

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 104

Representative Stein

**Cosponsors: Representatives Arndt, Becker, Carfagna, Cupp, Dean, Hambley,
Hood, Koehler, Lang, LaTourette, Lipps, Manning, G., McClain, Riedel,
Romanchuk, Seitz, Wiggam, Wilkin**

A BILL

To amend sections 3748.03, 5725.98, 5726.98, 1
5729.98, 5747.02, 5747.98, and 5751.98 and to 2
enact sections 122.97, 3748.23, 4164.01, 3
4164.02, 4164.05, 4164.07, 4164.09, 4164.11, 4
4164.13, 4164.15, 4164.17, 4164.19, 4164.21, 5
4164.25, 4164.27, 4164.29, 4164.33, 4164.35, 6
4164.41, 4164.43, 4164.45, 4164.46, 4164.48, 7
4164.50, 4164.52, 4164.58, 4164.59, 4164.63, 8
4164.71, and 4164.73 of the Revised Code to 9
enact the Advanced Nuclear Technology Helping 10
Energize Mankind (ANTHEM) Act by establishing 11
the Ohio Nuclear Development Authority and the 12
Ohio Nuclear Development Consortium and 13
authorizing tax credits for investments therein. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3748.03, 5725.98, 5726.98, 15
5729.98, 5747.02, 5747.98, and 5751.98 be amended and sections 16
122.97, 3748.23, 4164.01, 4164.02, 4164.05, 4164.07, 4164.09, 17

4164.11, 4164.13, 4164.15, 4164.17, 4164.19, 4164.21, 4164.25, 18
4164.27, 4164.29, 4164.33, 4164.35, 4164.41, 4164.43, 4164.45, 19
4164.46, 4164.48, 4164.50, 4164.52, 4164.58, 4164.59, 4164.63, 20
4164.71, and 4164.73 of the Revised Code be enacted to read as 21
follows: 22

Sec. 122.97. (A) As used in this section: 23

(1) "Consortium" means the Ohio nuclear development 24
consortium formed pursuant to section 4164.41 of the Revised 25
Code. 26

(2) "Tax year" means one of the following: 27

(a) In the case of the tax imposed under section 5726.02 28
of the Revised Code, the taxable year as defined in section 29
5726.01 of the Revised Code; 30

(b) In the case of the tax imposed under section 5725.18, 31
5727.24, 5729.03, 5736.02, or 5751.02 of the Revised Code, the 32
calendar year; 33

(c) In the case of the tax imposed under section 5747.02 34
of the Revised Code, the taxable year as defined in section 35
5747.01 of the Revised Code; 36

(d) In the case of the tax imposed under section 5727.30 37
of the Revised Code, the twelve-month period on the basis of 38
which that tax is calculated. 39

(3) "Qualified consortium stock" means stock in the 40
consortium purchased from the initial offering described in 41
section 4164.45 of the Revised Code. "Qualified consortium 42
stock" does not include stock purchased from a shareholder of 43
the consortium. 44

(B) A person that purchases qualified consortium stock may 45

apply to the director of development services, on forms 46
prescribed by the director, for a tax credit under division (C) 47
of this section. The director shall issue a tax credit 48
certificate to any applicant that the director determines has 49
purchased such stock. Each certificate shall identify the date 50
on which the certificate was issued, the name of the investor, 51
and the amount of the purchased qualified consortium stock upon 52
which the credit will be based. 53

(C) (1) The holder of a tax credit certificate issued under 54
division (B) of this section may claim a nonrefundable credit 55
against one of the taxes imposed under section 5725.18, 5726.02, 56
5727.24, 5727.30, 5729.03, 5736.02, 5747.02, or 5751.02 of the 57
Revised Code. The credit may be claimed for the fifth tax year 58
beginning after the tax year in which the certificate is issued, 59
or, if applicable, any calendar quarter in that tax year, or for 60
any following tax year or calendar quarter. In no case, however, 61
may the credit be claimed for a tax year after the sooner of 62
either (a) the fifteenth tax year after the tax year in which 63
the certificate is issued or any calendar quarter in that tax 64
year or (b) the tax year in which the consortium dissolves, 65
terminates, or declares bankruptcy or any calendar quarter in 66
that tax year. 67

(2) The amount of the credit authorized under this section 68
equals one of the following: 69

(a) If the credit is claimed for the fifth tax year after 70
the tax year in which the certificate is issued or, if 71
applicable, for a calendar quarter in that fifth tax year, ten 72
per cent of the amount of purchased qualified consortium stock 73
listed on the certificate; 74

(b) If the credit is claimed for the sixth tax year after 75

the tax year in which the certificate is issued or, if 76
applicable, for a calendar quarter in that sixth tax year, 77
twelve and one-half per cent of the amount of such stock listed 78
on the certificate; 79

(c) If the credit is claimed for the seventh tax year 80
after the tax year in which the certificate is issued or, if 81
applicable, for a calendar quarter in that seventh tax year, 82
fifteen per cent of the amount of such stock listed on the 83
certificate; 84

(d) If the credit is claimed for the eighth tax year after 85
the tax year in which the certificate is issued or, if 86
applicable, for a calendar quarter in that eighth tax year, 87
seventeen and one-half per cent of the amount of such stock 88
listed on the certificate; 89

(e) If the credit is claimed for the ninth tax year after 90
the tax year in which the certificate is issued or, if 91
applicable, for a calendar quarter in that ninth tax year, 92
twenty per cent of the amount of such stock listed on the 93
certificate; 94

