

BY LAWS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LOW-LEVEL RADIOACTIVE WASTE ADVISORY
COMMITTEE

OCTOBER 5, 2012

Article I. Name: The name of this Committee shall be the Low-Level Radioactive Waste Advisory Committee, designated in the Act as the Low-Level Waste Advisory Committee, to the Department of Environmental Protection (Department).

Article II. Authorization: This Committee is authorized and organized pursuant to the Low-level Radioactive Waste Disposal Act of 1988 (Act 12 of 1988).

Article III. Purpose: The Advisory Committee shall review draft and proposed regulations and provide advice to the Department. The Committee shall review and comment on operator selection, including the proposed standards developed by the Department for the qualifications and compliance history of the operator. The Committee may also advise the Department regarding policies and issues relating to the implementation of the Act, as may be submitted by the Department. In discussing issues, priority will be given to those requested by the Department.

Article IV. Membership: The Committee shall consist of at least 23 members: 19 selected by the Secretary shall represent local government, environmental, health, engineering, business, academic, and public interest groups; four members of the General Assembly, or their designates -- two from the Senate, one member from the majority party and one member from the minority party, who shall be appointed by the President Pro Tempore, and two from the House of Representatives, one from the majority party and one from the minority party, who shall be appointed by the Speaker of the House of Representatives. The Secretary shall designate a representative of the Department who shall be a non-voting member of the Committee. After site selection, representatives from the host municipality and the host county will be appointed, as required by the Act.

At the discretion of the Secretary and upon written notification from the Department, within one year following each gubernatorial election, the constituent organizations shall reconfirm their members in writing, either by letter or email.

- A. **Alternates:** The organization represented by a Committee member may nominate an alternate, approved by and listed with the Department. The alternate will be provided with a duplicate set of meeting materials (agenda and resource materials) by the Department.
- B. **Attendance:** Any Committee member appointed by the Secretary, not attending at least one (1) meeting in a year and not represented by an alternate approved by the Secretary, without prior approval of the chairperson, will be recommended for removal. This recommendation will be made to the Secretary of the Department.

C. **Representation:** A Committee member and alternate nominated and approved by the Secretary will represent the organization from which he/she has been nominated.

D. **Conflict of Interest:**

1. Committee members shall abide by the provisions of Act 12 of 1988, Section 317 (a).
2. At the outset of any selection process for operator, Committee members shall disclose any financial interest they may have in any entity that may be considered for selection as an operator.
3. Committee members shall disclose to each other any financial interest they may have in any of the deliberations of the Committee.

Article V. Voting: Members shall be entitled to one (1) vote, in person, on all matters, which shall come before the Committee. In his/her absence, the designated alternate shall have equal voting rights.

Article VI. Officers: The officers of the Committee shall be a chairperson and one Vice-Chairperson elected within the Committee, representing different interest groups.

A. **Term of Office:** The term of office shall be one calendar year or until successors are chosen. Officers can be re-elected.

B. **Election of Officers:** Officers of the Committee shall be elected by open ballot at the first meeting of each calendar year, by the membership from among their number.

C. **Chairperson:** It shall be the duty of the chairperson to preside at all meetings of the Committee, call special meetings, and perform such other duties as pertain to the office of chairperson.

D. **Vice-Chairperson:** It shall be the duty of the vice-chairperson to perform the duties of the chairperson in his or her absence. He/she shall also assist the chairperson in the preparation of the agenda and in the performance of such duties as may be assigned by the chairperson.

Article VII. Support Services, Budget, and Staff: The Department will provide necessary support services, budget, and staff to the Committee to carry out responsibilities under the Act. The Department will provide an employee in addition to the nonvoting member to attend all meetings and to perform necessary secretarial duties. Duties of secretary include: timely notice of meetings to members and designated alternates; recording, transcribing, and maintaining a permanent file of minutes of the Committee, transcribing motions and resolutions, and maintenance of a permanent file of correspondence; performing such other duties as may be required by the Committee.

Article VIII. Subcommittees: Subcommittees will be formed on an ad hoc basis, at the discretion of the chairperson or the Committee as a whole, and will operate until the Committee deems otherwise. Subcommittee members shall be selected by the chairperson.

Article IX. Meetings. The Committee shall meet at least once each year and at the discretion of the Secretary and/or the Bureau Chief, or at the discretion of the chairperson, or at the request of 25% of the membership following consultation of the chairperson with the Department. The dates will be decided upon by the Committee. A quorum for the purpose of conducting business shall consist of a simple majority of duly appointed members. Meetings will be conducted in compliance with the Pennsylvania Sunshine Act and be guided by the rules in attached Appendix A. Members or designated alternates are expected to attend for the duration of the time needed to cover the presented agenda.

