

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 690

Representatives Lanese, Manning

**Cosponsors: Representatives White, Smith, K., Weinstein, Denson, Koehler,
Miller, A., Ray, Stewart, Troy**

A BILL

To amend sections 4901.02 and 4901.021 and to enact 1
section 4901.022 of the Revised Code to require 2
one public utilities commissioner to be 3
nominated by the office of the consumers' 4
counsel. 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) There is hereby created the public 9
utilities commission of Ohio, by which name the commission may 10
sue and be sued. The commission shall consist of five public 11
utilities commissioners appointed by the governor with the 12
advice and consent of the senate. The governor shall designate 13
one of such commissioners to be the chairperson of the 14
commission. The chairperson of the commission shall serve as 15
chairperson at the governor's pleasure. ~~The Four~~ commissioners 16
shall be selected from the lists of qualified persons submitted 17
to the governor by the public utilities commission nominating 18

council pursuant to section 4901.021 of the Revised Code. One 19
commissioner shall be selected from the list of qualified 20
persons submitted to the governor by the office of the 21
consumers' counsel pursuant to section 4901.022 of the Revised 22
Code. Not more than three of ~~said~~ the five commissioners shall 23
belong to or be affiliated with the same political party. The 24
commission shall possess the powers and duties specified in, as 25
well as all powers necessary and proper to carry out the 26
purposes of Chapters 4901., 4903., 4905., 4907., 4909., 4921., 27
4923., and 4927. of the Revised Code. 28

(B) A majority of the public utilities commissioners 29
constitutes a quorum. 30

(C) The terms of office of public utilities commissioners 31
shall be for five years, commencing on the eleventh day of April 32
and ending on the tenth day of April, except that terms of the 33
first commissioners shall be for one, two, three, four, and five 34
years, respectively, as designated by the governor at the time 35
of appointment. Each commissioner shall hold office from the 36
date of appointment until the end of the term for which the 37
commissioner was appointed. Any commissioner appointed to fill a 38
vacancy occurring prior to the expiration of the term for which 39
the commissioner was appointed shall hold office for the 40
remainder of such term. Any commissioner shall continue in 41
office subsequent to the expiration date of the term for which 42
the commissioner was appointed until the commissioner's 43
successor takes office, or until a period of sixty days has 44
elapsed, whichever occurs first. Each vacancy shall be filled by 45
appointment within sixty days after the vacancy occurs. 46

(D) Public utilities commissioners nominated by the public 47
utilities commission nominating council shall have at least 48

three years of experience in one or more of the following 49
fields: economics, law, finance, accounting, engineering, 50
physical or natural sciences, natural resources, or 51
environmental studies. At least one commissioner nominated by 52
the council shall be an attorney admitted to the practice of law 53
in any state or the District of Columbia. 54

(E) The chairperson of the commission shall be the head of 55
the commission and its chief executive officer. The appointment 56
or removal of employees of the commission or any division 57
thereof, and all contracts for special service, are subject to 58
the approval of the chairperson. The chairperson shall designate 59
one of the commissioners to act as deputy chairperson, who shall 60
possess during the absence or disability of the chairperson, all 61
of the powers of the chairperson. 62

Sec. 4901.021. (A) There is hereby created a public 63
utilities commission nominating council consisting of the 64
following: 65

(1) The chairperson of the consumers' counsel governing 66
board; 67

(2) The president of the accountancy board; 68

(3) The chairperson of the state board of registration for 69
professional engineers and surveyors; 70

(4) The president of the Ohio state bar association; 71

(5) The president of the Ohio municipal league; 72

(6) The director of development or the director's 73
department-employed designee; 74

(7) A member of the public appointed by the speaker of the 75
house of representatives, to serve at the pleasure of the 76

speaker;	77
(8) A member of the public appointed by the president of the senate, to serve at the pleasure of the president;	78 79
(9) A representative of the regulated public utilities of the state appointed by the governor, to serve at the pleasure of the governor;	80 81 82
(10) A representative of the business community appointed by the governor, to serve at the pleasure of the governor;	83 84
(11) A representative of organized labor appointed by the governor, to serve at the pleasure of the governor;	85 86
(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.	87 88 89
(B) At its first meeting each calendar year, the council shall select from among its members a chairperson and secretary. The council may adopt bylaws governing its proceedings.	90 91 92
(C) 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	93 94 95 96 97 98 99 100 101 102 103 104 105

alternate. Six members, or their alternates, constitute a 106
quorum. 107

(D) The council shall do the following regarding public 108
utilities commissioners it is required to nominate under section 109
4901.02 of the Revised Code: 110

