



**INDIANA EMERGENCY
RESPONSE COMMISSION**

BYLAWS

of the

INDIANA EMERGENCY RESPONSE COMMISSION



INDIANA EMERGENCY RESPONSE COMMISSION

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INDIANA EMERGENCY RESPONSE COMMISSION

IDENTIFICATION, PURPOSES AND AUTHORIZATION

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.

Furthermore, the Commission shall guide community readiness across Indiana by increasing the public's knowledge and access to information on hazardous chemicals, thereby increasing the ability to plan, prepare, and respond to a chemical release. The mandatory duties of the Commission are as listed in IC 13-25-1-6.

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.

SECTION 1: DUTIES OF MEMBERS

The Commission's duties under EPCRA, SARA Title III, and IC 13-25-1-6 include the following:

- Encourage and support the development of emergency planning efforts to provide state government entities, local governments, and the public with information concerning potential chemical hazards in Indiana.
- Assist the state in complying with the requirements of SARA.
- Design and supervise the operation of emergency planning districts in Indiana.
- Gather and distribute information needed for effective emergency response planning.
- Appoint the members of the local emergency planning committee of each emergency planning district.



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SECTION 2: APPOINTMENT AND REMOVAL OF MEMBERS

Members of the Commission serve at the appointment of the Governor and may be removed by the Governor.

SECTION 3: OFFICERS

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

SECTION 4: OFFICER DUTIES

The IERC Chair:

1. Determines the frequency, dates, times, and locations of Commission meetings.
2. Sets the agenda for the meeting.
3. Reviews the meeting minutes after each Commission meeting and distributes the minutes to the Commission members in draft form prior to the next meeting, at which time the minutes will be approved as submitted or as modified by the Commission.

The IERC Vice Chair:

1. Conducts Commission meetings in the absence of the Chair.
2. Performs other duties as assigned by the Chair.

Delegation of Authority

1. The Chair of the Commission may delegate in writing at his/her discretion his/her powers and duties consistent with other provisions of the bylaws.
2. Each state agency head on the Commission shall provide in writing a single designee with full voting rights to represent the agency head in his/her absence from Commission meetings.

Commented [HE1]: I changed this to "appointment and removal of members" rather than just "removal of members."



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SUPPORT STAFF

Indiana Department of Homeland Security HAZMAT Section LEPC/IERC Coordinator(s) shall provide administrative support to the Commission. Other employees of the IDHS HAZMAT Section may also support the Commission and assist in the implementation of hazardous substance planning, reporting, investigation, training, and exercising.

IDHS LEPC/IERC Coordinators will perform the administrative duties of the Commission.

COMMISSION MEETINGS

SECTION 1: FREQUENCY OF MEETINGS

Indiana Code 13-25-1-5 provides that the Commission shall meet at least one (1) time every three (3) months, at the call of the Chair.

SECTION 2: ANNOUNCEMENT OF MEETINGS

1. Members of the Commission will be notified at each Commission meeting of the time, date, and location of the next Commission meeting.
2. The public will be notified of Commission meetings issued 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 at the MADE@*Plainfield* facility, 1610 Reeves Road, Indianapolis, IN 46168, or as otherwise determined by the Chair.



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SECTION 4: QUORUM OF MEMBERS FOR MEETINGS

Indiana Code 13-25-1-5(b) provides that a majority of the members constitutes a quorum for the authority to conduct business.

The Commission is a thirteen (13) member Commission, which means that seven (7) members constitutes a quorum.

Please note that even if there are vacancies on the Commission, seven (7) members are still required for a quorum.

SECTION 5: CONDUCT OF MEETINGS

1. Commission meetings shall be conducted in accordance with the Indiana Open Door Law, the Indiana Public Records Law, and the Indiana Administrative Orders and Procedures Act.
2. Any matter presented to the Commission for voting 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 or motion.
3. Each Commission member, including the Chair and Vice-Chair, will have one vote. If a state agency designee is attending a Commission meeting in the absence of the state agency head, said state agency designee will have one vote.
4. A Commission member may vote in favor, vote against, or abstain from voting on a resolution or motion.