- A. **Agenda:** The chairperson, in consultation with the vice-chairperson and the Department, will set the agenda for each meeting. The agenda and additional resource material will be sent to Committee members at least two weeks in advance of the next meeting whenever possible. A majority vote of Committee members will establish an item to be placed on the agenda for the next meeting

- B. **Public Meetings:** Public meetings will be conducted by the Department in conjunction with the Committee to discuss proposals for site operator selection. After site selection, at least one meeting each year will be held in the host municipality.

Article X. Amendments to Bylaws: These bylaws may be amended or repealed by recommendation of Committee member(s) in the following way: proposed changes will be sent to members with the agenda for the meeting; discussion of changes will take place at that next meeting and may be adopted at that meeting or in the absence of 2/3 of the membership, via subsequent ballot that includes the description of the pros and cons as discussed at the Committee meeting and approved by the chairperson, mailed to the absent members; 2/3 of the Committee membership must approve any changes.

Article XI. Outside Presentations to the Committee: Outside presentations such as speakers, films, etc. will be allowed at the discretion of the Committee. Any member may request the Committee as a whole to determine whether a presentation shall be permitted. The agenda for every meeting shall provide time for members of the public to address the Committee.

Article XII. Committee Representation: The Committee shall act as a body in all matters and only the chairperson or his or her designated spokesperson shall communicate with the Secretary or his or her designate on behalf of the Committee.

Article XIII. Resource Materials: The Department will provide copies of informational materials for the public at Committee meetings. Such material will be so identified and separate from any material made available by individuals or groups who wish to make their views known. Organizations are encouraged to bring materials to Committee meetings, but such material shall be identified as to source.

APPENDIX A

I. Obtaining the Floor

- A. Before speaking, a Member must be recognized by the Chair.
- B. A Member may be recognized by saying "Mr. Chairman" or "Madam Chairman," raising his/her hand, or standing.
- C. The first Member to rise (ask for recognition) after the floor is yielded should be recognized with the following exceptions:
 - 1. Members who have not yet spoken on the question receive priority.
 - 2. Members with opposing views should speak alternately if possible.
 - 3. (The Committee has generally followed a less formal process of discussion rather than formal recognition by the Chair.)

II. Bringing a motion before the Committee

- A. A motion must be moved and seconded before discussion on the motion can take place.
- B. A Member makes the motion
 - 1. "I move that..."
 - 2. The Chair may ask for a Member to make a motion to adopt a proposed resolution.
 - 3. The Chair should verbally acknowledge the person's name that made the motion for the record.
- C. Another Member seconds the motion
 - 1. The Chair may ask, "Is there a second to the motion?"
 - 2. If there is no second, the Chair may say, "Since there is no second, the motion is not before this meeting".
 - 3. The Chair should verbally acknowledge the person's name that seconded the motion for the record.
- D. Chair states the question on the motion
 - 1. The Chair states, "It is moved and seconded that..."

2. The Chair may modify the language of the motion before it is put to a question in order to "smooth out" the language and as long as the mover is satisfied with the language.
3. The mover may modify the language on his own or at the urging of another Member up until the question is put to the Committee by the Chair. This is often referred to as a "friendly amendment."
4. The wording in the minutes should be the same as that stated by the Chair.

III. Consideration of a Main Motion

A. Debate on a question

1. Maker of the motion has the first right to speak on his/her motion.
2. A Member may speak to the question only twice.
3. Speeches may not exceed ten minutes without the permission of the Committee (majority vote).
4. The Chair should generally not enter into a discussion of the merits of the question, although it is permissible for small groups.
5. Debate may only be stopped upon the vote of 2/3 of the Committee.

B. Putting the question

1. The Chair asks "Are you ready for the question"? If no one rises, the Chair restates the question and clearly indicates what an "aye" and "no" vote means.
2. Voice vote
 - a. The Chair says, "The question is on the adoption of the motion to... All those in favor, say 'aye'; all those opposed say 'no'."
3. Counted vote
 - a. Normally used where 2/3 vote is required.
 - b. The Chair counts the vote.
 - c. Only the Chair or a majority of the Committee orders a counted vote.

C. Chair announces the result of the vote

1. For a voice vote, "The ayes have it and the motion is adopted" or "The nays have it and the motion is lost."

2. For a counted vote, "There are X in the affirmative and X in the negative. The affirmative has it and the motion is adopted." etc.

D. Unanimous consent

To save time, the Chair may state, "If there is no objection..." If no Member objects, the action is decided upon. If a Member objects, then the Chair must state the question as a motion.

- IV. Any of the rules in sections I, II, and III may be suspended by 2/3 of the members present and voting