

COMMONWEALTH OF KENTUCKY
SMALL BUSINESS STATIONARY SOURCE
COMPLIANCE ADVISORY PANEL

BYLAWS

WHEREAS, the Small Business Stationary Source Compliance Advisory Panel (hereinafter “the Panel”), was created pursuant to the Authority of Senate Bill 287 as enacted by the 1992 Regular Session and as amended during the 1998 Regular Session of the General Assembly of the Commonwealth of Kentucky; and

WHEREAS, Senate Bill 287 is now codified as KRS 224.20-500 through 224.20-515 of the Kentucky Revised Statutes, and thus the Panel created as an agency and instrumentality of the Commonwealth, charged with determining the overall effectiveness of Kentucky’s Small Business Stationary Source Technical and Environmental Compliance Assistance Program (hereinafter “the Program”);

NOW THEREFORE, the Panel hereby adopts the following Bylaws, which shall be in effect until changed by the Panel, to wit:

ARTICLE I
Definitions

All words or phrases used in these Bylaws shall, to the extent defined in KRS Chapter 224.20-500 through 224.20-515, have the same meanings as are assigned such words or phrases by KRS Chapter 224.20-500 through 224.20-515. Any conflict between the language used in these Bylaws and the language used in KRS Chapter 224.20-500 through 224.20-515 shall, to the fullest extent possible, be resolved in favor of the language of the statutes, which are, in all respects, controlling.

ARTICLE II
Office

The Panel shall be attached to the Natural Resources and Environmental Protection Cabinet (hereinafter “the Cabinet”) for administrative purposes pursuant to KRS 224.20-510. The Cabinet shall make available to the Panel such office space as is necessary to accomplish its duties.

ARTICLE III
Membership

Membership of the Panel is established by KRS 224.20-510. The affairs of the Panel shall be managed and carried out by a Panel consisting of eleven (11) members to be appointed as set forth in KRS 224.20-510(2). All members of the Panel shall have full voting rights on any matter pending before the Panel. Only appointed members shall vote.

ARTICLE IV
Duties

- A. The duties of the Panel as stated in KRS 224.20-515 are:
1. Render advisory opinions to the Cabinet on the effectiveness of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program;
 2. Prepare periodic reports to the United States Environmental Protection Agency (hereinafter “the EPA”) on the Program’s compliance with the Federal Paperwork Reduction, Regulatory Flexibility, and Equal Access to Justice Acts;
 3. Review information for small businesses subject to the federal Clean Air Act as amended in 1990 to assure that the information is understandable to the layperson; and
 4. Disseminate reports reviews, and advisory opinions.
- B. The Panel shall add additional duties as the members deem appropriate to carry out the Panel’s duties as required by the Clean Air Act Amendments of 1990.

ARTICLE V
Officers

- A. Chair. The Panel shall annually select from its membership a Chair, who shall be authorized to preside over meetings of the Panel. The Chair shall perform the duties as specified in these Bylaws and shall have general control over the business and affairs of the Panel, subject to the direction of the Panel. The term of office shall be for one year, starting with the first day of the calendar year following election.
- B. Vice Chair. The Panel shall annually select from among its membership a Vice Chair who shall perform the duties of the Chair in the event that the Chair is unable to perform such duties by reason of illness, disability, or absence, or when requested to perform such duties by the Chair. The Vice Chair shall perform such other duties as may be assigned by the Chair. The term of office shall be for one year, starting with the first day of the calendar year following election.

ARTICLE VI
Staff

- A. Staff services for the Panel shall be performed, insofar as practicable, by personnel of the Cabinet pursuant to KRS 224.20-515(7).
- B. The administrative functions of the Panel shall be performed by staff designated by the Cabinet (hereinafter “the Panel staff”) under the direction of the Panel. The Panel staff shall have the following administrative duties, which shall be in addition to any others conferred by any other provisions of these Bylaws:

1. Assisting the Panel in carrying out its duties as outlined in KRS 224.20-515;
 2. Requesting legal advice and counsel;
 3. Preparing, for the Panel's adoption, an annual report as required by the EPA; and
 4. Reporting all activities on behalf of the Panel at all regular Panel meetings.
- C. The Panel staff shall prepare minutes of all Panel meetings and distribute them to members of the Panel. The Panel staff shall also preserve a permanent record of all Panel and Committee meeting minutes at a location designated by the Cabinet.
- D. The Panel staff shall prepare and maintain an accurate record of the proceedings of both the Panel and the Committees. Examples of "proceedings" include copies of agendas and Committee reports. The Panel staff shall also maintain and preserve the Panel's official correspondence files and all books and other records of the Panel at the location designated by the Cabinet.
- E. The Panel's and Committees' records shall be open to public inspection as provided by the Kentucky Open Records Act, KRS 61.870 through 61.884.