SECTION 6: ELECTRONIC COMMUNICATIONS POLICY

Purpose

Indiana Code 5-14-1.5-3.6 allows members of the governing body of a state agency who are not physically present at the meeting to participate in meetings of the governing body using electronic communications if all the requirements under IC 5-14-1.5-3.6 are met. For electronic participation to be allowed, the governing body of a state agency must adopt an electronic participation policy that complies with the statutory requirements of 5-14-1.5-3.

The Commission has adopted an electronic communications meeting policy that complies with the statutory requirements of I.C. 5-14-1.5-3.6 and provides for the participation in and conducting of meetings where means of electronic communication are used by members of the Commission not physically in attendance. The requirements are set forth below.

Applicability

This policy applies to meetings of the Commission in which any member of the Commission participates electronically.

Policy

Minimum Physical Participation. As required by IC 5-14-1.5-3.6, at any meeting of the Commission, one-third (1/3) of the members must attend in person. The Commission consists of thirteen (13) members, which means that at least five (5) voting members of the Commission must be physically present at the place where the meeting is held. Please be aware that, even if there are vacancies on the Commission, five (5) members must be physically present.

Members Present Virtually. Any member of the Commission participating via virtual means must have his or her camera turned on during the Commission meeting.

Treatment of Members Participating by Electronic Means. A member of the Commission who participates in a meeting by a permitted means of electronic communication shall be considered present at the meeting and may vote at the meeting.

Quorum. A member of the Commission who participates by a permitted electronic means of communication shall be counted for purposes of establishing a quorum.

Please always be aware that quorum consists of seven (7) members, and at least five (5) members must be physically present at the meeting if any members are participating via virtual means. If these quorum requirements are not met, the meeting cannot take place.

Roll Call Voting. As required by IC 5-14-1.5-3.6(c)(2), all votes of the Commission during a meeting where any member participates by means of electronic communication shall be taken by roll call vote, in which the name of each member of the Commission present will be called individually and requested to cast their vote aloud.

Limitations. In addition to the above requirements, the following requirements are also applicable:

- 1. Annual Minimum Physical Participation.** Each member of the Commission must physically attend at least fifty percent (50%) of the meetings of the Commission held in a calendar year.
- 2. Technological Limitations.** If a meeting location is chosen for a Commission meeting that is not conducive to participation by means of electronic communications due to technological limitations, the Commission members will be notified in advance of the meeting that participation by electronic communication will not be available for that meeting.
- 3. Publication of Policy.** As required by IC 5-14-1.5-3.6(h), this policy will be posted on the internet website of the Commission.



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TITLE III DOCUMENT SUBMISSIONS

SECTION 1: REPOSITORY OF DOCUMENTS

The Indiana Department of Homeland Security (IDHS), 302 West Washington Street, Room E208, 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 E208, Indianapolis, Indiana 46204 or on the [IDHS Boards and Commissions Webpage](#).

LOCAL EMERGENCY PLANNING COMMITTEE COORDINATING

SECTION 1: APPOINTMENT OF LEPC MEMBERS

LEPC roster changes will be presented at the next Commissions meeting. The Commission will then vote to accept the roster changes.

SECTION 2: COORDINATION AND SUPERVISION OF LEPCS

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.

The Commission will impose sanctions it deems appropriate in the event of LEPC non-compliance, such as sanctions being determined by majority vote of the Commission.



INDIANA EMERGENCY RESPONSE COMMISSION

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.

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.

BYLAWS ADOPTION AND SIGNING

Upon their adoption by the Commission, a copy of these bylaws will be signed and dated by the Chair of the Commission and will be available for inspection by the public at 302 W. Washington Street, Room E208, Indianapolis, Indiana 46204.

These bylaws have been reviewed and approved by the Indiana Emergency Response Commission on _____, 2024 and take effect immediately.

Signed: _____
Stephen Jones, Chair.

