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**BY-LAWS OF**  
**THE DELAWARE AUTHORITY ON RADIATION PROTECTION**

ARTICLE I. NAME AND LOCATION.

Section 1. Name – The name shall be the Authority on Radiation Protection, hereinafter referred to as “the Authority”.

Section 2. Location – The place of normal business of the Authority shall be within the state of Delaware.

ARTICLE II. PURPOSE, DUTIES AND RESPONSIBILITIES.

Section 1. Purpose – The purpose of the Authority is set forth in Title 16, Section 7404 of the Delaware Code. The Authority is to ensure integrity, accountability and transparency regarding decisions of the Authority which impact the citizens of Delaware.

Section 2. Duties and Responsibilities – The duties and responsibilities of the Authority, as set forth in Title 16, Chapter 74 of the Delaware Code are to:

- (1) Protect the public health and safety to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (i) compatibility with the standards and regulatory programs of the federal government, (ii) a single, effective system of regulation within the State, and (iii) a system consonant insofar as possible with those of other states;

- 20 (2) Institute and maintain a program to permit development and utilization of  
21 sources of ionizing radiation for peaceful purposes consistent with the health  
22 and safety of the public; and
- 23 (3) Encourage the constructive uses of radiation, and to prohibit and prevent  
24 exposure to ionizing radiation in amounts which are or may be detrimental to  
25 health.

26 ARTICLE III. MEMBERS AND COMPENSATION

27 Section 1. Members – The Authority shall consist of the following members in  
28 accordance with Title 16, Section 7404 of the Delaware Code:

- 29 (1) The Secretary of the Department of Health and Social Services or the  
30 Secretary's duly authorized designee;
- 31 (2) The Secretary of the Department of Natural Resources and Environmental  
32 Control or the Secretary's duly authorized designee;
- 33 (3) The Lead Administrator of the Office of Radiation Control in the Division of  
34 Public Health, Department of Health and Social Services; and
- 35 (4) Twelve (12) other persons who shall be appointed by the Governor for a three  
36 year term, to include:
- 37 a) One (1) appointee from the Medical Society of Delaware;
- 38 b) One (1) appointee from the Delaware State Osteopathic Medical Society;
- 39 c) One (1) appointee from the Delaware State Dental Society;

- 40 d) One (1) appointee from the staff or faculty of the University of Delaware  
41 or Delaware State University;
- 42 e) One (1) appointee that is a non-medical member from industry; and
- 43 f) Seven (7) members of the public who need not fall into any of the other  
44 categories for membership on the Authority, but who have an interest in  
45 radiation protection.

46 Each non-public member shall have had training in one (1) or more of the  
47 following fields: radiology, nuclear medicine, radiation oncology,  
48 radiation physics, health physics or related sciences with specialization in  
49 ionizing radiation, provided however, that not more than two (2) persons  
50 shall be specialists in any one (1) of the above named fields.

51 Section 2. County Representation – Each county shall be represented by at least two  
52 (2) members.

53 Section 3. Compensation – No member of the Authority shall receive any salary,  
54 compensation, or emolument for his or her services on behalf of the Authority.

55 Section 3. Removal of Member from Committee – The Authority, after conferring  
56 with the Delaware Public Integrity Commission, may request the resignation of any  
57 member whose activities it deems inconsistent with the objectives or purposes of the  
58 Authority.

59 Section 4. Resignation – A member of the Authority may resign by submitting  
60 written notice of resignation to the Chair.

61 ARTICLE IV. LEAD ADMINISTRATOR OF THE OFFICE OF RADIATION  
62 CONTROL.

63 The Lead Administrator of the Office of Radiation Control shall have the following  
64 duties and responsibilities as it pertains to the Authority:

- 65 (1) Issue meeting notices and agendas;
- 66 (2) Keep minutes of all meetings of the Authority, maintain those minutes as a  
67 history of the meetings of the Authority and distribute the minutes to members  
68 of the Authority prior to the next meeting;
- 69 (3) Assist the Chairperson in the preparation of the agenda for meetings;
- 70 (4) Keep a current roster of members of the Authority and any other records  
71 related to the history or duties of the Authority;
- 72 (5) Report on radiation control program activities and answer questions;
- 73 (6) Conduct the general correspondence of the Authority;
- 74 (7) Prepare position papers, regulatory amendment documents, or other  
75 official documents generated by the Authority; and
- 76 (8) Perform any other duties delegated by the Secretary of the Department of  
77 Health and Social Services.

78 ARTICLE V. OFFICERS.

79 Section 1. Chair and Vice-Chair – The officers of the Authority shall be a Chair and  
80 a Vice-Chair.

81 Section 2. Duties and Responsibilities – The duties and responsibilities of the Chair  
82 and Vice-Chair shall be as follows:

83 (1) Chair – The Chair shall preside at all meetings of the Authority except the  
84 Chair may designate another member to preside at a particular meeting or at a  
85 certain part of a meeting. In addition to the statutory, biennial requirement,  
86 the Chair may lead periodic review of the Authority by-laws. The Chair may  
87 also lead public hearings, and issue approval of regulations amended or  
88 promulgated by the Authority, as needed. The Chair shall perform such other  
89 duties as the Authority, from time to time, shall designate.