ARTICLE VII

Meetings

- A. Meetings of the Panel shall be conducted in accordance with the Kentucky Open Meetings Law, KRS 61.805 through 61.850. Meetings of the Panel shall be held at such times and locations as may be designated by the Chair. The Chair shall establish regular meeting dates, but may also call additional meetings or reschedule or cancel meetings if special circumstances exist. Upon the request of three (3) members of the Panel, the Chair shall call an additional Panel meeting.
- B. A quorum is defined as a majority of the total number of Panel members appointed. In the absence of a quorum, only information dissemination and discussion without action may occur at a Panel meeting, except that a motion to adjourn may be acted upon.
- C. The Chair shall inform the Panel staff of meetings called and the Panel staff shall advise members of the Panel of the time, date, and place of the meetings and the nature of the business to be considered at such meetings. The Panel staff shall also provide notice of all meetings to the press, electronic media, and members of the public on the Panel's mailing list.
- D. Meetings of the Panel shall be conducted generally according to the rules of proceedings outlined in the most current edition of *Roberts' Rules of Order*.

ARTICLE VIII

Voting Procedures

- A. In any vote, the majority of those appointed Panel members present rules and the motion is either sustained or defeated based upon the majority vote.
- B. A voice vote shall be acceptable at the discretion of the Chair. If the results of a voice vote are uncertain, the Chair shall call for a show of hands. Additionally, any person present may call for a show of hands, in which case the Chair shall call for a show of hands.
- C. The Chair shall announce the results of all votes. The Chair does not vote unless there is a tie. In the event of a tie, the motion is defeated unless the Chair votes in the affirmative.

ARTICLE IX Committees

- A. The Panel shall establish Committees, as it deems necessary. The Panel Chair shall assign Panel members to the established Committees. Committee meetings shall be conducted in accordance with the Open Meetings Law as specified in Article VII – Meetings.
- B. Each Committee shall select from among its membership a Chair, who shall perform the duties as may be assigned by the Panel or the Panel chair. The Chair will be responsible for ensuring minutes are taken at each Committee meeting and provided to Panel staff for distribution. The Panel may authorize Committees to take action on behalf of the Panel.
- C. Meetings of the Committee shall be held at such times and locations as may be designated by the Committee Chair. The Committee Chair shall establish regular meeting dates, but may also call additional meetings or reschedule or cancel meetings if special circumstances exist. Upon the request of one (1) other member of the Committee or the Panel Chair, the Committee Chair shall call an additional Committee meeting.
- D. A quorum is defined as a majority of the total number of Panel members appointed who are assigned to that Committee. In the absence of a quorum, only information dissemination and discussion without action may occur at a Committee meeting, except that a motion to adjourn may be acted upon.
- E. The Committee Chair shall inform the Panel staff of meetings called and the Panel staff shall advise members of the Committee and the Panel Chair of the time, date, and place of the meetings and the nature of the business to be considered at such meetings. The Panel staff shall also provide notice of all Committee meetings to the press, electronic media, and members of the public on the Panel’s mailing list.

ARTICLE X

Amendment of Bylaws

These Bylaws may be amended only upon approval of two-thirds of the appointed members of the Panel, acting at either a regular meeting or at a special meeting, called for the purpose of amending these Bylaws.

ADOPTION OF BYLAWS

It is hereby certified that the foregoing Bylaws of the Small Business Stationary Source Compliance Advisory Panel were adopted by the Panel at a meeting held on the 22nd day of May, 2000, with a majority of the Panel voting in favor of adoption of the Bylaws.

This the 22nd day of May, 2000.

Patti Kirk, Chair
Small Business Stationary Source
Compliance Advisory Panel

EXAMINED:

Mark Posnansky
Legal Counsel for the
Small Business Stationary Source
Compliance Advisory Panel