



**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.

The Commission’s duties under EPCRA, SARA Title III, and IC 13-25-1-6 include but are not limited to:

- 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.

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.



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SECTION 1: DUTIES OF MEMBERS

In accordance with IC 13-25-1-6, the Commission shall:

1. 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.
2. Assist the state in complying with the requirements of SARA.
3. Design and supervise the operation of emergency planning districts in Indiana.
4. Gather and distribute information needed for effective emergency response planning.
5. Appoint the members of the local emergency planning committee of each emergency planning district.

SECTION 2: REMOVAL OF MEMBERS

Members of the Commission serve at the appointment of the Governor and may be removed by the Governor without cause.

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. Appoints the Chairs and members of each Committee.
3. Set the agenda for the meeting.
4. Review the meeting minutes after each Commission meeting and distribute 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. Conduct Commission meetings in the absence of the Chair.
2. Performs other duties as assigned by the Chair.



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Delegation of Authority

1. The Chair of the Commission may delegate in writing at his discretion his powers and duties consistent with other provisions of the bylaws.
2. 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.

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

The commission will meet two (2) times in the first half of the calendar year, two (2) times in the second half of the calendar year, and at the discretion of the chair.

SECTION 2: ANNOUNCEMENT OF MEETINGS

1. Members of the Commission will be notified at each Commission meeting of the next meeting time, place, and date of the next 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

A quorum of members is required for the conduct of business and consists of at least seven (7) members in attendance, wherein one member can attend virtually.

If the Commission has vacancies, seven (7) members are still required for a quorum.

SECTION 5: CONDUCT OF MEETINGS

1. 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.
2. 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.
3. 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.
4. A Commission member may vote for or against a resolution or may abstain from voting.

SECTION 6: ELECTRONIC COMMUNICATIONS POLICY

Purpose

Indiana Code 5-14-1.5-3.6 allows members of the governing body of a state agency, such as the Indiana Emergency Response Commission 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 including the requirement that the governing body adopt a policy to govern participation in the governing body's meetings by electronic communication.

This Indiana Emergency Response Commission electronic communications meeting policy is intended to comply with these statutory requirements and will provide for the participation in and conducting of meetings where means of electronic communication are used by members of the Commission not physically in attendance.

Applicability

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



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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. At least five (5) voting members of the Commission must be physically present at the place where the meeting is held.

Members Present Virtually. Any member of the Commission participating via virtual means must have their camera on with them visible throughout the 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. Pursuant to IC 13-25-1-5(b), since the Commission has thirteen (13) members, a quorum consists of seven (7) members of the Commission. A member of the Commission who participates by a permitted electronic means of communication shall be counted for purposes of establishing a quorum.

Permitted Means of Communication. A member of the Commission not physically present at a meeting may participate in the meeting by any electronic means of communication permits:

1. The member,
2. All other members participating in the meeting; and
3. all members of the public physically present at the place where the meeting is conducted to simultaneously communicate with each other.

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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Failure to Comply. If all components of this policy are not met by the Commissioners in a calendar year, the Commission will not be able to participate virtually for the following calendar year. The components include:

1. Attending fifty percent (50%) of the meetings physically,
2. Having the camera enabled and being visible in the camera throughout the meeting; and
3. Five (5) members of the Commission physically present.

Notice. It is a commissioner's responsibility as a Governor-appointed public servant to meet these requirements and attend at least 50% of the meetings in person. It is also the commissioners' responsibilities to show up in person whenever possible so that the IERC does not run into quorum issues. If a commissioner fails to uphold his/her responsibilities, he/she may be removed from the IERC by the Governor's Office.

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



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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

1. 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.
2. 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.

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 _____, 2023 and take effect immediately.

Signed: _____
Stephen Jones, Chair.