

Bylaws of the Nebraska State Emergency Response Commission

Article I Name

The name of this public statutory body is the Nebraska State Emergency Response Commission (here in after SERC).

Article II Purpose

The purpose of the SERC is to carry out the duties assigned to it under the Nebraska Emergency Planning and Community Right to Know Act, Title 67, NAC Chapter 81 and all other statutory provision requiring action or decision by the SERC.

Article III Membership

Section 1. Membership on the SERC shall be as specified in the Nebraska Administrative Code § 81-15, 210.

Section 2. Once appointed by the Governor, a new or re-appointed member may serve on the SERC pending legislative confirmation.

Section 3. Terms and representational status for individual members are as specified in Nebraska Administrative Code § 81-15, 210 and as indicated in individual appointment letters.

Section 4. Members shall be considered inactive when they have missed three (3) or more consecutive meetings without notification of the SERC Coordinator. Attendance records will be kept by the SERC Coordinator and will be included in the annual report to the Office of the Governor.

Section 5. Members may be removed from the SERC for just cause (to include designation as inactive). Following an affirmative vote of 2/3rds of the members present, the SERC **would** recommend withdrawal of membership to the Governor and Legislature or to the director of the applicable agency, as appropriate, with the request for a suitable replacement.

Article IV
Officers

Section 1. The SERC shall elect a chairperson as specified in Nebraska Revised Statutes § 81-15, 211.

Section 2. Election of the chairperson shall be annually, by simple majority vote of the members present, at the first SERC meeting of the calendar year. Election of the chairperson shall be from among the citizen membership as specified in Nebraska Administrative Code § 81-15. Election of a chairperson may be either by secret ballot or roll call (or voice) vote as determined by simple majority of the members present.

Section 3. Election of the vice-chairperson shall be annually, by simple majority vote of the members present, at the first SERC meeting of the calendar year. Any citizen member of the SERC shall be eligible to serve as the vice-chairperson. Election of a vice-chair may be either by secret ballot or roll call (or voice) vote as determined by simple majority of the members present.

Section 4. The vice-chairperson shall serve as meeting chair during the absence of the chairperson. The vice-chairperson shall perform other SERC duties as assigned by the chairperson.

Section 5. The chairperson or vice-chairperson may be removed for cause upon the affirmative roll call vote of a simple majority of the total SERC membership.

Section 6. The Director of the Nebraska Emergency Management Agency a designated representative (ie SERC Coordinator), shall serve as the SERC Administrator. The SERC Administrator or designee shall serve as SERC Coordinator and shall keep all records of meetings and actions or decisions of the SERC and shall provide public notification of meetings and decisions; news releases; supervision and coordination of emergency planning and training; and oversight and distribution of funds and supervision and coordination of activities of the LEPCs.

Section 7. The Director of the Nebraska Department of Environmental Quality, or a designated representative (SARA Title III Coordinator) shall serve as the SERC Coordinator for Information for purposes of Community Right to Know. The duties of the Coordinator of Information shall include receiving emergency planning notifications; emergency release notifications; facility chemical inventory reports; and developing procedures for receiving, processing, and responding to requests from the public for information required under NEPCRA.

Article V
Voting

Section 1. All members of the SERC including the chairperson and the vice-chairperson shall have the right to vote on any question which has been properly moved, seconded, and called for vote. Each member shall be limited to one vote per question.

Section 2. The right of members to abstain from voting is recognized. Abstentions as well as “yea” or “nay” votes shall be recorded and reflected in minutes (where appropriate).

Section 3. Directors of NEMA, NDEQ, NHHSR&L, NDOR, NSP, and the NSFMC may notify the SERC Coordinator of their intention to be represented on an ongoing basis by a specific designated representative. Such notification must be in writing and properly identify the designated representative. Designated representatives shall be allowed to participate in deliberations and vote on any issue, enjoying full rights of membership. In no way will implementation or interpretation of this provision afford said agency or agencies more than one vote per agency on any one question called.

Article VI
Meetings

Section 1. The formation of policy concerning emergency planning and community Right to Know is public business and may not be conducted in secret.

Section 2. The SERC is a public body within the meaning of Nebraska Revised Statutes § 84-1409 and will conduct all meetings in accordance of the provisions of the “Open Meeting Act”, § 84-1407 through 84-1414 and the “Public Records Statutes”, § 84-721 through 84-712.09.

