BYLAWS

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

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ARTICLE I

DEFINITION AND SCOPE

Section One: Name

As provided by law, the organization shall be known as the Texas Low-Level Radioactive Waste Disposal Compact Commission, and is referred to in these Bylaws as the "Commission."

Section Two: Controlling Compact Language

(a) Because there are nonessential differences in legislative language among the authorizing statutes of the party states that have adopted the Texas Low-Level Radioactive Waste Disposal Compact, the Commission shall use Public Law 105-236, known as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act," as the official Compact (to be referred to in these Bylaws as the “Compact”) that the Commission uses in carrying out its powers and duties.

(b) Although it is not a Texas state agency, the Commission will hold its meetings, maintain its records, and promulgate its rules in accordance with the laws of Texas, as required by the Compact. Nothing about the Commission’s acting in accordance with Texas law should be construed as any relinquishment of the Compact Commission’s independence. The Compact Commission acts in accordance with Texas law only as required by the Compact and as necessitated by its receipt of a legislative appropriation of funds not inconsistent with the Commission’s independence as a federally-created compact.

Section Three: Definitions

The definitions set out in Section 2.01 of the Compact are applicable to these Bylaws.

Section Four: Purpose of Bylaws

It is the purpose of these Bylaws to govern and facilitate the operations and policies of the Commission and to carry out the terms of the Compact in accordance with the provisions of the Compact. These Bylaws are supplementary to the Compact and in the event of a conflict, the Compact shall control.

ARTICLE II

ORGANIZATION

Section One: Status of Commission

The Commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution.

Section Two: Powers and Duties

The Commission and the members of the Commission have the powers and duties prescribed by the Compact. The members of the Commission are responsible for administering the provisions of the Compact.

Section Three: Party States and Compact Eligibility

The States of Texas and Vermont are the party states to the Compact. Article VII of the Compact prescribes the terms for subsequent entries into the Compact as well as withdrawals and expulsions from the Compact.

Section Four: Commission Membership

The Commission shall consist of voting members from each party state as provided in Compact Sections 3.01, 7.01, and 7.07(2). Commission members shall be appointed by the governors of a party state and shall serve terms in office as provided by the laws of each party state. One of the voting members of the Commission from Texas shall be a legal resident of Andrews County, Texas. The governor of each party state may provide an alternate for each appointed member from that state.

Section Five: Standards of Conduct for Commissioners

Members and alternates shall receive counsel on, become familiar with, and comply with the laws relating to ethics, standards of conduct, and conflicts of interest as set out in the laws (including the common law) of the party state from which each is appointed in addition to any related policies that may be adopted by the Commission.

ARTICLE III

VOTING

Section One: Quorum

A quorum of the Commission consists of a majority of the members. Except as otherwise provided in the Compact, an official act of the Commission must receive the affirmative vote of a majority of its members.

Section Two: Votes

Each Commission member or alternate acting in a member's absence is entitled to one vote.

Section Three: Recording of Votes

A record vote may be requested by any member of the Commission on any matter before the Commission. If such a vote is requested, the vote shall be taken in such a manner as to show how each Commission member voted, and a record thereof shall appear in the minutes or the recording of the meeting.

ARTICLE IV

MEETINGS

Section One: Frequency of Meetings

The Commission shall meet at least once a calendar quarter and on the call of the Chair. Such meetings shall be held at a date, time and place designated by the Chair or a designated representative of the Commission. Pursuant to Section 3.03(4) of the Compact, any member may call a meeting.

Section Two: Meetings to be Open

(a) All meetings of the Commission shall be conducted in and open to the public in accordance with Chapter 551, Texas Government Code, as required by the Compact.

(b) The Commission may meet in Closed Session on a matter only if authorized by the Texas Open Meetings Act, Chapter 551,Texas Government Code.

(c) The Commission shall provide an opportunity for members of the public to directly address the Commission concerning items on its agenda. The total amount of time allocated for each speaker shall be determined by the Chair, who may exercise discretion to limit or extend time.

Section Three: Telephonic and Emergency Meetings

The Commission may hold telephonic and emergency meetings in accordance with Chapter 551, Texas Government Code, and will provide an opportunity for public participation at any such meeting.

Section Four: Meeting Notice and Public Notice List

(a) The Commission shall provide public notice of its meetings in accordance with Chapter 551, Texas Government Code, as required by the Compact. The Commission shall also give notice of public meetings in the other party states in accordance with their respective statutes.

(b) A Commission member or a designated representative of the Commission shall maintain a list of names, addresses, and email addresses of persons who have made it known to the Commission in writing that they wish to receive notice of public meetings of the Commission.

