LOUISIANA EMERGENCY RESPONSE COMMISSION

BYLAWS

ARTICLE I

NAME

This organization shall be known as the Louisiana Emergency Response Commission, hereinafter referred to as the “Commission.”

ARTICLE II

PURPOSES

The duties, activities, and membership of the Commission are those set forth in R.S. 30:2364 (Hazardous Material Information Development, Preparedness, and Response Act) and in Executive Orders No. MJF 96-48, MJF 96-67, and MJF 97-14 issued by the governor on October 17, 1996, November 8, 1996, and March 3, 1997. These documents authorized the Commission to implement the requirements of SARA Title III, the “Emergency Planning and Community Right-to-Know Act of 1996,” enacted by the U.S. Congress (hereinafter referred to as the Act). The Commission, functioning under the supervision and authority of the Deputy Secretary, Department of Public Safety and Corrections, Public Safety Services, is designated as the State Emergency Response Commission, as defined in the Act. It shall perform all of the duties required of it under the Act and R.S. 30:2364, including, but not limited to the following:

1. Establishing emergency planning districts.
2. Appointing local emergency planning committees.
3. Supervising and coordinating the activities of the local emergency planning committees.
4. Providing the administrator of the Federal Environmental Protection Agency with information concerning notification received on certain releases of hazardous materials and substances.
5. Designating, as necessary, additional facilities to be covered under this Chapter.
6. Recommending a standardized inventory form to be used in gathering the required information under this Chapter and providing for alternative reporting procedures to reduce duplication of reporting.
7. Recommending, as necessary, additional substances which should be defined as hazardous materials based on location, toxicology, known short and long term effects, and other characteristics.
8. Acting as the centralized advisory body for coordinating the state and federal activities concerning community “Right-to-Know” legislation with regard to hazardous materials and substances.
9. Establishing procedures for receiving and processing requests from the public for information.
10. Reviewing local emergency planning committee (LEPC) emergency response plans and making recommendations to the LEPC on revisions of the plan that may be necessary to ensure the coordination of such plan with emergency response plans of other emergency planning districts.

ARTICLE III

MEMBERSHIP

Section 1. Members. The Louisiana Emergency Response Commission shall consist of the following members:

1. The Deputy Secretary of the Department of Public Safety, or the Deputy Secretary’s designee;
2. The Secretary of the Department of Environmental Quality, or the Secretary’s designee;
3. The Secretary of the Department of Agriculture and Forestry or the Secretary’s designee;
4. The Director of the Governor’s Office of Homeland Security and Emergency Preparedness, or the Director’s designee;
5. A representative of the Right-to-Know Unit, Department of Public Safety, Office of State Police;
6. A representative of the Louisiana Emergency Preparedness Association;
7. The Director of the Louisiana State University Fire and Emergency Training Institute;
8. A representative of environmental interests;
9. A representative of the chemical industry nominated by the Louisiana Chemical Association; and
10. Ten at-large members;

Section 2. Number of members. The Commission shall consist of no more than 19 members appointed by and serving at the pleasure of the governor.

Section 3. Vacancies. Vacancies on the Commission shall be filled by appointment of the governor.

Section 4. Compensation. Members of the Commission shall serve without compensation.

ARTICLE IV

OFFICERS

Section 1. Named. The officers of the Commission shall consist of a chairperson and vice-chairperson.

Section 2. Appointment of officers. The governor shall appoint the Commission’s chairperson. The Commission may elect the Commission’s vice-chairperson and other such officers as it deems necessary.

ARTICLE V

DUTIES OF THE OFFICERS

Section 1. Duties of the chairperson. The chairperson shall recommend an agenda for each meeting, preside at all meetings of the Commission, sign all minutes and other records of documents connected with the work of the Commission requiring such signature and be responsible for implementing policies adopted by the Commission.

Section 2. Duties of the vice chairperson. In the absence of the chairperson or in the event of his or her inability or refusal to act, the vice-chairperson shall perform the duties of the chairperson, and when so acting shall have all the powers of the chairperson. The vice-chairperson may exercise other duties as from time to time may be assigned to the vice-chairperson by the chairperson or the Commission.

ARTICLE VI

COMMITTEES

Section 1. Standing committees. The following committees shall be standing committees of the Commission:

1. LEPC Service Committee
2. Training Committee
3. Public Information Committee
4. Emergency Plans Review Committee
5. Long Range Planning Committee
6. Emergency Notification Committee

Section 2. Committee chairperson and membership. Committee chairpersons will be appointed by the LERC chairperson, except that the LERC chairperson may be chairperson of the Long Range Planning Committee. Committee membership of each committee will be selected by each committee chairperson for their respective committees and approved by the Commission, except that the membership of the Long Range Planning Committee will be composed of chairpersons from the other standing committees, and the vice-chairperson of the Commission. Non-commission members may be appointed to the LEPC Service, Training, Public Information, and Emergency Plans Review Committees. The chairperson and vice-chairperson are ex officio members of each committee.

