

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 149

**Senator Smith
Cosponsor: Senator Antonio**

A BILL

To enact sections 4933.51, 4933.52, 4933.53, 1
4933.55, 4933.57, 4933.58, 4933.59, and 4933.60 2
of the Revised Code to prohibit certain public 3
utilities from recovering political expenditure 4
costs from their customers. 5

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

Section 1. That sections 4933.51, 4933.52, 4933.53, 6
4933.55, 4933.57, 4933.58, 4933.59, and 4933.60 of the Revised 7
Code be enacted to read as follows: 8

Sec. 4933.51. As used in sections 4933.51 to 4933.60 of 9
the Revised Code: 10

(A) (1) "Public utility" means an electric light company, 11
gas company, or natural gas company as described in section 12
4905.03 of the Revised Code that is a public utility under 13
section 4905.02 of the Revised Code. 14

(2) "Public utility" includes any affiliate or subsidiary 15
of a company described in division (A) (1) of this section. 16

(B) "Nonprofit organization" means a tax-exempt 17

organization described under subsection 501(c)(3) or 501(c)(4) 18
of the Internal Revenue Code, 26 U.S.C. 501. 19

(C) "Political expenditure" means any of the following: 20

(1) A contribution or gift to a political candidate, 21
party, or committee, to a committee of the general assembly, or 22
to an organization working to promote the adoption or defeat of, 23
or influence the outcome of an election for, a ballot issue or 24
question; 25

(2) A contribution to a trade association, chamber of 26
commerce, nonprofit organization, or other organization that is 27
described under subsection 501(c)(6) of the Internal Revenue 28
Code, 26 U.S.C. 501; 29

(3) Dues paid to any industry association of which the 30
public utility is a member; 31

(4) An expenditure incurred for the purpose of lobbying 32
any branch of government; 33

(5) Expenses incurred for the purpose of influencing 34
public opinion about public policy issues or about the 35
reputation of the public utility; 36

(6) Expenses incurred to fund any other political, 37
charitable, or lobbying activity. 38

Sec. 4933.52. No public utility shall recover the cost of 39
any political expenditure from its customers through any rate, 40
rate mechanism, rental, toll, fee, rider, or other charge 41
implemented pursuant to section 4909.18 or sections 4928.141 to 42
4928.143 of the Revised Code or under Chapter 4929. of the 43
Revised Code. 44

Sec. 4933.53. If the public utilities commission 45

determines that a public utility charged its customers in 46
violation of the prohibition under section 4933.52 of the 47
Revised Code, the charges imposed in violation of that section 48
shall be subject to refund, plus interest. The commission shall 49
order the payment of the refunds in a manner designed to 50
allocate the refunds to customer classes in the same proportion 51
as the charges were originally collected. 52

Sec. 4933.55. If the public utilities commission, after 53
providing notice and a hearing, determines that a public utility 54
has charged its customers in violation of the prohibition under 55
section 4933.52 of the Revised Code, the commission shall issue 56
an order imposing a fine on the public utility. The amount of 57
the fine shall equal twenty times the amount that the public 58
utility charged to customers in violation of that section. 59

Sec. 4933.57. The political activity fine fund is in the 60
state treasury consisting of the fines paid by public utilities 61
pursuant to section 4933.55 of the Revised Code. The money in 62
the fund shall be used to assist customers in paying public 63
utility bills that are past due, according to a process 64
established by rules adopted under division (A) (2) of section 65
4933.60 of the Revised Code. 66

Sec. 4933.58. The department of development shall 67
administer the political activity fine fund created under 68
section 4933.57 of the Revised Code. The department shall 69
distribute the money in the fund to customers through the 70
percentage of income payment plan program administered by the 71
department pursuant to section 4928.53 of the Revised Code and 72
in accordance with rules adopted under division (A) (2) of 73
section 4933.60 of the Revised Code regarding the distribution 74
of the money. 75

Sec. 4933.59. (A) Not later than the first day of January 76
each year, each public utility shall submit to the public 77
utilities commission an expenditure report listing all political 78
expenditures that the utility made during the preceding twelve- 79
month period. For each expenditure, the report shall include the 80
payee, amount, and purpose of the expenditure. The report shall 81
be submitted to the commission electronically, and upon its 82
receipt, the commission shall post the report on the commission 83
web site. 84

(B) The commission shall compile the expenditure reports 85
submitted under division (A) of this section into a single 86
report that the commission shall submit to the general assembly. 87
The commission shall submit the report, not later than the first 88
day of February each year, in accordance with section 101.68 of 89
the Revised Code. The commission also shall post the report on 90
the commission web site. 91

Sec. 4933.60. (A) (1) The public utilities commission shall 92
adopt rules to implement sections 4933.51 to 4933.59 of the 93
Revised Code. 94

(2) In conjunction with the department of development, the 95
commission also shall adopt rules to establish a process within 96
the percentage of income payment program for distributing the 97
money collected from fines ordered by the commission under 98
section 4933.55 of the Revised Code. The rules shall specify 99
that the money collected shall be used to assist customers with 100
the payment of past-due public utility bills as authorized under 101
section 4933.58 of the Revised Code. 102

(B) Notwithstanding any provision of section 121.95 of the 103
Revised Code to the contrary, a regulatory restriction contained 104
in a rule adopted under division (A) of this section is not 105

subject to sections 121.95 to 121.953 of the Revised Code.

106