(c) A Commission member or designated representative shall provide written notice of meetings to Commission members and alternates and to any person whose name appears on the list described in the previous subsection. Such notice may be by email or regular U.S. mail. The notice shall also be posted on the Commission's website and/or other media platforms. The notice shall include the date, time and place of the meeting and a specific agenda for the meeting.

Section Five: Agenda

The Chair or other designated representative of the Commission shall prepare an agenda for all meetings. If a designated representative prepares the agenda, the Chair shall approve it before it is provided to any member of the Commission or the public. The agenda shall include the items of business to be transacted or discussed. Commission members may place items on the agenda by notifying the Chair or designated person at least twelve (12) days before a meeting.

Section Six: Procedures

The procedures contained in the at-the-time current edition of "Robert's Rules of Order" shall govern Commission meetings in all cases to which they are applicable and in which they are not inconsistent with the Compact, other laws applicable to the Commission, these Bylaws, or any special rules of order that the Commission may adopt.

Section Seven: Order of Business

The order of business at meetings shall be at the discretion of the Chair, but, in general, shall be as follows:

(a) Call to order;

(b) Roll call, determination of quorum and introductions;

(c) Approval of minutes from previous meeting, if any;

(d) Public Comment;

(e) Business items;

(f) Report of committees;

(g) Report of the Chair;

(h) Report of the Executive Director;

(i) Discussion of agenda items, times and location(s) for the next meeting(s); and

(j) Adjournment.

Section Eight: Minutes, Recordings and Records

(a) A designated representative of the Commission shall keep written minutes or electronic recordings of all Commission meetings. As soon as practicable after each meeting of the Commission, the designated representative shall furnish copies of draft minutes, if any, to each Commission member or alternate, as appropriate, for review. Final approval of minutes will occur at the next meeting of the Commission. The Commission's designated representative shall ensure posting of all approved minutes or recordings of Commission meetings on the Commission's website.

(b) The Commission shall maintain all of its records and make them available to the public in accordance with Chapter 552, Texas Government Code, as required by the Compact. The Commission shall retain its records for the periods of time specified by Texas law.

Section Nine: Committees

(a) The Commission shall establish such standing committees as necessary to enable the Commission to carry out its duties and to advise the Commission on any and all matters of interest to the Commission and as may be appropriate under the terms of the Compact.

(b) The Chair shall appoint all committee members, shall designate a Commission member or alternate as Chair of each committee, and, except for standing committees, shall establish the duration of each committee's existence.

(c) Before appointing a committee member, the Chair may discuss with the candidate for committee membership that person's preference and knowledge or expertise for such appointment.

(d) If a Commission member is a committee member, that person's alternate may act as a committee member in the Commission member's absence, including by voting.

(e) Standing Committees

(1) Fiscal Advisory Committee. The Fiscal Advisory Committee consists of the Chair, the Vice-Chair and a Vermont Commissioner. The committee's duties include: (A) developing and overseeing the execution of the annual budget as approved by the Commission; (B) reviewing proposed budgets and amendments prior to submission to the Commission for approval; (C) selecting a qualified outside auditor to perform the annual audit of the Commission's books; and (D) working with outside auditor and the Comptroller's office each year to complete their

respective audits of the Commission's books

(2) Personnel Advisory Committee. The Personnel Advisory Committee consists of three members: the Chair and two other Commission members. Its duties include: (A) planning and executing performance evaluations of employed and contract staff; (B) reporting the results back to the Commission at an annual or other appropriately-held meeting, (C) reviewing duties and compensation of employed and contract staff; and (D) making recommendations to the Commission for any changes at an annual or other appropriately-held meeting, taking into account the results of performance evaluations, workload, inflation and other factors deemed appropriate.

(3) Technical Advisory Committee. The Importation Advisory Committee shall have three members. Its duties include: (A) making recommendations to the Commission on import policy and procedures; and (B) performing oversight of the approval process if such is authorized by the Commission.

(4) Public Information Committee. The Public Information Committee shall have three members. Its duties include: (A) assembling and making available to the party states and to the public information concerning low-level radioactive waste management needs, technologies, and problems; and (B) making recommendations to the Commission and/or a designated representative concerning the internet site or other methods of distributing information. The Public Information Committee is not responsible for the Commission's compliance with Public Information Requests under Chapter 552, Texas Code.

(5) Legislative Committee. The Legislative Committee consists of the Vice-Chair and two other members. Its duties include: (A) preparation of documentation for the Legislative Appropriations Request; (B) responding to legislative inquiries or presenting testimony at legislative hearings. The Chair shall sign all official written communications to officials of the legislative and executive branches of each party state. If the Commission has not considered and decided an issue about which a member of the legislature has made an inquiry or has asked for testimony, then any response on behalf of the Commission will note that fact.

ARTICLE V

OFFICERS AND EMPLOYEES

Section One: Officers

The officers of the Commission shall be a Chair and Vice-Chair, both of whom are appointed by the Governor of Texas.