Section 3. Special committees. When deemed necessary to carry out Commission work, the Commission chairperson may appoint a special committee with specific duties. Once the duties of a special committee have been carried out, that committee will cease to exist.

Section 4. Committee reports. Each standing committee, or active special committee, will prepare and deliver a report of that committee’s activities during each regular Commission meeting.

ARTICLE VII

MEETINGS

Section 1. Regular meeting. The Commission shall meet in Baton Rouge at least quarterly for regular meetings. Meetings can be held outside of Baton Rouge at the request of the Commission.

Section 2. Special meetings. The chairperson may call special meetings when deemed necessary to carry out duties of the Commission. Upon written request of at least five Commission members, the chairperson shall call as soon as possible (not to exceed five days) a special meeting. An attempt to notify all Commission members shall be made at least 24 hours in advance of the calling of any special meeting.

Section 3. Quorum. A quorum shall consist of a majority of Commission members. A quorum shall be required to transact business.

Section 4. Rules of Order. Deliberations of all Commission meetings and its committees shall be governed by Robert’s Rules of Order, Newly Revised.

Section 5. Notice of meetings. Notice of the time, place and agenda items to be considered at each meeting shall be given to all members at least one week prior to each regular meeting. Matters not appearing on the agenda may be considered upon a favorable vote by a majority of members present. Notice of special meetings and intended agenda items shall be given to all Commission members in writing or by phone at least one day prior to a special meeting. Notice to the public of all Commission meetings shall be made in accordance with the Louisiana Open Meetings Law.

Section 6. Public participation. Any person who is not a member of the Commission and wishes to have an item placed on the Commission’s regular or special meeting agenda shall advise the chairperson two weeks prior to the meeting. The person shall supply the chairperson with his or her name, address, group represented and the subject to be addressed. The chairperson may grant, refuse or act upon this request at the chairperson’s discretion. The latter may include, but is not limited to, directing the item to a LERC committee.

Any written statements which are to be submitted as part of that presentation shall be submitted at least five days prior to a regular meeting and at least one day prior to a special meeting.

The chairperson or the chairperson’s designee may recognize an audience member at a meeting and subsequently may allow that person to address the Commission where participation of such person, in the judgment of the chairperson or designee, would enhance understanding of the matter under consideration for either the Commission or audience members.

No person shall speak more than once on the same subject unless granted permission by the chairperson or designee.

No presentation shall exceed 10 minutes unless permitted by a majority vote of commissioners present.

ARTICLE VIII

VOTING

Section 1. One vote each. Each Commission member, including the chairperson, shall be entitled to one vote. The chairperson will only vote in the event of a tie.

Section 2. Proxy votes. A member may not vote by proxy.

Section 3. Abstentions. Members may register their abstention on any vote, which shall be reflected in the minutes.

Section 4. Determination of actions. All final actions, Commission positions or policy recommendations shall require a favorable vote of a majority of those Commission members present at a duly called meeting.

Section 5. Roll call votes. At the discretion of any member, including the chairperson, of the Commission, any Commission action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes.

ARTICLE IX

REPORTS AND RECOMMENDATIONS

Section 1. Resolutions. All resolutions submitted for consideration by the Commission shall first be referred to an appropriate committee for review, consideration and its recommendation.

Section 2. Annual report. The chairperson of the Commission shall be responsible for preparation of a report describing its activities for the prior year. Upon approval by the Commission, the annual report shall be submitted no later than April 1st of each year by the chairperson to the Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services, the chief executive officer of each of the agencies designated as members of the Commission, the Senate Committee on Environmental Quality, the House Committee on Natural Resources and Environment, and the governor. Then it will be made available to other state and local government officials. The annual report shall be made available to the public upon request.

Section 3. Review of draft reports. A draft of the proposed annual report shall be circulated to all members of the Commission at least seven days prior to consideration by the full Commission at a regular scheduled meeting.

Section 4. Issuance of reports. No report shall be released in the name of the Commission unless it has been adopted by a favorable vote of a majority of the Commission’s members.

Section 5. Legislative recommendations. The Commission may make recommendations to the Secretary of the Department of Public Safety, concerning legislation which bears upon duties and responsibilities of the Commission.

ARTICLE X

AMENDMENTS

These bylaws may be amended or replaced upon the favorable vote of a majority of the members of the Commission at any regular meeting of the Commission provided that proposed changes have been circulated to all members twenty-eight days prior to any action.

ARTICLE XI

RATIFICATION PROVISION

These bylaws were duly adopted initially by a majority of the members of the Commission this 14th day of May, 1991. They were amended by a majority vote of the Commission this 16th day of December, 1992. They were further amended by a majority vote of the Commission the 27th day of April, 1993, the 6th day of April, 1994, the 27th day of September, 1995, the 18th day of February, 1998, and the 10th day of March, 2009. They were amended by a majority vote of the Commission the 9th day of May, 2012. They were amended by a majority vote of the Commission on the 12th day of September, 2013.