

As Introduced

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Representatives Troy, Sigrist

Cosponsors: Representatives Baker, Brennan, Brewer, Piccolantonio, Brownlee, Bryant Bailey, Glassburn, Miller, J., McNally, Rader, Russo, Synenberg

To amend sections 4901.02 and 4901.021 and to enact 1
section 4901.022 of the Revised Code to make 2
various changes to the Public Utilities 3
Commission nominating council and nomination 4
process. 5

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

Section 1. That sections 4901.02 and 4901.021 be amended 6
and section 4901.022 of the Revised Code be enacted to read as 7
follows: 8

Sec. 4901.02. ~~(A)~~ (A) (1) There is hereby created the public 9
utilities commission of Ohio, by which name the commission may 10
sue and be sued. 11

(2) (a) The commission shall consist of five public 12
utilities commissioners appointed by the governor with the 13
advice and consent of the senate. 14

(b) The governor shall designate one of such commissioners 15
to be the chairperson of the commission. The chairperson of the 16
commission shall serve as chairperson at the governor's 17
pleasure.—The— 18

(c) Not more than four commissioners shall be selected 19
from the lists of qualified persons submitted to the governor by 20
the public utilities commission nominating council pursuant to 21
section 4901.021 of the Revised Code. 22

(d) At least one of the commissioners shall be a bona fide 23
consumer representative selected by the governor from a list of 24
three nominees submitted to the governor by the office of the 25
consumers' counsel. The first vacancy on the commission to occur 26
after the effective date of this amendment shall be filled from 27
the list submitted by the office of the consumers' counsel. 28

(e) Not more than three of said commissioners shall belong 29
to or be affiliated with the same political party. 30

(f) No commissioner appointed after the effective date of 31
this amendment shall currently be or have previously been a 32
representative or employee of, or have any relation to or 33
business transaction with, any entity or entity's parent, 34
affiliate, or subsidiary that is subject to regulation by the 35
public utilities commission. 36

(3) The commission shall possess the powers and duties 37
specified in, as well as all powers necessary and proper to 38
carry out the purposes of Chapters 4901., 4903., 4905., 4907., 39
4909., 4921., 4923., and 4927. of the Revised Code. 40

(B) A majority of the public utilities commissioners 41
constitutes a quorum. 42

(C) The terms of office of public utilities commissioners 43
shall be for five years, commencing on the eleventh day of April 44
and ending on the tenth day of April, except that terms of the 45
first commissioners shall be for one, two, three, four, and five 46
years, respectively, as designated by the governor at the time 47

of appointment. Each commissioner shall hold office from the date of appointment until the end of the term for which the commissioner was appointed. Any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which the commissioner was appointed shall hold office for the remainder of such term. Any commissioner shall continue in office subsequent to the expiration date of the term for which the commissioner was appointed until the commissioner's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Each vacancy shall be filled by appointment within sixty days after the vacancy occurs.

(D) Public utilities commissioners shall have at least three years of experience in one or more of the following fields: economics, law, finance, accounting, engineering, physical or natural sciences, natural resources, ~~or~~ environmental studies, social sciences, social services, consumer representation, or education and research in utility regulation. At least one commissioner shall be an attorney admitted to the practice of law in any state or the District of Columbia.

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

(F) (1) Commissioner applicants shall disclose on the application all services rendered to any public utility,

<u>regardless of whether services were remunerated.</u>	78
<u>(2) Applications submitted by commissioner applicants are</u>	79
<u>public records in accordance with section 149.43 of the Revised</u>	80
<u>Code.</u>	81
Sec. 4901.021. (A) There is hereby created a public	82
utilities commission nominating council consisting of the	83
following:	84
(1) The chairperson of the consumers' counsel governing	85
board;	86
(2) The president of the accountancy board;	87
(3) The chairperson of the state board of registration for	88
professional engineers and surveyors;	89
(4) The president of the Ohio state bar association;	90
(5) The president of the Ohio municipal league;	91
(6) The director of development or the director's	92
department-employed designee;	93
(7) A member of the public appointed by the speaker of the	94
house of representatives, to serve at the pleasure of the	95
speaker;	96
(8) A member of the public appointed by the president of	97
the senate, to serve at the pleasure of the president;	98
(9) A representative of the regulated public utilities of	99
the state appointed by the governor, to serve at the pleasure of	100
the governor;	101
(10) A representative of the business community appointed	102
by the governor, to serve at the pleasure of the governor;	103

