



**H.B. 398**

126th General Assembly  
(As Introduced)

**Reps. Skindell, Miller, Yuko, Widowfield, Fende, Woodard, Key, Hughes, Williams, S. Smith, Brown, Reidelbach, Strahorn, Hartnett, Harwood**

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**BILL SUMMARY**

- Creates the Council on Sustainable Energy Development, consisting of five voting members including four state senators and representatives and one representative of the general public, and various state officials as nonvoting members.
- Requires the Council to monitor and publicize biofuel and renewable energy developments to assist in the growth of Ohio companies engaged in related activity and authorizes the Council to make public policy recommendations to assist that growth.
- Requires the Council to analyze, report on, and make policy recommendations about a renewable energy portfolio standard for Ohio utilities.

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**CONTENT AND OPERATION**

The bill creates a Council on Sustainable Energy Development that will focus on several areas relating to renewable energy (R.C. 4905.89). The Council will consist of five voting members including four state senators and representatives and one representative of the general public, and various state officials as nonvoting members.

**Council duties**

The bill requires the Council to (1) monitor biofuel and renewable energy activity for any developments that may assist the growth in Ohio of companies whose business relates to biofuel and renewable energy and (2) publicize those developments. It authorizes the Council to submit to the President of the Senate, Senate Minority Leader, Speaker of the House of Representatives, and House

Minority Leader recommendations for legislation that may assist in the growth in Ohio of companies whose business relates to biofuel and renewable energy.

Additionally, the bill requires the Council, within 12 months after the bill's effective date, to submit to the Governor, President of the Senate, Senate Minority Leader, Speaker of the House, and House Minority Leader a detailed analysis of a possible renewable energy standard for the power supply portfolios of Ohio utilities, the possible effects such a standard would have on Ohio, and any recommendations relative to such a standard.

### **Composition**

The Council will have five voting members: one member each of the majority and minority parties of the Senate, appointed by the President of the Senate; one member each of the majority and minority parties of the House of Representatives, appointed by the Speaker; and one Council member representing the general public and appointed by the Governor with the advice and consent of the Senate.

Nonvoting members of the Council are the Director of Agriculture, Director of Development, Executive Director of the Ohio Air Quality Development Authority, Chairperson of the Public Utilities Commission (PUCO), and the Ohio Consumers' Counsel. Each may assign a designee to represent them.

Appointments must be made not later 120 days after the bill's effective date.

The Council member appointed by the Governor serves a two-year term. Under the bill, that person will hold office from the date of appointment until the end of the term, except that the member continues in office after the expiration date of the term until a successor takes office or 60 days has elapsed, whichever occurs first. A person appointed by the Governor to fill a vacancy occurring prior to the expiration of the current term holds office for the remainder of that term. The member appointed by the Governor may be reappointed, and the Governor may remove the member for misfeasance, nonfeasance, or malfeasance in office.

Legislative members appointed by the President of the Senate and the Speaker serve at the pleasure of their appointing authorities.

Vacancies must be filled in the same manner as provided for original appointments.

**Council operation**

Council members annually must elect from among themselves a chairperson, vice-chairperson, and secretary. A majority vote of a quorum of the voting members of the Council is necessary to take action on any matter. The Council may adopt bylaws governing its operation, including a bylaw to establish the frequency of its meetings.

The bill states that Council members are deemed public officials or officers only for the purposes of continuing laws concerning the civil immunity of state officers and employees (R.C. 9.86), ethics (R.C. Chapter 102.), and offenses against justice and administration (R.C. Chapter 2921.). The bill provides that serving as a Council member does not constitute holding a public office or position of employment so as to constitute grounds for the removal of public officers or employees serving as Council members from their offices or positions of employment. The bill subjects Council members to the requirement of financial disclosure filing with the Ohio Ethics Commission and to associated penalties (R.C. 102.02).

Under the bill, Council members serve without compensation for attending Council meetings, but must receive their actual and necessary traveling and other expenses incurred in the performance of their official duties in accordance with the rules of the Office of Budget and Management.

The PUCO must provide office space for the Council, and PUCO staff must assist the Council in its duties as needed.

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**HISTORY**

ACTION	DATE
Introduced	10-26-05

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