

**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 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 48  
date of appointment until the end of the term for which the 49  
commissioner was appointed. Any commissioner appointed to fill a 50  
vacancy occurring prior to the expiration of the term for which 51  
the commissioner was appointed shall hold office for the 52  
remainder of such term. Any commissioner shall continue in 53  
office subsequent to the expiration date of the term for which 54  
the commissioner was appointed until the commissioner's 55  
successor takes office, or until a period of sixty days has 56  
elapsed, whichever occurs first. Each vacancy shall be filled by 57  
appointment within sixty days after the vacancy occurs. 58

(D) Public utilities commissioners shall have at least 59  
three years of experience in one or more of the following 60  
fields: economics, law, finance, accounting, engineering, 61  
physical or natural sciences, natural resources, ~~or~~ 62  
environmental studies, social sciences, social services, 63  
consumer representation, or education and research in utility 64  
regulation. At least one commissioner shall be an attorney 65  
admitted to the practice of law in any state or the District of 66  
Columbia. 67

(E) The chairperson of the commission shall be the head of 68  
the commission and its chief executive officer. The appointment 69  
or removal of employees of the commission or any division 70  
thereof, and all contracts for special service, are subject to 71  
the approval of the chairperson. The chairperson shall designate 72  
one of the commissioners to act as deputy chairperson, who shall 73  
possess during the absence or disability of the chairperson, all 74  
of the powers of the chairperson. 75

(F) (1) Commissioner applicants shall disclose on the 76  
application all services rendered to any public utility, 77

<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
<b>Sec. 4901.021.</b> (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
<del>(3) The chairperson of the state board of registration for</del>	88
<del>professional engineers and surveyors;</del>	89
<del>(4) The president of the Ohio state bar association;</del>	90
<del>(5) (4) The president of the Ohio municipal league;</del>	91
<del>(6) (5) The director of development or the director's</del>	92
<del>department-employed designee;</del>	93
<u>(6) A representative of minority communities appointed by</u>	94
<u>the governor, to serve at the pleasure of the governor;</u>	95
(7) A member of the public <u>who is an active member of a</u>	96
<u>bona fide consumer protection organization</u> appointed by the	97
speaker of the house of representatives, to serve at the	98
pleasure of the speaker;	99
(8) A member of the public <u>who is an active member of a</u>	100
<u>bona fide consumer protection organization</u> appointed by the	101
president of the senate, to serve at the pleasure of the	102
president;	103
(9) <u>A member of the public appointed by the minority</u>	104

leader of the house of representatives, to serve at the pleasure 105  
of the minority leader of the house of representatives; 106

(10) A member of the public appointed by the minority 107  
leader of the senate, to serve at the pleasure of the minority 108  
leader of the senate; 109

(11) A representative of the regulated public utilities of 110  
the state appointed by the governor, to serve at the pleasure of 111  
the governor; 112

~~(10)~~(12) A representative of the business community who 113  
is a member of a bona fide statewide trade association appointed 114  
by the governor, to serve at the pleasure of the governor; 115

~~(11)~~(13) A representative of organized labor appointed by 116  
the governor, to serve at the pleasure of the governor; 117

~~(12)~~(14) A senior citizen sixty-five years of age or 118  
older who is an officer of a bona fide statewide association for 119  
advocacy for older persons appointed by the director of aging, 120  
to serve at the pleasure of the director. 121

~~(B)~~(B) (1) Except for the member described in division (A) 122  
(11) of this section, no member of the council appointed after 123  
the effective date of this amendment shall currently be or have 124  
previously been a representative or employee of, or have any 125  
relation to, any entity or entity's parent, affiliate, or 126  
subsidiary, that is subject to regulation by the public 127  
utilities commission. 128

(2) No member of the council appointed after the effective 129  
date of this amendment shall engage in business with, hold 130  
stocks or bonds in, or have pecuniary interest in any entity or 131  
entity's parent, affiliate, or subsidiary, that is subject to 132  
regulation by the public utilities commission. 133

(C) Interviews of commissioner applicants shall be 134  
conducted in public meetings in accordance with section 121.22 135  
of the Revised Code. No interview shall be conducted during an 136  
executive session under section 121.22 of the Revised Code. 137

(D) Except for the members described in divisions (A) (1) 138  
to (5) of this section, no member of the council shall serve on 139  
the council for more than two years. 140

(E) (1) The first member described under division (A) (6) of 141  
this section shall be appointed upon the first vacancy of the 142  
chairperson of the state board of registration for professional 143  
engineers and surveyors that occurs after the effective date of 144  
this amendment. 145

(2) The members described under divisions (A) (7), (8), 146  
(12), and (14) of this section shall be appointed, in accordance 147  
with requirements under this act, upon the first vacancies by 148  
the members' respective predecessors after the effective date of 149  
this amendment. 150

