

**STATE OF NEVADA
EMERGENCY RESPONSE COMMISSION**

BYLAWS

ARTICLE I

Authority:

The State Emergency Response Commission (hereinafter Commission) is created pursuant to NRS 459.738.

ARTICLE II

Section 1: Purpose

The purpose of the Nevada State Emergency Response Commission is to develop means to protect the citizens and visitors of the State against the negative effects of hazardous materials use, manufacture, storage, transportation, release and/or spill and the negative effects of terrorism. The Commission continually seeks to enhance public safety by developing a working relationship among state agencies, tribal entities, local governments, federal entities and private industries. The Commission works cooperatively with Local Emergency Planning Committees, (hereinafter LEPCs), to achieve a partnership of equals among state, local and private organizations that are involved with hazardous materials management. The Commission is the executive agency for Nevada's compliance with Superfund Amendments and Reauthorization Act (SARA), Title III.

Section 2: Duties

The Commission accomplishes these purposes by:

- (1) Providing management and oversight of all provisions of the SARA Title III and the Emergency Planning and Community Right-To-Know Act of 1986;
- (2) Providing management and oversight of hazardous materials related funding pursuant to Public Law 99-499 or Title I of Public Law 93-633 and NRS 459.735 through NRS 459.773;
- (3) Providing management and oversight of United We Stand license plate related funding pursuant to NRS 482.379.365 and NRS 459.735 (4);
- (4) Obtaining, administering and providing grants to Nevada's LEPCs and state agencies to implement these acts and enhance public safety;

- (5) Carrying out tasks as assigned to the Commission by acts of the United States Congress, the Nevada State Legislature, or the Governor of the State of Nevada.

The Commission's Co-Chairs shall direct ~~the staff and conduct appropriate personnel actions~~ and ensure fiscal responsibility of the Commission.

ARTICLE III

Section 1: Membership

The Commission shall consist of no more than ~~25~~twenty-five members as appointed by the Governor. It is the intent of the Commission to maintain a balance reflecting private industry, local and state government, and geographic area. Complying with the legislative directive, the Commission will endeavor to maintain the membership at a lower level than ~~25~~twenty-five. It is the recommendation of the Commission to have representation as follows:

~~8~~Eight members representing the private sector and regulated industry;

~~6~~Six members representing local government with an affiliation with fire service, law enforcement, occupational safety, environmental protection, emergency management or public health;

~~6~~Six members representing state government with an affiliation with the fire service, law enforcement, occupational safety and health, environmental protection, emergency management, ~~and~~or public health;

~~4~~One member representing a federally recognized tribal entity in Nevada;

~~4~~One member representing a community health organization; and

~~3~~Three members who are private citizen(s) or representative of a citizens' group.

Additional appointed members to the Commission should be designated to maintain the balance as equally as possible.

The term of each member of the Commission is ~~4~~four years. A member may be reappointed, and there is no limit on the number of terms that a member may serve.

The member is appointed on the basis of their position and personal expertise. If a member leaves their represented category, the Commission shall be notified and will take appropriate action.

Appointed Commissioners retain their commission until replaced at the pleasure of the Governor, as specified in appropriate Nevada Revised Statutes.

Commissioners with two or more unexcused meeting absences will be asked to resign their appointment to the Commission. An unexcused absence is when staff is not notified of the member's inability to attend a meeting.

Section 2: Chairpersons

At the pleasure of the Governor, it is recommended Co-Chairs are appointed to represent two sectors of the membership.

Section 3: Staff

The Commission shall employ sufficient staff as required for the execution of its tasks within the limitation of legislative authority and Commission directives.

The staff shall regularly report to the Commission on fiduciary and administrative matters.

The staff shall provide administrative and logistical support as requested to assist appropriate programs.

ARTICLE IV

Section 1: Committees

The Commission shall establish standing committees as shown below and may establish other committees or subcommittees as may be required to recommend actions pursuant to its work and objectives. The Committees shall be chaired by Commission members. The Chair of each committee is appointed by the Co-Chairs. The membership of each committee is appointed by the committee chair, with the approval of the Co-Chairs. All committees must have a minimum of three Commission members.

Committees may establish technical advisory subcommittees to provide technical expertise required to meet stated objectives or goals, as recommended by the Committee chairs and approved by the Commission Co-Chairs.

The Commission may fund travel and/or per diem to support committee activities. Reimbursement shall be at the rate applicable to all state employees.

Committee members ~~and Commissioners~~ with two or more unexcused absences will be asked to resign their appointment to the committee.

Section 2: Standing Committees

The following Standing Committees shall be formed with the designated powers and duties as defined:

Funding Committee: The Committee reviews all grant requests and applications, internal or external; tracks progress on project expenditures; and makes recommendations to the Commission for expenditure of grant funds. The Funding Committee will also provide oversight for the Planning and Training Subcommittee.

Planning and Training Subcommittee: The Subcommittee reviews [each](#) LEPCs hazardous materials response plans, [level of response questionnaire](#), [exercise/incident report](#) and advises LEPCs with respect to their ~~plan's~~ compliance with applicable laws, regulations and procedures. The Subcommittee ensures [the SERC Operational, Planning, Training and Equipment](#) grant requests are appropriate to levels of training and levels of response.

Legislative Committee: The Committee tracks and proposes regulation changes and/or laws relative to the Commission's oversight responsibilities.

Bylaws Committee: The Committee maintains and interprets the Commission's bylaws, recommending changes [to the Commission](#) accordingly. The ~~bylaws~~ Committee also reviews the LEPC bylaws and membership lists to ensure compliance with Federal and state laws and regulations.

Policy Committee: The Committee develops, reviews and recommends policies to the Commission as needed and/or to satisfy audit findings. The Committee also recommends policies for migration to statutes and/or regulations.

Radiological Committee: The Committee ~~will~~ [support](#)s State, Tribal, County, and City jurisdictions and agencies for both preventative and response to radiological exercises, training, and equipment: while utilizing the State of Nevada Preventative Radiological and Nuclear Detection Concept of Operations (ConOps) and State of Nevada Radiological and Nuclear Detection Sustainment Plan.

ARTICLE V

Section 1: Meetings

The Commission meets once each quarter, as called by the Co-Chairs, or as scheduled by a simple majority of Commissioners. Special meetings may be called by the Co-Chairs or by a [simple](#) majority of the voting members of the Commission. At least seven business days' notice shall be given in writing to all the members of the Commission of the date and time of the special meeting. Meetings are conducted under the provisions of Nevada's open meeting laws (NRS Chapter 241). A quorum is defined as one more than half the Commissioners. Members of the Commission may attend meetings either in person, ~~or~~ by telephone or video conference. All action taken by the Commission shall only be taken by a majority vote of the members present at ~~a~~ [the](#) meeting. Nevada Statute does not authorize voting proxies. Meetings are conducted under the general guidelines of Robert's Rules of Order, as revised. Any member may make a motion and vote with the exception of ex-officio members. Committee and subcommittee meetings are conducted in the same manner.

Per diem rates and travel costs for the Commission members shall be reimbursed at the rate applicable to all state employees.

ARTICLE VI

Section 1: Bylaws

- (1) The Commission shall adopt Bylaws consistent with the Emergency Planning and Community Right-to-Know Act and Nevada Revised Statutes. The Bylaws shall be reviewed annually by the Bylaws Committee with recommendations made to the Commission.
- (2) Recommended changes to the Bylaws shall be presented in written or electronic form to the Commission members at least ~~30~~thirty days prior to the meeting in which they will be considered for approval.