

901:4-3-01**Definitions - propane council.**As used in this chapter:

(A) "Propane" means liquefied petroleum gas, a material with a vapor pressure not exceeding that of commercial propane composed predominately of the following hydrocarbons or mixtures:

(1) Propane;

(2) Propylene;

(3) Butane;

(4) Butylene.

(B) "Propane council" or "council" means the propane council created under section 936.02 of the Revised Code.

(C) "Retailer" means a person engaged primarily in the sale of odorized propane to the ultimate consumer or to a retail propane dispenser.

(D) "Wholesale distributor" means a person whose primary business involves the sale of propane to a retailer.

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Rule Amplifies: 936.01

901:4-3-02

Terms for propane council members.

(A) The initial members of the propane council will be assigned a length of term in order to provide staggered terms.

(B) A propane council member may serve up to three consecutive full three-year terms.

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901:4-3-03**Meetings of the propane council.**

- (A) The propane council will meet at least four times per year.
- (B) Notice of meetings: Date, time, location, and purpose, when applicable, of scheduled meetings will be posted on the Ohio department of agriculture website, www.agri.ohio.gov.
- (C) Special meetings may be called by the chairperson or upon written request of a majority of the committee members. A special meeting shall not be held unless at least twenty-four hours advance notice has been provided to any news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall immediately notify the news media that have requested notification of the time, place, and purpose of the meeting.
- (D) A simple majority of the nine members of the council shall constitute a quorum. A simple majority of concurring votes of the quorum shall be required to pass any motion or approve any committee action. The committee shall follow accepted rules of parliamentary procedure.

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901:4-3-04

Funding of and collecting funds for the propane council.

(A) Each wholesale distributor or other owner of propane at the time of odorization in Ohio, or at the time of import of odorized propane into Ohio, shall make and collect an assessment based on the volume of odorized propane sold and placed into commerce in Ohio. Each wholesale distributor shall separately identify and itemize the assessment on an invoice, bill of sale, or other similar billing document given to a retailer for the sale of odorized propane.

(B) Each wholesale distributor shall:

(1) Collect the assessment from the retailer to whom the sale is made;

(2) Remit to the council the sum of the amount of the assessment multiplied by the number of gallons of propane sold to any retailer during the preceding quarter not later than the twenty-fifth day of the month following the end of the prior quarter;

(3) Keep records of the number of gallons sold to retailers, indicating the number of gallons, name of retailer, and the rate of the assessment; and

(4) Make records available to the council to determine compliance with the program.

(C) The council shall:

(1) Keep the records confidential; and

(2) Not disclose the records except to the council's accountants, attorneys, or financial advisors without a court order directing the council to do so.

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901:4-3-05**Account of assessments.**

- (A) Assessments or payments received from retailers with delinquent accounts will have the assessments or payments credited to the most delinquent accounts, including partial assessments or payments. Delinquent accounts include assessments past due, interest, and all cost incurred by the propane council.
- (B) When an administrative or accounting error occurs, any retailer from whom an assessment has been collected shall be entitled to request and receive a refund up to the amount of assessment, subject to submitting a properly completed refund request on a form approved and provided by the director.
- (C) Each request for a refund shall contain the following:
- (1) Retailer's name and mailing address;
 - (2) Amount and date of the assessment;
 - (3) Copy of receipt showing the volume of odorized propane purchased by the retailer from the wholesale distributor; and
 - (4) Any other information required by the propane council for issuing the refund.
- (D) Each request for a refund must be received no later than thirty days from the date of sale.
- (E) Payment of refund must be made as soon as possible, but no later than thirty days from receipt of the refund request.

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901:4-3-06

Removal of a member of the propane council.

A member of the council may be removed from the board if any one of the following occurs:

(A) The member has three consecutive unexcused absences from committee meetings. Unexcused absences are to be defined at the discretion of the council.

(B) The member ceases being a gas retailer, gas wholesale distributor, or a gas equipment dealer.

(C) The member engages in conduct that violates the laws of the state of Ohio, and a quorum present votes to dismiss that member.

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