90 (2) Vice-Chair – In the absence of the Chair, the Vice-Chair shall have all of  
91 the duties and responsibilities of the Chair. The Vice-Chair shall perform  
92 such other duties as the Authority, from time to time, shall designate.

93 Section 3. Term – The term of office of the Chair and Vice-Chair shall be for one (1)  
94 year and shall begin at the close of the Authority meeting at which they are elected.

95 Section 4. Election of Officers – The Chair and Vice-Chair shall be elected by the  
96 Authority at the 4<sup>th</sup> meeting of the year. At least two months before the 4<sup>th</sup> meeting of the  
97 year, the Chair shall choose a committee of at least three (3) members whose duty it shall  
98 be to nominate candidates for the offices to be filled at the annual meeting. No more than  
99 two members of the current Authority, neither of whose position is up for re-election,  
100 may serve on the nominating committee. The Chair may not serve as a voting member at

101 meetings of the nominating committee. Before the election, additional nominations, if  
102 any, shall be accepted from the floor.

103 Section 5. Vacancies – A vacancy in the office of Chair shall be filled by the  
104 advancement of the Vice-Chair, until such time as the Authority can convene to elect a  
105 new Chair.

106 Section 6. Removal from Office – The Chair or Vice-Chair may be removed from  
107 office for cause by a two-thirds vote of the members present at any meeting of the  
108 Authority, after notice of the meeting and agenda has been distributed to the membership.

109 ARTICLE VI. MEETINGS

110 Section 1. Regular Meetings – The Authority shall hold four (4) regular meetings  
111 each calendar year and will hold its election of officers at the 4<sup>th</sup> meeting of the year.

112 Section 2. Special Meetings – The Authority may, and upon written request of a  
113 majority of the members shall, call special meetings at such times and places as may be  
114 determined.

115 Section 3. Notice – Notices of meetings of the Authority on Radiation Protection  
116 shall be distributed to the membership prior to the meeting and shall be posted to the  
117 State Public Meetings webpage at least ten days prior to the meeting date. In addition,  
118 pursuant to Title 29, Section 10004(e)(2) of the Delaware Code, the Authority shall pre-  
119 announce or pre-publish all Executive Sessions; however, such agenda shall be subject to  
120 change to include additional items which arise at the time of the Authority's regular  
121 meeting.

122 Section 4. Quorum – At all meetings of the Authority a majority of the members  
123 shall constitute a quorum, and the act of the majority of the Authority members  
124 present at any meetings at which there is a quorum shall be the act of the Authority,  
125 except as may be otherwise provided by statute or by these Bylaws. If at any meeting  
126 there is less than a quorum present, official business cannot be performed.

127 Section 5. Voting – Each member of the Authority shall have one (1) vote on matters  
128 brought before the Authority except when the member has a conflict of interest. The  
129 disqualification of a member from voting shall not affect the quorum. All matters shall  
130 be decided by a majority of the members present and voting.

131 Section 6. Conflict of Interest – Members of the Authority shall comply with the  
132 State Ethics Code – Title 29, Chapter 58 of the Delaware Code. A member may not  
133 participate in the review or disposition of any matter in which the member has a conflict  
134 of interest except to respond to questions from another member or any other person with  
135 official responsibility with respect to that matter. A member shall declare the conflict of  
136 interest at the earliest practicable time after learning of such conflict.

137 Section 7. Parliamentary procedure – Parliamentary procedures at all meetings of the  
138 Authority shall be in accordance with the current version of Robert’s Rules of Order  
139 Newly Revised.

#### 140 ARTICLE VII. COMMITTEES

141 With the advice of the Authority members, the Chair shall appoint ad hoc committees to  
142 carry out specific tasks, and may select members from the Authority membership and/or

143 the community at large to serve on such committees. Ad hoc committee members  
144 selected from the community at large will serve on a voluntary basis and will not have  
145 voting privileges on matters before the Authority. Upon selection of an ad hoc  
146 committee member who is not a member of the Authority, the Chairperson shall notify  
147 the Secretary of the Department of Health & Social Services or the Secretary's  
148 designated representative. The Chair shall be an ex-officio member of all ad hoc  
149 committees and shall be responsible for their task completions. Committee chairpersons  
150 shall be appointed by the Chair of the Authority, and the tasks and products of any such  
151 committee shall be defined by the Chair of the Authority with specific dates established  
152 for reports to the full Authority membership.

153 ARTICLE VIII. AMENDMENT OF BYLAWS These bylaws may be altered,  
154 amended, or repealed and new bylaws may be adopted by a majority (quorum) of the  
155 Authority Members present at any regular or special meeting, provided that no such  
156 action in any way conflicts with the statutory obligations of the Authority, as stated in  
157 Title 16, Chapter 74 of the Delaware Code and provided that written notice shall have  
158 been sent to each member. Such notice shall describe, at least in general terms, the  
159 alterations, amendments, or changes which are proposed to be made to the Bylaws.  
160 Whenever these Bylaws or a provision of these Bylaws is found to conflict with  
161 Delaware law, such provision shall be deemed invalid without affecting the remainder of  
162 the Bylaws.