

IERC BYLAWS

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ARTICLE I—Identification

The Indiana Emergency Response Commission, hereinafter referred to as the “Commission,” is a state entity created pursuant to SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986. The Commission has been created by Governor Evan Bayh’s Executive Order Number 89-13, and has had statutory authority conferred by Senate Bill 392 of the Indiana Legislature, signed into law by Governor Bayh. The primary purpose of the Commission is to implement SARA Title III in Indiana, but its broader purpose is to enhance environmental protection and public health and safety as these are affected by chemical hazards in Indiana.

ARTICLE II—Commission Members

The Commission consists of thirteen (13) members appointed by the Governor of Indiana and includes the Commissioner of the Indiana Department of Environmental Management (IDEM), the Executive Director of the Indiana Department of Homeland Security (IDHS), the Superintendent of the Indiana State Police (ISP), the State Fire Marshal (SFM), three (3) representatives of business and industry, three (3) representatives of the public, and three (3) representatives of local government. The state agency heads may name designees. All members of the Commission serve at the pleasure of the Governor.

ARTICLE III—Commission Meetings

Section 1: Frequency of Meetings

The Commission will meet at least quarterly, and more frequently at the discretion of its Chair.

Section 2: Announcement of Meetings

(a) Members of the Commission will be notified at each Commission meeting of the next meeting time, place, and date, and will be notified in writing two weeks in advance of such meetings of the next meeting’s agenda, time, place and date.

(b) The public will be notified of Commission meetings by notices issued by the Indiana Department of Environmental Management’s Office of External Relations and by the Indiana Department of Homeland Security’s Public Affairs Office, in the manner prescribed by law.

Section 3: Location of Meetings

The Commission meetings will be held in the Indiana Government Center’s Conference Center, 302 West Washington Street, Indianapolis, Indiana 46204 or as otherwise determined by the Chair.

Section 4: Quorum of Members for Meetings

A quorum of Commission members is required for the conduct of business and consists of the presence of a majority of its members.

Section 5: Conduct of Meetings

- (a) Commission meetings will be conducted according to Robert's Rules of Order, and Commission business according to the provisions of the Indiana Open Door Law, the Indiana Public Records Law, and the Indiana Administrative Orders and Procedures Act.
- (b) Any matter to be voted on will take the form of a resolution or motion. A simple majority of the members in attendance at a Commission meeting must vote affirmatively, for the adoption of any resolution.
- (c) Each Commission member, including the Chair and Vice-Chair, will have one vote, as will state agency head designees in the absence of those agency heads.
- (d) A Commission member may vote for or against a resolution, or may abstain from voting.

ARTICLE IV—Commission Committees

Section 1: Identification of Committees and Appointments/ Resignation

- (a) The Commissions' Committees are four (4) in number and are the Policy/Technical, Fiscal, Training, and Communications Committees.
- (b) Appointments to Committees, including Committee Chairs, are made by the Chair of the Commission.
- (c) Chairs of Committees are to be Commission members or designees of Commission members designated by the Commission Chair.
- (d) Resignations of Committee members are to be submitted in writing to the Chair, who will replace resigning members.

Section 2: Dissolution and Establishment of Committees

Additional Committees may be established and existing ones dissolved by a majority vote of the Commission.

Section 3: Duties of Committees

- (a) Committees will convene to consider issues assigned by the Commission and/or issues of the Committee's devising.
- (b) Committee meetings will be held at the discretion of Committee Chairs in terms of frequency and location.
- (c) Committee Chairs will publicize and conduct their meetings in the manner prescribed by the Open Door Law.
- (d) Committees will report their findings and make their recommendations to the full Commission.
- (e) Committee recommendations must, to be adopted, be affirmed as resolutions by a majority of the Commission members.
- (f) Additional duties may be assigned to Committees by the Commission Chair.

ARTICLE V—Officers

Section 1: Officers

The Officers of the Commission are the Chair, and the Vice-Chair, who are appointed by the Governor.

Section 2: Terms of Officers

The Chair and Vice-Chair serve at the pleasure of the Governor.

ARTICLE VI—Powers and Duties of Officers

Section 1: Meeting Frequency, Dates, Times, And Locations

The Chair determine the frequency, dates, times, and locations of Commission meetings.

Section 2: Committee Appointments

The Chair appoints the Chairs and members of each Committee.

Section 3: Commission Meetings Conduct

- (a) The Chair conducts Commission meetings according to Robert's Rules of Order.
- (b) Commission meeting agendas are set by the Chair.
- (c) The minutes of Commission meetings will be reviewed by the Chair between meetings and distributed to Commission members in draft form prior to the next Commission meeting, at which time the minutes will be approved as submitted or as modified by the Commission.

Section 4: Delegation of Authority

- (a) In the absence of the Chair, Commission meetings will be conducted by the Vice-Chair.
- (b) The Chair of the Commission may delegate in writing at his discretion his powers and duties consistent with other provisions of the bylaws.
- (c) Each state agency head on the Commission will provide in writing a single designee with full voting rights to represent such agency head in his/her absence from Commission meetings.

ARTICLE VII—Title III Document Submissions

Section 1: Repository of Documents

The Indiana Department of Homeland Security (IDHS), 302 West Washington Street, Room E238, Indianapolis, Indiana 46204 will be the repository for all documents submitted to the Commission pursuant to the provisions of federal or state law.

Section 2: Availability of Documents to the Public

Public records will be available for examination by the public during the hours of 8:30 am and 4:30 pm, Monday through Friday.

Section 3: Commission Records

All records of Commission meetings, including meeting agendas and minutes, will be available for inspection and copying by any person at 302 West Washington Street, Room E238, Indianapolis, Indiana 46204.

ARTICLE VIII—Local Emergency Planning Committee Coordination

Section 1: Appointment of LEPC Members

- (a) The Commission will vote at each of its meetings on submitted nominees for LEPC membership.
- (b) A provisional appointment letter signed by the Chair of the Commission will be issued to LEPC Chairs who have submitted the names of nominees, for membership on their LEPCs, between regular commission meetings.
- (c) A determinative letter of appointment signed by the Chair will be issued to submitting LEPC Chairs, after Commission member approval, at a regular commission meeting.
- (d) Written petitions for addition or removal of LEPC members by the Commission will be accepted by the Chair and considered at the next regularly scheduled Commission meeting; petitioners also may present oral arguments supporting their petition at the same Commission meeting.

Section 2: Coordination and Supervision of LEPCs

- (a) The Commission will coordinate and supervise the conduct of LEPCs by issuing policy and performance guidelines to LEPCs and by monitoring the LEPCs' performance of their SARA Title III duties pursuant to that guidance.
- (b) The Commission will impose sanctions it deems appropriate in the event of LEPC non-compliance, such sanctions being determined by majority vote of the Commission.

ARTICLE IX—Adoption/Amendment of Commission Bylaws

Section 1: Adoption of Bylaws

A majority of Commission members is required to adopt the Commission's Bylaws.

Section 2: Amendment of Bylaws

A majority of Commission members is required to amend the Commission's Bylaws.

ARTICLE X—Non-Exclusion Provision

Nothing in these bylaws is to be construed as excluding or contravening any additional provisions of federal or state law that are not explicitly or implicitly referred to within these bylaws.

ARTICLE XI—Bylaws Adoption and Signing

Upon their adoption by the Commission, a copy of these bylaws will be signed and dated by the Chair and the Vice-Chair of the Commission and will be available for inspection by the public at 302 W. Washington Street, Room E238, Indianapolis, Indiana.