

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 245

Senator Smith

Cosponsors: Senators Antonio, Romanchuk

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

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

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

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

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

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

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(B) "Nonprofit organization" means a tax-exempt
organization described under subsection 501(c) (3) or 501(c) (4)
of the Internal Revenue Code, 26 U.S.C. 501.

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<u>(C) "Political expenditure" means any of the following:</u>	20
<u>(1) A contribution or gift to a political candidate,</u>	21
<u>party, or committee, to a committee of the general assembly, or</u>	22
<u>to an organization working to promote the adoption or defeat of,</u>	23
<u>or influence the outcome of an election for, a ballot issue or</u>	24
<u>question;</u>	25
<u>(2) A contribution to a trade association, chamber of</u>	26
<u>commerce, nonprofit organization, or other organization that is</u>	27
<u>described under subsection 501(c)(6) of the Internal Revenue</u>	28
<u>Code, 26 U.S.C. 501;</u>	29
<u>(3) Dues paid to any industry association of which the</u>	30
<u>public utility is a member;</u>	31
<u>(4) An expenditure incurred for the purpose of lobbying</u>	32
<u>any branch of government;</u>	33
<u>(5) Expenses incurred for the purpose of influencing</u>	34
<u>public opinion about public policy issues or about the</u>	35
<u>reputation of the public utility;</u>	36
<u>(6) Expenses incurred to fund any other political,</u>	37
<u>charitable, or lobbying activity.</u>	38
<u>Sec. 4933.52. No public utility shall recover the cost of</u>	39
<u>any political expenditure from its customers through any rate,</u>	40
<u>rate mechanism, rental, toll, fee, rider, or other charge</u>	41
<u>implemented pursuant to section 4909.18 or sections 4928.141 and</u>	42
<u>4928.142 of the Revised Code or under Chapter 4929. of the</u>	43
<u>Revised Code.</u>	44
<u>Sec. 4933.53. If the public utilities commission</u>	45
<u>determines that a public utility charged its customers in</u>	46
<u>violation of section 4933.52 of the Revised Code, the charges</u>	47

imposed in violation of that section shall be subject to refund, 48
plus interest. The commission shall order the payment of the 49
refunds in a manner designed to allocate the refunds to customer 50
classes in the same proportion as the charges were originally 51
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 section 4933.52 of the 55
Revised Code, the commission shall issue an order imposing a 56
fine on the public utility. The amount of the fine shall equal 57
twenty times the amount that the public utility charged to 58
customers in violation of that section. 59

Sec. 4933.57. The political activity fine fund is created 60
in the state treasury consisting of the fines paid by public 61
utilities pursuant to section 4933.55 of the Revised Code. The 62
money in the fund shall be used to assist customers in paying 63
public 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