



## Ohio Revised Code

### Section 4906.02 Power siting board organization.

Effective: [October 11, 2021](#)

Legislation: [House Bill 110](#), [Senate Bill 52](#)

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(A)(1) There is hereby created within the public utilities commission the power siting board, composed of the chairperson of the public utilities commission, the director of environmental protection, the director of health, the director of development, the director of natural resources, the director of agriculture, and a representative of the public who shall be an engineer and shall be appointed by the governor, from a list of three nominees submitted to the governor by the office of the consumers' counsel, with the advice and consent of the senate and shall serve for a term of four years. The chairperson of the public utilities commission shall be chairperson of the board and its chief executive officer. The chairperson shall designate one of the voting members of the board to act as vice-chairperson who shall possess during the absence or disability of the chairperson all of the powers of the chairperson. All hearings, studies, and consideration of applications for certificates shall be conducted by the board or representatives of its members.

In addition, the board shall include four legislative members who may participate fully in all the board's deliberations and activities except that they shall serve as nonvoting members. The speaker of the house of representatives shall appoint one legislative member, and the president of the senate and minority leader of each house shall each appoint one legislative member. Each such legislative leader shall designate an alternate to attend meetings of the board when the regular legislative member appointed by the legislative leader is unable to attend. Each legislative member and alternate shall serve for the duration of the elected term that the legislative member is serving at the time of appointment. A quorum of the board is a majority of its voting members.

The representative of the public and, notwithstanding section 101.26 of the Revised Code, legislative members of the board or their designated alternates, when engaged in their duties as members of the board, shall be paid at the per diem rate of step 1, pay range 32, under schedule B of section 124.15 of the Revised Code and shall be reimbursed for the actual and necessary expenses they incur in the discharge of their official duties.

(2) In all cases involving an application for a certificate or a material amendment to an existing



certificate for a utility facility, as defined in section 303.57 of the Revised Code, the board shall include two voting ad hoc members, as described in section 4906.021 of the Revised Code.

(B) The chairperson shall keep a complete record of all proceedings of the board, issue all necessary process, writs, warrants, and notices, keep all books, maps, documents, and papers ordered filed by the board, conduct investigations pursuant to section 4906.07 of the Revised Code, and perform such other duties as the board may prescribe.

(C) The chairperson of the public utilities commission may assign or transfer duties among the commission's staff. However, the board's authority to grant certificates under section 4906.10 of the Revised Code shall not be exercised by any officer, employee, or body other than the board itself.

(D)(1) The chairperson may call to the chairperson's assistance, temporarily, any employee of the environmental protection agency, the department of natural resources, the department of agriculture, the department of health, or the department of development, for the purpose of making studies, conducting hearings, investigating applications, or preparing any report required or authorized under this chapter. Such employees shall not receive any additional compensation over that which they receive from the agency by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the chairperson. All contracts for special services are subject to the approval of the chairperson.

(2) Subject to controlling board approval, the board may contract for the services of any expert or analyst, other than an employee described in division (D)(1) of this section, for the purposes of carrying out the board's powers and duties as described in Chapter 4906. of the Revised Code. Any such expert or analyst shall be compensated from the application fee, or if necessary, supplemental application fees assessed in accordance with division (F) of section 4906.06 of the Revised Code.

(E) The board's offices shall be located in those of the public utilities commission.

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*The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.*