

As Introduced

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Representative Leland

**Cosponsors: Representatives Antonio, Cera, Rogers, Johnson, G., Fedor,
Roegner, Curtin, Smith, K., Ramos, Sykes, Bishoff, Slesnick, Phillips, Driehaus,
Lepore-Hagan, O'Brien, S., Sheehy, Patterson**

A BILL

To amend sections 4901.02 and 4901.021 of the
Revised Code to require that each major
political party be represented on the Public
Utilities Commission, to specify that not more
than three commissioners may belong to or be
affiliated with the same major political party,
and to require that Public Utilities Commission
Nominating Council lists of nominees include
individuals who, if selected, ensure that each
major political party is represented on the
Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4901.02 and 4901.021 of the
Revised Code be amended to read as follows:

Sec. 4901.02. (A) There is hereby created the public
utilities commission of Ohio, by which name the commission may
sue and be sued. The commission shall consist of five public
utilities commissioners appointed by the governor with the

advice and consent of the senate. The governor shall designate 18
one of such commissioners to be the chairperson of the 19
commission. The chairperson of the commission shall serve as 20
chairperson at the governor's pleasure. The commissioners shall 21
be selected from the lists of qualified persons submitted to the 22
governor by the public utilities commission nominating council 23
pursuant to section 4901.021 of the Revised Code. Each major 24
political party shall be represented on the commission by at 25
least one commissioner who belongs to or is affiliated with that 26
party. Not more than three of said commissioners shall belong to 27
or be affiliated with the same major political party. The 28
commission shall possess the powers and duties specified in, as 29
well as all powers necessary and proper to carry out the 30
purposes of Chapters 4901., 4903., 4905., 4907., 4909., 4921., 31
4923., and 4927. of the Revised Code. 32

(B) A majority of the public utilities commissioners 33
constitutes a quorum. 34

(C) The terms of office of public utilities commissioners 35
shall be for five years, commencing on the eleventh day of April 36
and ending on the tenth day of April, except that terms of the 37
first commissioners shall be for one, two, three, four, and five 38
years, respectively, as designated by the governor at the time 39
of appointment. Each commissioner shall hold office from the 40
date of appointment until the end of the term for which the 41
commissioner was appointed. Any commissioner appointed to fill a 42
vacancy occurring prior to the expiration of the term for which 43
the commissioner was appointed shall hold office for the 44
remainder of such term. Any commissioner shall continue in 45
office subsequent to the expiration date of the term for which 46
the commissioner was appointed until the commissioner's 47
successor takes office, or until a period of sixty days has 48

elapsed, whichever occurs first. Each vacancy shall be filled by 49
appointment within sixty days after the vacancy occurs. 50

(D) Public utilities commissioners shall have at least 51
three years of experience in one or more of the following 52
fields: economics, law, finance, accounting, engineering, 53
physical or natural sciences, natural resources, or 54
environmental studies. At least one commissioner shall be an 55
attorney admitted to the practice of law in any state or the 56
District of Columbia. 57

(E) The chairperson of the commission shall be the head of 58
the commission and its chief executive officer. The appointment 59
or removal of employees of the commission or any division 60
thereof, and all contracts for special service, are subject to 61
the approval of the chairperson. The chairperson shall designate 62
one of the commissioners to act as deputy chairperson, who shall 63
possess during the absence or disability of the chairperson, all 64
of the powers of the chairperson. 65

(F) As used in this section, "major political party" has 66
the same meaning as in division (F) (1) of section 3501.01 of the 67
Revised Code. 68

Sec. 4901.021. (A) There is hereby created a public 69
utilities commission nominating council consisting of the 70
following: 71

(1) The chairperson of the consumers' counsel governing 72
board; 73

(2) The president of the accountancy board; 74

(3) The chairperson of the state board of registration for 75
professional engineers and surveyors; 76

