



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 238

129th General Assembly  
(As Introduced)

Reps. Gerberry and R. Hagan, Ramos, Murray, Pillich, Garland, Lundy, Fende, Ashford, O'Brien, Yuko, Antonio

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## BILL SUMMARY

- Requires refiners and wholesalers of petroleum to provide monthly reports to the Department of Commerce disclosing the amount of petroleum products brought into Ohio, consumed in Ohio, and exported from Ohio.
- Creates the Gasoline Practices Oversight Commission.

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## CONTENT AND OPERATION

### Monthly petroleum reports

The bill requires each refiner and each wholesaler of petroleum products doing business in Ohio to prepare and submit to the Director of Commerce a monthly report no later than the tenth day of each month that discloses (1) the amount of unrefined and refined petroleum products that the refiner or wholesaler had brought into Ohio during the previous calendar month, (2) the amount of unrefined and refined petroleum products that were brought into Ohio and then consumed in Ohio in the previous calendar month, and (3) the amount of unrefined and refined petroleum products that were brought into Ohio and then exported from Ohio in the previous calendar month. The Director must post each report on the Department's web site.<sup>1</sup>

### Ohio Gasoline Practices Oversight Commission

#### Creation and composition

The bill creates the Ohio Gasoline Practices Oversight Commission, consisting of ten members. The President of the Senate and Speaker of the House of Representatives

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<sup>1</sup> R.C. 3741.20.

must each appoint three persons from their respective houses, with not more than two from each house being members of the same political party. The Governor, Attorney General, Auditor of State, and Consumers' Counsel must each appoint one person.

### **Officers, quorums, and vacancies**

The Commission must elect from among its members a chairperson and vice-chairperson and must appoint a secretary, who need not be a member of the Commission. Six members constitute a quorum, and the affirmative vote of six members is necessary for any action the Commission takes. A vacancy in the Commission membership does not impair the rights of a quorum to exercise all Commission rights and perform all Commission duties. A vacancy must be filled in the same manner as the original appointment.

### **Duties**

The Commission must (1) examine and review the existing infrastructure that delivers and distributes petroleum products to and within Ohio, (2) examine the availability of petroleum products, current gasoline pricing practices, alternative fuels for motor vehicles, and government laws, rules, and regulations that affect the supply, delivery, and distribution of petroleum products generally, and gasoline in particular, to and within Ohio, and (3) conduct hearings on the issues identified in those examinations. After the hearings, the Commission must formulate and recommend a state gasoline policy to ensure (a) consumer confidence in Ohio's gasoline supply and delivery infrastructure and (b) a continuing and affordable supply of motor vehicle fuel within Ohio to the benefit of all Ohioans.

### **Investigatory power**

The bill grants the Commission, in the discharge of its duties, authority throughout Ohio to administer oaths, issue subpoenas compelling the attendance of witnesses and testimony, and depose witnesses who are state residents. If a subpoena is not complied with or a witness refuses to testify on matters for which the witness can be lawfully interrogated, it is the duty of the prosecuting attorney of any county, on the Commission's application, to bring a contempt proceeding (presumably in a court of common pleas).

### **Reports and termination date**

The Commission must issue an interim report to the General Assembly not later than 90 days after the bill's effective date and issue updated quarterly reports thereafter.

It must issue its final report during the final quarter of 2013, and the Commission will cease to exist on December 31, 2013.<sup>2</sup>

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## HISTORY

ACTION	DATE
Introduced	05-24-11

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<sup>2</sup> Section 2.