(11) A representative of organized labor appointed by the governor, to serve at the pleasure of the governor;	104 105
(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.	106 107 108
<u>(B) (1) Except for the member described in division (A) (9) of this section, no member of the council appointed after the effective date of this amendment shall currently be or have previously been a representative or employee of, or have any relation to, any entity or entity's parent, affiliate, or subsidiary, that is subject to regulation by the public utilities commission.</u>	109 110 111 112 113 114 115
<u>(2) No member of the council appointed after the effective date of this amendment shall engage in business with, hold stocks or bonds in, or have pecuniary interest in any entity or entity's parent, affiliate, or subsidiary, that is subject to regulation by the public utilities commission.</u>	116 117 118 119 120
<u>(C) Interviews of commissioner applicants shall be conducted in public meetings in accordance with section 121.22 of the Revised Code. No interview shall be conducted during an executive session under section 121.22 of the Revised Code.</u>	121 122 123 124
<u>(D) Except for the members described in divisions (A) (1) to (6) of this section, no member of the council shall serve on the council for more than two years.</u>	125 126 127
<u>(E) At its first meeting each calendar year, the council shall select from among its members a chairperson and secretary. The chairperson and secretary shall serve not more than two one-year terms in those positions. The council may adopt bylaws governing its proceedings.</u>	128 129 130 131 132

<u>(E)(F)</u> The council shall keep a record of its proceedings.	133
Special meetings may be called by the chairperson, and shall be	134
called by the chairperson upon receipt of a written request for	135
a meeting signed by two or more members of the council. Written	136
notice of the time and place of each meeting shall be sent to	137
each member of the council. With the approval of the	138
association's or league's governing body, the president of the	139
Ohio state bar association or the president of the Ohio	140
municipal league, respectively, may designate an alternate to	141
represent the president at meetings of the council. With the	142
approval of the board, the president of the accountancy board or	143
the chairperson of the state board of registration for	144
professional engineers and surveyors may designate such an	145
alternate. Six members, or their alternates, constitute a	146
quorum.	147
 <u>(D)(G)</u> The council shall:	148
 (1) Review and evaluate possible appointees for the office	149
of commissioner of the public utilities commission;	150
 (2) Consistent with division (D) of section 4901.02 of the	151
Revised Code, not more than eighty-five nor less than sixty days	152
prior to the expiration of the term of a public utilities	153
commissioner or not more than thirty days after the death of,	154
resignation of, or termination of service by, a public utilities	155
commissioner, provide the governor with a list of four	156
individuals who are, in the judgment of the council, the most	157
fully qualified to accede to the office of commissioner. The	158
council shall not include the name of an individual upon the	159
list, if the appointment of that individual by the governor	160
would result in more than three members of the commission	161
belonging to or being affiliated with the same political party.	162

The council shall include on the list only the names of 163
attorneys admitted to the practice of law in any state or the 164
District of Columbia if an attorney must be appointed to fulfill 165
the requirement of division (D) of section 4901.02 of the 166
Revised Code.~~To the extent possible, in its performance of this~~ 167
~~duty, the council shall continually attempt to ensure that the~~ 168
~~primary focus of the background of two commissioners is in~~ 169
~~energy and that the primary focus of the background of two~~ 170
~~commissioners is in transportation or communications technology.~~ 171

(E)~~(H)~~ In reviewing and evaluating possible appointees for 172
the office of public utilities commissioner, the council ~~may~~ 173
~~accept~~shall invite comments from, cooperate with, and request 174
information from any person.~~The~~ 175

(I) The council may make recommendations to the general 176
assembly concerning changes in legislation to assist the council 177
in the performance of its duties. 178

(F)~~(J)~~ Within thirty days of receipt of the council's 179
recommendations, the governor shall fill a vacancy occurring in 180
the office of commissioner by appointment of one of the persons 181
recommended by the council. Nothing in this section shall 182
prevent the governor in the governor's discretion from rejecting 183
all of the nominees of the council and reconvening the council 184
in order to select four additional nominees. However, when the 185
governor has reconvened the council and the council has provided 186
the governor with a second list of four names, the governor 187
shall make the appointment from one of the names on the first 188
list or the second list. Each appointment by the governor shall 189
be subject to the advice and consent of the senate. 190

(G)~~(K)~~ Members of the council shall be compensated on a 191
per diem basis pursuant to the procedures set forth in section 192

124.14 of the Revised Code plus reasonable travel expenses. All 193
the expenses of the nominating council shall be paid from moneys 194
appropriated to the public utilities commission for that 195
purpose. 196

Sec. 4901.022. The public utilities commission shall make 197
available to the public on the commission's web site information 198
about the following: 199

(A) The operations of the public utilities commission 200
nominating council, including the following: 201

(1) Biographical information for each council member; 202

(2) Meeting notices; 203

(3) Meeting minutes; 204

(4) Biographical information for each commissioner 205
applicant; 206

(5) Video recordings of council meetings and applicant 207
interviews. 208

(B) Opportunities for members of the public to comment 209
electronically or via other means on the following: 210

(1) Commissioner applicants; 211

(2) The nominating council process; 212

(3) Any other subjects relating to the nominating council 213
and the commissioner appointment process. 214

Section 2. That existing sections 4901.02 and 4901.021 of 215
the Revised Code are hereby repealed. 216