(1) Review and evaluate possible appointees for the office 111
of commissioner of the public utilities commission; 112

(2) Consistent with division (D) of section 4901.02 of the 113
Revised Code, not more than eighty-five nor less than sixty days 114
prior to the expiration of the term of a public utilities 115
commissioner or not more than thirty days after the death of, 116
resignation of, or termination of service by, a public utilities 117
commissioner, provide the governor with a list of four 118
individuals who are, in the judgment of the council, the most 119
fully qualified to accede to the office of commissioner. The 120
council shall not include the name of an individual upon the 121
list, if the appointment of that individual by the governor 122
would result in more than three members of the commission 123
belonging to or being affiliated with the same political party. 124
The council shall include on the list only the names of 125
attorneys admitted to the practice of law in any state or the 126
District of Columbia if an attorney must be appointed to fulfill 127
the requirement of division (D) of section 4901.02 of the 128
Revised Code. To the extent possible, in its performance of this 129
duty, the council shall continually attempt to ensure that the 130
primary focus of the background of two commissioners is in 131
energy and that the primary focus of the background of two 132
commissioners is in transportation or communications technology. 133

(E) In reviewing and evaluating possible appointees for 134
the office of public utilities commissioner, the council may 135

accept comments from, cooperate with, and request information 136
from any person. The council may make recommendations to the 137
general assembly concerning changes in legislation to assist the 138
council in the performance of its duties. 139

(F) Within thirty days of receipt of the council's 140
recommendations under division (D) of this section, the governor 141
shall fill a vacancy occurring in the office of commissioner by 142
appointment of one of the persons recommended by the council. 143
Nothing in this section shall prevent the governor in the 144
governor's discretion from rejecting all of the nominees of the 145
council and reconvening the council in order to select four 146
additional nominees. However, when the governor has reconvened 147
the council and the council has provided the governor with a 148
second list of four names, the governor shall make the 149
appointment from one of the names on the first list or the 150
second list. Each appointment by the governor shall be subject 151
to the advice and consent of the senate. 152

(G) Members of the council shall be compensated on a per 153
diem basis pursuant to the procedures set forth in section 154
124.14 of the Revised Code plus reasonable travel expenses. All 155
the expenses of the nominating council shall be paid from moneys 156
appropriated to the public utilities commission for that 157
purpose. 158

Sec. 4901.022. (A) Beginning with the earliest scheduled 159
appointment of a public utilities commissioner after the 160
effective date of this section, the governor shall appoint one 161
commissioner as a representative of the public from a list of 162
three nominees submitted to the governor by the office of the 163
consumers' counsel to serve for a period of five years. 164

(B) The appointment of a commissioner under this section 165

is subject to the advice and consent of the senate. 166

(C) Not more than eighty-five nor less than sixty days 167
prior to the expiration of the term of a public utilities 168
commissioner appointed under this section or not more than 169
thirty days after the death of, resignation of, or termination 170
of service by a commissioner appointed under this section, the 171
office of the consumers' counsel shall provide the governor with 172
a list of three individuals who are, in the judgment of the 173
counsel, qualified to accede to the office of commissioner. 174

(D) The counsel shall not include the name of an 175
individual upon the nomination list if the appointment of that 176
individual by the governor would result in more than three 177
public utilities commissioners belonging to or being affiliated 178
with the same political party. 179

(E) The nominations submitted by the counsel to the 180
governor under this section are not subject to division (D) of 181
section 4901.02 of the Revised Code. 182

(F) Within thirty days of receipt of the counsel's 183
nominations, the governor shall fill a vacancy in the office of 184
commissioner by appointment of one of the persons recommended by 185
the counsel. The governor cannot reject all of the nominees 186
provided by the counsel. 187

Section 2. That existing sections 4901.02 and 4901.021 of 188
the Revised Code are hereby repealed. 189