Section 3. The SERC as a minimum shall meet at least twice annually as specified in Nebraska Revised Statutes § 81-15, 211. The SERC may meet more often at the call of the chairperson, at the request of the SERC Administrator or SERC Coordinator or the request of any of three members. The draft-agenda for each scheduled meeting shall be available for public review 7 days prior to the meeting at the Nebraska Emergency Management Agency, 1300 Military Road, Lincoln, Nebraska 68508-1090 and also on the NEMA website (www.nema.nebraska.gov).

Section 4. All members shall be reimbursed for their actual and necessary expenses incurred by attendance at meetings in accordance with Nebraska Revised Statutes § 81-1174 to 81-1177.

State Emergency Response Commission
Bylaws
Revised 4/07/09

Section 5. A “Quorum” necessary for conducting business at any SERC meeting shall consist of the presence of a simple majority of the total SERC membership.

Section 6. Every regular, special, called, or emergency meeting of the SERC shall be open to the public except during “closed sessions”, determined by affirmative majority of a roll call vote to be clearly necessary to protect the public interest, as specified in § 84-1410. Such “closed sessions” shall be conducted in accordance with § 84-1410.

Section 7. Meetings of the SERC shall conform to the requirements of § 84-1411 with respect to public notice, meeting content and agenda, availability of meeting agenda, rights to modify agenda, videoconferencing, emergency meetings without notice, and appearance of public at meetings.

Section 8. The right of the public to participate at SERC meetings is recognized and encouraged. Public participation will be governed by the provisions of Nebraska Revised Statutes § 84-1412 with respect to attendance, participation, recording, identification of attendees and participants, size and location of meeting facilities, accommodation of right to hear, and availability of written materials.

Section 9. Public participants at the SERC meetings may speak on agenda items when determined appropriate to assist the SERC in resolving the agenda item and when properly identified to and recognized by the chairperson or person conducting the meeting. The chairperson or person conducting the meeting may reasonably limit public speaking on agenda items or other subjects to that portion of the meeting designated for public comment or open forum.

Section 10. With the exception of “emergency” meetings NEMA shall mail advance written notice of the time, place, agenda and background information, including “explanation papers” for each agenda item, for all meetings to all members of the SERC. The SERC Coordinator shall also provide all members of the SERC written copies of the official minutes of all meetings as soon as practical following the meetings.

Section 11. Rule-making hearings conducted by the SERC shall be in accordance with the Administrative Procedures Act § 84-712 through 84-712.09 and other laws and titles as appropriate.

Section 12. Rule-making hearings shall be presided over by a hearing officer appointed by the chairperson. After each hearing is closed, the hearing officer shall return the conduct of the meeting back to the chairperson for action on the proposal. Other requirements for rule-making hearings are contained in other laws and titles as appropriate.

State Emergency Response Commission
Bylaws
Revised 4/07/09

Section 13. Rules, standards, or regulations the SERC proposes to adopt, amend or repeal require an affirmative roll call vote of a simple majority of the total SERC membership. Before adopting any substantive amendments to the proposals before it, the SERC shall give public notice, conduct a hearing and consider the amendments at a later meeting.

Article VII
Committees

Section 1. Either standing or special committees may be appointed by the chairperson or the SERC Coordinator to conduct the work of the SERC as deemed necessary. The chairperson and the SERC Coordinator shall be ex officio members of all committees.

Section 2. Standing committees will report to the full SERC at each regular meeting. Special committees will report to the SERC at each regular meeting for the duration of the committees existence. Oral committee reports will be accompanied by written reports for inclusion into the minutes. To the maximum extent possible, written committee reports will be made available to the SERC members in advance of the meeting in which they are presented.

Article VIII
Parliamentary Procedures

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern SERC proceedings, unless waived by an affirmative roll call (or voice) vote by a simple majority of the total SERC membership.

Article IX
Amendment of Bylaws

These Bylaws may be amended at any meeting of the SERC by an affirmative roll call vote of a simple majority of the total SERC membership, provided that the amendment(s) has/have been submitted in writing for consideration at the previous meeting of the SERC.

State Emergency Response Commission
Bylaws
Revised 4/07/09

Article X
Adoption of Bylaws

Adopted by the State Emergency Response Commission by affirmative roll call vote of a simple majority of the total SERC membership, this the 7th day of April, 2009.

By: _____ Chairperson

By: _____ Vice-chairperson

By: _____ SERC Coordinator

By: _____ State Administrator

**** Signed Copy can be reviewed at the Nebraska Emergency Management Agency between the hours of 8:00 am and 5:00 p.m. Monday through Friday.