

PROPANE COMMISSION ACT (EXCERPT)
Act 332 of 2020

460.623 Propane commission; membership; term; appointment; audit; director supervision.

Sec. 3.

- (1) The propane commission is created within the department.
- (2) The commission is composed of all of the following:
 - (a) The director, or an individual designated by the director from the director's staff, who serves as a nonvoting, ex officio member of the commission.
 - (b) Five members appointed by the governor with the advice and consent of the senate.
- (3) A member appointed by the governor under subsection (2) must be both of the following:
 - (a) A citizen and resident of this state who is 18 years of age or older.
 - (b) Engaged in the retail propane industry in this state as an employee or owner of a retail propane marketer for not less than 2 years immediately before appointment.
- (4) Except as provided under subsection (5), the term of office of a commission member appointed by the governor under subsection (2)(b) is 3 years. The term of an appointed member expires on July 1, except that a term continues until a successor is appointed and qualified. A member shall vacate the office if the member ceases to be qualified for office under this act. A member appointed to fill a vacancy serves for the remainder of the unexpired term and until a successor is appointed and qualified.
- (5) Of the commission members initially appointed under subsection (2)(b), 1 shall serve for a term of 1 year, 2 shall serve for a term of 2 years, and 2 shall serve for a term of 3 years.
- (6) The commission shall annually elect from its members a chairperson, a treasurer, and other officers it considers advisable.
- (7) A majority of the voting members of the commission constitutes a quorum for the transaction of business and the carrying out of the duties of the commission. The business that the commission may perform must be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting must be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The chairperson shall call meetings of the commission at least annually and, additionally, shall call a meeting on petition of 3 or more members of the commission not later than 7 days after receiving the petition.
- (8) The commission shall maintain accurate books, records, and accounts of its transactions. The books, records, and accounts must be open to inspection by the public and are subject to audit by the auditor general or a certified public accountant. Except as otherwise provided in subsection (9), a document prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (9) Information collected under this act relating to any assessments collected or remitted or gallons of propane imported, sold, delivered, or used by a person is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. This exemption does not include information regarding any penalties levied under this act.
- (10) The expenditures of the commission must be audited by a certified public accountant not less than annually. Within 30 days after completion of the audit, the certified public accountant shall give copies of the audit to the members of the commission and the director. The commission shall publish an activity and financial report annually and make it available to interested parties.
- (11) The director shall supervise commission activities to ensure compliance with this act and coordinate administrative activities between the commission and the department. The director may obtain information necessary to confirm compliance with this act and may disclose statistical information except for information exempt from disclosure as described in subsection (9).

History: 2020, Act 332, Imd. Eff. Dec. 29, 2020