



**H.B. 397**

125th General Assembly  
(As Introduced)

Rep. Gilb

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**BILL SUMMARY**

- Allows the chairperson of the Oil and Gas Commission to appoint temporary members to the Commission from the Technical Advisory Council on Oil and Gas when a quorum of the Commission cannot be obtained.
- States that no action of the Commission is valid unless it has the concurrence of at least a majority of the members voting on that action rather than the concurrence of at least three members as in existing law.

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**CONTENT AND OPERATION**

*Current law*

Current law creates the Oil and Gas Commission to hear and decide appeals submitted to it by any person claiming to be aggrieved or adversely affected by an order by the Chief of the Division of Mineral Resources Management in the Department of Natural Resources (sec. 1509.35 and sec. 1509.36, not in the bill). The Commission consists of five members appointed by the Governor. One member must represent a major petroleum company, one must represent the public, one must represent independent petroleum operators, one must be learned and experienced in oil and gas law, and one must be learned and experienced in geology. Not more than three members can be members of the same political party. Three members constitute a quorum, and no action of the Commission is valid unless it has the concurrence of at least three members.

Each member receives a per diem amount when actually engaged in the performance of work as a member and when engaged in travel that is necessary in connection with that work. In addition, each member must be reimbursed for all traveling, hotel, and other expenses necessarily incurred in the performance of work as a member.

The Commission must select from among its members a chairperson, a vice-chairperson, and a secretary who serve one-year terms. The Governor may remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance. (Sec. 1509.35.)

### **The bill**

The bill specifies that if the chairperson of the Commission determines that a quorum cannot be obtained for the purpose of considering a matter that will be before the Commission because of vacancies or recusal of its members, the chairperson may contact the Technical Advisory Council on Oil and Gas and request a list of members of the council who may serve as temporary members of the Commission (sec. 1509.35(C)).<sup>1</sup> The Council, upon receiving a request from the chairperson of the Commission, immediately must prepare and provide to the chairperson a list of its members who may serve as temporary members (sec. 1509.38).

Using the list provided by the Council, the chairperson may appoint temporary members to the Commission. The appointment of temporary members is permitted only for the matter for which a quorum cannot be obtained. The bill provides that the number of temporary members appointed by the chairperson cannot exceed the number that is necessary to obtain a quorum for the matter. (Sec. 1509.35(C).)

Under the bill, a temporary member of the Commission has the same authority, rights, and obligations as a member of the Commission, including the right to compensation and other expenses as provided under current law. However, the authority, rights, and obligations of a temporary member cease when the temporary member's service on the Commission ends. (Sec. 1509.35(C).)

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<sup>1</sup> *The Technical Advisory Council on Oil and Gas is created in existing law and consists of eight members appointed by the Governor with the advice and consent of the Senate. Three members are independent oil or gas producers, operators, or their representatives operating and producing primarily in Ohio, three members are oil or gas producers, operators, or their representatives having substantial oil and gas producing operations in Ohio and at least one other state, one member represents the public, and one member represents persons having landowners' royalty interests in oil and gas production. The Council, when requested by the Chief of the Division of Mineral Resources Management, must consult with and advise the Chief and perform other duties that may be lawfully delegated to it by the Chief. The Council may participate in hearings held by the Chief under the Oil and Gas Law and has other powers and duties specified under current law. (Sec. 1509.38.)*

The bill states that the requirements governing qualifications of Commission members and establishing their terms of office and the requirement that not more than three members of the Commission can be of the same political party do not apply to temporary members (sec. 1509.35(A)). In addition, the bill states that no action of the Commission is valid unless it has the concurrence of at least a majority of the members voting on that action instead of at least three members as in existing law (sec. 1509.35(B)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-03-04	p. 1593

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