virginia 25301 or Regulatory Development Program, Department of Health and Human Resources, Capitol Complex, Charleston, WV 25305, telephone 558-3223.

FILED

MAY 18 1 58 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

[PROPOSED]

TITLE 70

WEST VIRGINIA ADMINISTRATIVE RULES
WEST VIRGINIA CANCER ADVISORY COMMITTEE

WEST VIRGINIA CANCER ADVISORY
COMMITTEE MEETINGS AND BYLAWS
SERIES 1

199__

For Public Comment Period Ending June 18, 1993

70 CSR 1

[PROPOSED]

WEST VIRGINIA ADMINISTRATIVE RULES
WEST VIRGINIA CANCER ADVISORY COMMITTEE

SERIES 1
WEST VIRGINIA CANCER ADVISORY COMMITTEE
MEETINGS AND BY LAWS

TABLE OF CONTENTS

\$70-1-1.	General	1
\$70-1-2.	Application and Enforcement	1
\$70-1-3.	Definitions	1
\$70-1-4.	Regular Meetings Established; Notice Required, Time, Place and Purpose	1
\$70-1-5.	Special Meetings; Notice Required, Time, Place and Purpose	2
\$70-1-6.	Cancellation of Meetings	2
\$70-1-7.	Proceedings to be Open; Exceptions Executive Session Permitted	3
\$70-1-8.	Minutes	3
\$70-1-9.	Quorum; Majority Vote Required; Vote by Proxy Prohibited	3
\$70-1-10.	Election of Officers; Duties of Officers	4
\$70-1-11.	Resignation of Members	4
\$70-1-12.	Severability	4

[PROPOSED]
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** -

1.4. **Effective Date** -

\$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; Notice Required, Time, Place and Purpose.

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 shall 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:

- a) The date, time and place of the meeting;
- b) The name of each committee member present or absent;
- c) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- d) 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:

(a) 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;

(b) Appoint members to serve on committees as may be created; and

(c) 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.