



Missouri Emergency Response Commission Bylaws

Article I

Name

The commission shall be known as the Missouri Emergency Response Commission, hereinafter referred to as the MERC.

Article II

Purpose

The purpose of the MERC is to carry out the duties assigned to it under the federal Emergency Planning and Community Right-to-Know Act (EPCRA), RSMO section 292.600- 292.625 RSMo (2018), and 11 CSR 10-11.010-10-11.250 (2004). The duties and purposes include, but are not limited to:

1. Improve state and local hazardous materials emergency response capabilities.
2. Collect Missouri Tier Two forms and associated fees from businesses required to file under EPCRA authority.
3. Collect and allot funds as specified in 292.604 RSMo and 292.606 RSMo.
4. Establish a single filing point for all state and federal EPCRA information.
5. Accept, receive, and administer grants and gifts for carrying out the purpose of the law.
6. Provide assistance to LEPCs for carrying out responsibilities under EPCRA
7. Provide training to LEPCs and others.
8. Develop and manage a data system to store, disseminate, and retrieve EPCRA

information; and to assist LEPCs, fire departments, and others to make information available for planning and emergency response.

Article III

Membership

1. The membership of the MERC shall be as specified in 292.602 RSMo.
2. Director of the Department of Economic Development, or designee.
3. Director of the Department of Natural Resources, or designee.
4. Director of the Department of Public Safety, or designee,
5. Director of the Department of Health and Senior Services, or designee.
6. Six members appointed by the Governor with the advice and consent of the Senate:
 - a. One to represent transporters of hazardous materials;
 - b. One to represent Missouri industry.
 - c. One to represent local government.
 - d. One chief fire officer from a recognized fire department or fire protection district.
 - e. One police officer of the rank of Captain, or above, from a recognized county or municipal police department.
 - f. One to represent the general public.
 - g. Four members of the general assembly, two of whom shall be appointed by the Speaker of the House, and two of whom shall be appointed by the President Pro Tem of the Senate.

Article IV

Officers

1. The officers of the MERC shall consist of a Chairperson and Vice-Chairperson.
2. Election of the Chairperson and Vice-Chairperson shall be conducted annually during the first quarter meeting, by a simple majority vote of the members present. The MERC will follow the state Fiscal Year (July 1-June 30).
3. Duties of the Chairperson:

- a. Establish meeting schedule.
 - b. Approve agenda prior to each meeting.
 - c. Preside at all meetings of the MERC.
 - d. Preserve order during MERC meetings.
4. Duties of the Vice-Chairperson:
 - a. Work in close cooperation with the Chairperson and perform such duties as the MERC shall assign.
 - b. In the absence of the Chairperson, perform the duties of the Chairperson, and when soacting shall have all the power of the Chairperson.
 - c. Exercise other duties as may be assigned by the Chairperson.

Article V

Meetings

1. Regular MERC meetings shall be held at least quarterly as established by theChairperson.
2. Special meetings:
 - a. May be called by the Chairperson as deemed necessary to carry out the duties of the MERC.
 - b. Any member of the commission can request the Chairman call a special meeting.
 - c. A special meeting must be called by the Chairperson if requested by half of the commission members.
3. All meetings will be open to the public and will be preceded by public notice of the meeting on Missouri's Open Meeting Notice site: <https://www.mo.gov/meetings/>.
4. *Roberts Rules of Order, Newly Revised* will be used to conduct commission meetings.
5. Motions, Resolutions and Reports:
 - a. Motions, resolutions and reports shall be presented in writing or verbally to the MERC.
 - b. Reports and minutes of MERC meetings shall document the actions, decisions, and participation of commission members.
6. To the maximum extent possible, written reports will be made available to the MERCmembers in advance of the meeting in which they are presented. This should include a summary of issues or topics where a vote may reasonably be expected or needed by the MERC.

Voting:

- a. Each commission member, to include the Chairperson and Vice-Chairperson will have one vote.
 - b. No member shall vote by proxy.
 - c. Commission members may vote by voice via telephone.
 - d. Members may register their abstention on any vote, which shall be reflected in the minutes, and members are encouraged to abstain on matters which would pose for them a conflict of interest.
 - e. At the discretion of the Chairperson or upon call of any member, any MERC action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes.
 - f. Members of the MERC staff shall not vote on any MERC matter; rather, they will provide member support and help carry out the matters upon which the MERC members vote.
7. To pass a motion, a quorum shall consist of a simple majority of the MERC members present or participating by video/teleconference.
8. Meeting minutes:
- a. Draft meeting minutes will be distributed to the MERC members no less than two weeks prior to the following meeting.
 - b. Corrections should be sent to the MERC Director no less than one week after distribution of the draft notes.
 - c. Final meeting minutes shall be approved by the MERC as a first order of business at the subsequent meeting.
9. Public Participation:
- a. Members of the public shall be encouraged to attend MERC meetings.
 - b. Members of the public will provide the Chairperson with their name and group affiliation.
 - c. An opportunity shall be provided at the end of each meeting for members of the public to address the MERC.
 - d. Any member of the public that wishes to have an item placed on the MERC agenda shall advise the MERC Director or staff at least two weeks prior to the meeting, and the Chairperson may grant, refuse or act upon the request at their discretion.

10. Commission members are not paid but will be reimbursed for expenses incurred by attendance at meetings.

Article VI

Adoption and Amendment of Bylaws

1. Upon adoption of the bylaws, a copy will be signed and dated by the Chairperson and be available to the public on the MERC web site or at the MERC office.
2. The MERC will review the bylaws on a biennial (every two years) basis.
3. Bylaws may be amended at any meeting of the MERC.
4. To adopt or change bylaws of the commission requires a 2/3 majority of the appointed commission members.

DATE: 10/28/21

Clavin Berndt

Chairman, Missouri Emergency Response Commission