(4) The president of the Ohio state bar association;	77
(5) The president of the Ohio municipal league;	78
(6) The director of development or the director's department-employed designee;	79 80
(7) A member of the public appointed by the speaker of the house of representatives, to serve at the pleasure of the speaker;	81 82 83
(8) A member of the public appointed by the president of the senate, to serve at the pleasure of the president;	84 85
(9) A representative of the regulated public utilities of the state appointed by the governor, to serve at the pleasure of the governor;	86 87 88
(10) A representative of the business community appointed by the governor, to serve at the pleasure of the governor;	89 90
(11) A representative of organized labor appointed by the governor, to serve at the pleasure of the governor;	91 92
(12) A senior citizen sixty-five years of age or older appointed by the director of aging, to serve at the pleasure of the director.	93 94 95
(B) At its first meeting each calendar year, the council shall select from among its members a chairperson and secretary. The council may adopt bylaws governing its proceedings.	96 97 98
(C) The council shall keep a record of its proceedings. Special meetings may be called by the chairperson, and shall be called by the chairperson upon receipt of a written request for a meeting signed by two or more members of the council. Written notice of the time and place of each meeting shall be sent to	99 100 101 102 103

each member of the council. With the approval of the 104
association's or league's governing body, the president of the 105
Ohio state bar association or the president of the Ohio 106
municipal league, respectively, may designate an alternate to 107
represent the president at meetings of the council. With the 108
approval of the board, the president of the accountancy board or 109
the chairperson of the state board of registration for 110
professional engineers and surveyors may designate such an 111
alternate. Six members, or their alternates, constitute a 112
quorum. 113

(D) The council shall: 114

(1) Review and evaluate possible appointees for the office 115
of commissioner of the public utilities commission; 116

(2) Consistent with division (D) of section 4901.02 of the 117
Revised Code, not more than eighty-five nor less than sixty days 118
prior to the expiration of the term of a public utilities 119
commissioner or not more than thirty days after the death of, 120
resignation of, or termination of service by, a public utilities 121
commissioner, provide the governor with a list of four 122
individuals who are, in the judgment of the council, the most 123
fully qualified to accede to the office of commissioner. 124

The council shall include the names of individuals upon 125
the list as necessary to ensure that each major political party 126
is represented on the commission by a commissioner who belongs 127
to or is affiliated with that party. The council shall not 128
include the name of an individual upon the list, if the 129
appointment of that individual by the governor would result in 130
more than three members of the commission belonging to or being 131
affiliated with the same major political party. ~~The~~ 132

The council shall include on the list only the names of attorneys admitted to the practice of law in any state or the District of Columbia if an attorney must be appointed to fulfill the requirement of division (D) of section 4901.02 of the Revised Code. To the extent possible, in its performance of this duty, the council shall continually attempt to ensure that the primary focus of the background of two commissioners is in energy and that the primary focus of the background of two commissioners is in transportation or communications technology.

(E) In reviewing and evaluating possible appointees for the office of public utilities commissioner, the council may accept comments from, cooperate with, and request information from any person. The council may make recommendations to the general assembly concerning changes in legislation to assist the council in the performance of its duties.

(F) Within thirty days of receipt of the council's recommendations, the governor shall fill a vacancy occurring in the office of commissioner by appointment of one of the persons recommended by the council. Nothing in this section shall prevent the governor in the governor's discretion from rejecting all of the nominees of the council and reconvening the council in order to select four additional nominees. However, when the governor has reconvened the council and the council has provided the governor with a second list of four names, the governor shall make the appointment from one of the names on the first list or the second list. Each appointment by the governor shall be subject to the advice and consent of the senate.

(G) Members of the council shall be compensated on a per diem basis pursuant to the procedures set forth in section 124.14 of the Revised Code plus reasonable travel expenses. All

the expenses of the nominating council shall be paid from moneys 163
appropriated to the public utilities commission for that 164
purpose. 165

(H) As used in this section, "major political party" has 166
the same meaning as in division (F) (1) of section 3501.01 of the 167
Revised Code. 168

Section 2. That existing sections 4901.02 and 4901.021 of 169
the Revised Code are hereby repealed. 170