Section Two: Chair and Vice-Chair

(a) The Chair's duties include: (1) presiding at all Commission meetings; (2) appointing the membership of all committees; (3) representing the Commission or appointing another person to represent the Commission; (4) calling Commission meetings: (5) performing such other duties as may normally be performed by a presiding officer; and (6) the duties described in Article IX of the Bylaws.

(b) The duties of the Vice-Chair are to perform the duties of the Chair in the event of the absence of the Chair.

(c) In the absence of both the Chair and the Vice-Chair, the duties of the Chair shall be performed by a Commission member selected by the balance of the Commission to serve temporarily as the presiding officer of the Compact Commission. If the Commission properly selects a temporary presiding officer, such temporary presiding officer shall have authority to carry out all of the duties of the Chair specified in these Bylaws until such time as either: (1) the properly-appointed Chair resumes carrying out the responsibilities set out in these Bylaws; or (2) the properly-appointed Vice-Chair resumes carrying out the responsibilities set out in these Bylaws.

Section Three: Employees and Contractors

(a) The Commission may employ or contract for staff as necessary to carry out its duties and functions. Compensation for such staff shall be as determined by the Commission.

(b) The Commission may contract for or employ legal counsel, accountants, information technology specialists or other people for services as the Commission deems necessary.

(c) Any person the Commission retains shall serve at the compensation, pleasure and discretion of the Commission irrespective of the civil service, personnel or other merit laws of any of the party states or of the federal government.

ARTICLE VI

FINANCES AND ACCOUNTING

Section One: Fiscal Year

The Commission's fiscal year shall begin on the first day of September and shall end on the thirty-first day of August of the following calendar year.

Section Two: Annual Budget

The Fiscal Advisory Committee, with the assistance of Commission staff as appropriate, shall prepare a proposed annual budget that includes all anticipated sources and amounts of revenue and all anticipated expenses. The Commission shall adopt an annual budget before the

beginning of each fiscal year. The Commission may amend the annual budget from time to time as necessary or appropriate to the conduct of its business. The annual budget, regardless of its status as proposed, amended or adopted, shall be included in the annual report described in the first sentence of Article VIII of these bylaws.

Section Three: Accounting Procedures

(a) Orderly and accurate methods of accounting shall be used when handling funds received and disbursed by the Commission. The Commission's accounts shall be recorded and maintained based upon generally accepted accounting principles, including a system of internal controls to ensure the safeguarding of assets.

(b) The Commission shall keep an accurate account of all receipts and disbursements. An annual audit of the books of the Commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the Commission described in the first sentence of Article VIII of these bylaws.

Section Four: Acceptance of Donations and Grants of Money

The Commission may, under acceptable conditions, accept any grants, equipment, supplies, materials, or services from the federal or a state government. The nature, amount, and condition, if any, of any donation, grant, or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the Commission’s annual report described in the first sentence of Article VIII of these bylaws.

Section Five: Selection of a Bank as a Depository for the Commission's Funds

Pursuant to appropriately adopted banking resolutions, the Commission shall, from time to time, designate such bank or banks as shall be the official depository or depositories of the Commission.

Section Six: Responsibility for Signing Commission Checks and Drafts

(a) All checks or drafts for the withdrawal of Commission funds shall be signed by two representatives of the Commission, one of whom shall be the Chair or in the absence of the Chair, the Vice-Chair. Notwithstanding any other provision of these bylaws, no one who has authorized the issuance of a warrant to disburse funds appropriated to the Commission by the Texas Legislature may pick up that warrant.

(b) Any drafts or other documents for the withdrawal of Commission funds in amounts exceeding $5,000 shall be countersigned by the Commission Vice-Chair, or in the absence of a duly-appointed Vice-Chair, another member of the Commission.

(c) Checks to be deposited to the credit of the Commission shall be endorsed by either the Chair, Vice-Chair or a person designated by the Chair. The person who records the check, draft or other document in the Commission accounting records shall be a person

other than the person that deposits the check. As an alternative, the person who records the check, draft or other document in the Commission accounting records shall make a photocopy of such document and file it along with a deposit receipt. In that event, that person may make the deposit.

(d) Whenever a Commission member who has authority to sign checks, drafts or other documents for the withdrawal of Commission funds completes his or her term on the Commission or departs before completing his or her term, such departing Commission member shall provide notice of that departure, in writing and specifying the last date on which such departing member served or will serve on the Commission, to the Chair and a designated Commission representative.

(e) The Chair may delegate to an appropriately-credentialed contract employee the authority to conclude transactions with the Texas Comptroller of Public Accounts under the state's accounting systems in the same manner as an employee of an agency of the State of Texas.

