As Introduced

136th General Assembly
Regular Session
2025-2026

S. B. No. 99

Senators Hicks-Hudson, DeMora
Cosponsors: Senators Weinstein, Smith, Craig

A BILL

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

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

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

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

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

(b) The governor shall designate one of such commissioners to be the chairperson of the commission. The chairperson of the commission shall serve as chairperson at the governor's pleasure. ~~The~~

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

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

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

(f) No commissioner 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 or business transaction with, any entity or entity's parent, affiliate, or subsidiary that is subject to regulation by the public utilities commission.

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

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

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

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,

regardless of whether services were remunerated.

(2) Applications submitted by commissioner applicants are public records in accordance with section 149.43 of the Revised Code.

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

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

(2) The president of the accountancy board;

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

~~(4)~~ The president of the Ohio state bar association;

~~(5)~~ (4) The president of the Ohio municipal league;

~~(6)~~ (5) The director of development or the director's department-employed designee;

(6) A representative of minority communities appointed by the governor, to serve at the pleasure of the governor;

(7) A member of the public who is an active member of a bona fide consumer protection organization appointed by the speaker of the house of representatives, to serve at the pleasure of the speaker;

(8) A member of the public who is an active member of a bona fide consumer protection organization appointed by the president of the senate, to serve at the pleasure of the president;

(9) A member of the public appointed by the minority

leader of the house of representatives, to serve at the pleasure of the minority leader of the house of representatives;

(10) A member of the public appointed by the minority leader of the senate, to serve at the pleasure of the minority leader of the senate;

(11) A representative of the regulated public utilities of the state appointed by the governor, to serve at the pleasure of the governor;

~~(10)~~ (12) A representative of the business community who is a member of a bona fide statewide trade association appointed by the governor, to serve at the pleasure of the governor;

~~(11)~~ (13) A representative of organized labor appointed by the governor, to serve at the pleasure of the governor;

~~(12)~~ (14) A senior citizen sixty-five years of age or older who is an officer of a bona fide statewide association for advocacy for older persons appointed by the director of aging, to serve at the pleasure of the director.

~~(B)~~ (B)(1) Except for the member described in division (A)(11) 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.

(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.

(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.

(D) Except for the members described in divisions (A)(1) to (5) of this section, no member of the council shall serve on the council for more than two years.

(E)(1) The first member described under division (A)(6) of this section shall be appointed upon the first vacancy of the chairperson of the state board of registration for professional engineers and surveyors that occurs after the effective date of this amendment.

(2) The members described under divisions (A)(7), (8), (12), and (14) of this section shall be appointed, in accordance with requirements under this act, upon the first vacancies by the members' respective predecessors after the effective date of this amendment.

(3) The members described under divisions (A)(9) and (10) of this section shall be appointed upon the effective date of this amendment.

(F) 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.

~~(C)~~ (G) 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 each member of the council. With the approval of the association's or league's governing body, the president of the Ohio state bar association or the president of the Ohio municipal league, respectively, may designate an alternate to represent the president at meetings of the council. With the approval of the board, the president of the accountancy board or the chairperson of the state board of registration for professional engineers and surveyors may designate such an alternate. Six members, or their alternates, constitute a quorum.

~~(D)~~ (H) The council shall:

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

(2) Consistent with division (D) of section 4901.02 of the Revised Code, not more than eighty-five nor less than sixty days prior to the expiration of the term of a public utilities commissioner or not more than thirty days after the death of, resignation of, or termination of service by, a public utilities commissioner, provide the governor with a list of four individuals who are, in the judgment of the council, the most fully qualified to accede to the office of commissioner. The council shall not include the name of an individual upon the list, if the appointment of that individual by the governor would result in more than three members of the commission belonging to or being affiliated with the same political party. 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)~~ (I) In reviewing and evaluating possible appointees for the office of public utilities commissioner, the council ~~may accept~~ shall invite comments from, cooperate with, and request information from any person. ~~The~~

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

~~(F)~~ (K) 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)~~ (L) 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 appropriated to the public utilities commission for that purpose.

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

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

(1) Biographical information for each council member;

(2) Meeting notices;

(3) Meeting minutes;

(4) Biographical information for each commissioner applicant;

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

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

(1) Commissioner applicants;

(2) The nominating council process;

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

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