

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 444

Representatives Miranda, McNally

Cosponsors: Representatives Grim, Brewer, Russo, Brennan, Weinstein, Denson,  
Upchurch, Piccolantonio, Somani, Baker, Jarrells, Abdullahi

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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 organization described under subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501. 17  
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(C) "Political expenditure" means any of the following: 20

(1) A contribution or gift to a political candidate, party, or committee, to a committee of the general assembly, or to an organization working to promote the adoption or defeat of, or influence the outcome of an election for, a ballot issue or question; 21  
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(2) A contribution to a trade association, chamber of commerce, nonprofit organization, or other organization that is described under subsection 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501; 26  
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(3) Dues paid to any industry association of which the public utility is a member; 30  
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(4) An expenditure incurred for the purpose of lobbying any branch of government; 32  
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(5) Expenses incurred for the purpose of influencing public opinion about public policy issues or about the reputation of the public utility; 34  
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(6) Expenses incurred to fund any other political, charitable, or lobbying activity. 37  
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**Sec. 4933.52.** No public utility shall recover the cost of any political expenditure from its customers through any rate, rate mechanism, rental, toll, fee, rider, or other charge implemented pursuant to section 4909.18 or sections 4928.141 to 4928.143 of the Revised Code or under Chapter 4929. of the Revised Code. 39  
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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

<u>Revised Code to the contrary, a regulatory restriction contained</u>	104
<u>in a rule adopted under division (A) of this section is not</u>	105
<u>subject to sections 121.95 to 121.953 of the Revised Code.</u>	106