Section Seven: Budget Adjustments

At the same time the Commission adopts each annual budget, the Commission may also approve the parameters within which needed budget adjustments may be approved by the Chair between meetings of the Commission.

Section Eight: Travel Reimbursement and Approvals

(a) Employees on approved travel status shall be reimbursed by the Commission for actual and necessary expenses incurred in connection with the performance of their duties, including expenses for meals, lodging, transportation, and other necessary costs.

(b) Procedures related to the travel of contractors shall be included in their respective contracts but, notwithstanding anything to the contrary in those agreements, no contractor's travel expenses will be reimbursed unless, before undertaking the travel, the contractor obtained written approval of such travel from the Chair.

(c) Any member of the Fiscal Advisory Committee may approve travel by employees in writing in advance of the travel.

(d) A majority of the Commission must approve travel by a commissioner to an event other than a meeting of the Commission if the anticipated amount exceeds $ 5,000.00.

Section Ten: Audit

(a) Within 120 days of the closing of the fiscal year, an independent certified public accountant selected by the Commission shall perform an audit of the financial records of the Commission. The audit report shall be prepared in accordance with generally accepted accounting principles and shall include an evaluation of internal controls. Copies

of the audit report shall be distributed to each Commission member and shall be made part of the annual report of the Commission described in the first sentence of article VIII of these Bylaws.

(b) The books and records of the Commission are subject to audit by the Texas State Auditor.

Section Eleven: Bonding

All officers and staff of the Commission who handle or have access to the Commission's funds shall be bonded in such amounts as the Commission shall determine. The Commission may secure either a blanket or individual bond. The premium for such bond shall be paid by the Commission.

ARTICLE VII

LIABILITY AND LEGAL DEFENSE

Section One: Entity

The Commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the Commission shall not be personally liable for actions taken in their official capacities.

Section Two: Liabilities

The Commission's liabilities shall not be deemed to be liabilities of the party states.

Section Three: Contracts

The Commission may enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the Commission shall bind a party state. The Chair or a person designated by the Chair shall sign all contracts.

Section Four: Guidelines

These Bylaws create no substantive or procedural rights. They are guidelines for the Commission's internal governance only.

ARTICLE VIII

ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS

The Commission shall prepare and submit an annual report to the governors and presiding

officers of the legislatures of the party states regarding the activities of the Commission. If any party state has a reporting requirement that differs from the requirements of the Compact, the Commission will assist the commissioners of that party state in the preparation of reports to satisfy those reporting requirements. Unless a Commission report is confidential under applicable laws, it shall also be posted on the Commission's website and/or other Commission media platforms (e.g. audits, volume projections, etc.).

ARTICLE IX

COMMUNICATIONS

Section One: Official Communications

The Commission's official written communications shall be signed by the Chair, the Vice-Chair, or a designated representative of the Commission. Official communications shall be written on Commission letterhead.

Section Two: Reports and Publications

Official reports and publications of the Commission shall be approved by majority vote of the Commission prior to submission, publication, or distribution.

Section Three: Media Contact and Other Presentations

(a) Any member may respond to media inquiries unless a single spokesperson on a particular matter has been designated by majority vote of the Commission. As soon as practicable after a member provides information to the media, that member shall provide a short, written synopsis of that information to the Chair, the other Commission members and an appropriate Commission employee or contractor.

(b) Any employee or contractor of the Commission shall refer media inquiries to the Chair.

(c) The Chair may respond to media publications or other non-Public Information Act public inquiries through press release or contact with media and the public.

Section Four: Internet

The Commission shall develop and maintain an internet site to present public information regarding Commission actions, meetings and other pertinent details. The Commission shall assemble information concerning low-level radioactive waste management needs, technologies, and problems and may make this information available to the party states and to the public through the internet site and/or other Commission media platforms. Subject to Commission resources and where possible, Commission meetings shall be webcast.

ARTICLE X

GENERAL PROVISIONS

Section One: Nondiscrimination

The Commission shall comply fully with the nondiscrimination provisions of Texas and federal law and any related rules and regulations.

Section Two: Policies and Procedures

The Commission may adopt other policies and procedures that are not in conflict with the Compact or these Bylaws that it deems necessary to perform its power and duties.

Section Three: Amendment of Bylaws

These Bylaws may be revised or amended by a majority vote of the Commission.

Section Four: Promulgation of Rules

(a) The Commission shall promulgate all of its rules in accordance with Chapter 2001, Texas Government Code, as required by the Compact Commission.

(b) The Certifying Official for publication of proposed or adopted rules in the Texas Register shall be the Chair. In the absence of the Chair, the Vice-Chair or another Commission member designated by the Chair shall be the certifying official.

Section Six: Liaison to the Texas Register

The liaison to the Texas Register shall be the Chair and/or a person designated by the Chair.