(3) The members described under divisions (A) (9) and (10) 151  
of this section shall be appointed upon the effective date of 152  
this amendment. 153

(F) At its first meeting each calendar year, the council 154  
shall select from among its members a chairperson and secretary. 155  
The chairperson and secretary shall serve not more than two one- 156  
year terms in those positions. The council may adopt bylaws 157  
governing its proceedings. 158

~~(C)~~ (G) The council shall keep a record of its 159  
proceedings. Special meetings may be called by the chairperson, 160  
and shall be called by the chairperson upon receipt of a written 161  
request for a meeting signed by two or more members of the 162

council. Written notice of the time and place of each meeting 163  
shall be sent to each member of the council. With the approval 164  
of the association's or league's governing body, the president 165  
of the Ohio state bar association or the president of the Ohio 166  
municipal league, respectively, may designate an alternate to 167  
represent the president at meetings of the council. With the 168  
approval of the board, the president of the accountancy board or 169  
the chairperson of the state board of registration for 170  
professional engineers and surveyors may designate such an 171  
alternate. Six members, or their alternates, constitute a 172  
quorum. 173

~~(D)~~ (H) The council shall: 174

(1) Review and evaluate possible appointees for the office 175  
of commissioner of the public utilities commission; 176

(2) Consistent with division (D) of section 4901.02 of the 177  
Revised Code, not more than eighty-five nor less than sixty days 178  
prior to the expiration of the term of a public utilities 179  
commissioner or not more than thirty days after the death of, 180  
resignation of, or termination of service by, a public utilities 181  
commissioner, provide the governor with a list of four 182  
individuals who are, in the judgment of the council, the most 183  
fully qualified to accede to the office of commissioner. The 184  
council shall not include the name of an individual upon the 185  
list, if the appointment of that individual by the governor 186  
would result in more than three members of the commission 187  
belonging to or being affiliated with the same political party. 188  
The council shall include on the list only the names of 189  
attorneys admitted to the practice of law in any state or the 190  
District of Columbia if an attorney must be appointed to fulfill 191  
the requirement of division (D) of section 4901.02 of the 192

~~Revised Code. To the extent possible, in its performance of this~~ 193  
~~duty, the council shall continually attempt to ensure that the~~ 194  
~~primary focus of the background of two commissioners is in~~ 195  
~~energy and that the primary focus of the background of two~~ 196  
~~commissioners is in transportation or communications technology.~~ 197

~~(E)~~ (I) In reviewing and evaluating possible appointees 198  
for the office of public utilities commissioner, the council ~~may~~ 199  
~~accept~~ shall invite comments from, cooperate with, and request 200  
information from any person. ~~The~~ 201

(J) The council may make recommendations to the general 202  
assembly concerning changes in legislation to assist the council 203  
in the performance of its duties. 204

~~(F)~~ (K) Within thirty days of receipt of the council's 205  
recommendations, the governor shall fill a vacancy occurring in 206  
the office of commissioner by appointment of one of the persons 207  
recommended by the council. Nothing in this section shall 208  
prevent the governor in the governor's discretion from rejecting 209  
all of the nominees of the council and reconvening the council 210  
in order to select four additional nominees. However, when the 211  
governor has reconvened the council and the council has provided 212  
the governor with a second list of four names, the governor 213  
shall make the appointment from one of the names on the first 214  
list or the second list. Each appointment by the governor shall 215  
be subject to the advice and consent of the senate. 216

~~(G)~~ (L) Members of the council shall be compensated on a 217  
per diem basis pursuant to the procedures set forth in section 218  
124.14 of the Revised Code plus reasonable travel expenses. All 219  
the expenses of the nominating council shall be paid from moneys 220  
appropriated to the public utilities commission for that 221  
purpose. 222



<u>Sec. 4901.022. The public utilities commission shall make</u>	223
<u>available to the public on the commission's web site information</u>	224
<u>about the following:</u>	225
<u>(A) The operations of the public utilities commission</u>	226
<u>nominating council, including the following:</u>	227
<u>(1) Biographical information for each council member;</u>	228
<u>(2) Meeting notices;</u>	229
<u>(3) Meeting minutes;</u>	230
<u>(4) Biographical information for each commissioner</u>	231
<u>applicant;</u>	232
<u>(5) Video recordings of council meetings and applicant</u>	233
<u>interviews.</u>	234
<u>(B) Opportunities for members of the public to comment</u>	235
<u>electronically or via other means on the following:</u>	236
<u>(1) Commissioner applicants;</u>	237
<u>(2) The nominating council process;</u>	238
<u>(3) Any other subjects relating to the nominating council</u>	239
<u>and the commissioner appointment process.</u>	240
<b>Section 2.</b> That existing sections 4901.02 and 4901.021 of	241
the Revised Code are hereby repealed.	242