(f) If the credit is claimed for the tenth tax year after 95
the tax year in which the certificate is issued or, if 96
applicable, for a calendar quarter in that tenth tax year, 97
twenty-two and one-half per cent of the amount of such stock 98
listed on the certificate; 99

(g) If the credit is claimed for the eleventh tax year 100
after the tax year in which the certificate is issued or, if 101
applicable, for a calendar quarter in that eleventh tax year, 102
twenty-five per cent of the amount of such stock listed on the 103
certificate; 104

(h) If the credit is claimed for the twelfth tax year 105
after the tax year in which the certificate is issued or, if 106
applicable, for a calendar quarter in that twelfth tax year, 107
twenty-seven and one-half per cent of the amount of such stock 108
listed on the certificate; 109

(i) If the credit is claimed for the thirteenth tax year 110
after the tax year in which the certificate is issued or, if 111
applicable, for a calendar quarter in that thirteenth tax year, 112
thirty per cent of the amount of such stock listed on the 113
certificate; 114

(j) If the credit is claimed for the fourteenth tax year 115
after the tax year in which the certificate is issued or, if 116
applicable, for a calendar quarter in that fourteenth tax year, 117
thirty-two and one-half per cent of the amount of such stock 118
listed on the certificate; 119

(k) If the credit is claimed for the fifteenth tax year 120
after the tax year in which the certificate is issued or, if 121
applicable, for a calendar quarter in that fifteenth tax year, 122
thirty-five per cent of the amount of such stock listed on the 123
certificate. 124

The credit shall be claimed in the order prescribed in 125
section 5725.98, 5726.98, 5729.98, 5747.98, or 5751.98 of the 126
Revised Code. If the credit exceeds the amount of the tax 127
otherwise due in that tax year or calendar quarter, the excess 128
may be carried forward for not more than fifteen ensuing tax 129
years or calendar quarters in those years, as applicable. 130

If the holder of a tax credit certificate under this 131
section is a pass-through entity and the credit is claimed 132
against the tax imposed under section 5747.02 of the Revised 133

Code, each equity owner of the entity that is subject to that 134
tax may claim the owner's distributive or proportionate share of 135
the credit. 136

(D) Before the credit is claimed under division (C) of 137
this section, the holder of a tax credit certificate may sell or 138
transfer the certificate to another person. The holder shall 139
notify the director of development services within ten days 140
after the sale or transfer of the name of the new holder and any 141
other information the director requires to identify the new 142
holder. The new holder may claim the credit in the same amount 143
and for the same tax years or calendar quarters as the seller, 144
in accordance with division (C) of this section. 145

Sec. 3748.03. (A) (1) The governor, on behalf of the state, 146
may enter into agreements with the United States nuclear 147
regulatory commission as authorized by section 274(b) of the 148
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 149
amended, for the discontinuation of specified licensing and 150
related regulatory authority of the commission with respect to 151
byproduct material, source material, the commercial disposal of 152
low-level radioactive waste, and special nuclear material in 153
quantities not sufficient to form a critical mass and the 154
assumption of that authority by the state. 155

(2) The governor shall appoint a state liaison officer to 156
the United States nuclear regulatory commission, who shall serve 157
at the pleasure of the governor. 158

(B) ~~The general assembly hereby designates the department~~ 159
of health, in addition to the Ohio nuclear development authority 160
as the agency authorized to by division (H) of section 4164.19 161
of the Revised Code, may pursue agreement state status, on 162
behalf of the governor, for the assumption by the state of 163

specified licensing and related regulatory authority from the 164
commission pursuant to division (A) of this section. The 165
department shall and the Ohio nuclear development authority may 166
enter into negotiations with the commission for that purpose. 167

(C) Any person who, on the effective date of an agreement 168
entered into by the state and the commission pursuant to 169
divisions (A) and (B) of this section, holds a license issued by 170
the commission for radioactive materials that are subject to the 171
agreement is deemed to hold a license issued under this chapter 172
and rules adopted under it. That license shall expire ninety 173
days after the holder receives a notice of expiration from the 174
department or on the date of expiration specified in the license 175
issued by the commission, whichever is later, provided that no 176
such license shall expire during the ninety days immediately 177
following the effective date of the agreement. 178

Sec. 3748.23. The rules adopted under this chapter shall 179
neither conflict with nor supersede the rules adopted under 180
Chapter 4164. of the Revised Code. 181

Sec. 4164.01. As used in this chapter, unless the context 182
otherwise requires: 183

(A) "Authority" means the Ohio nuclear development 184
authority created and constituted under section 4164.05 of the 185
Revised Code. 186

(B) "Consortium" means the Ohio nuclear development 187
consortium formed pursuant to section 4164.41 of the Revised 188
Code. 189

Sec. 4164.02. It is the intent of the general assembly in 190
enacting this chapter of the Revised Code to encourage its use 191
as a model for future legislation to further the pursuit of 192

innovative research and development for any industry in this 193
state. 194

Sec. 4164.05. There is hereby created and constituted the 195
Ohio nuclear development authority. The authority's exercise of 196
powers conferred by this chapter is the performance of an 197
essential governmental function and matters of public necessity 198
for which public moneys may be spent and private property 199
acquired. The authority shall have the right of eminent domain 200
in acquiring lands with which to meet its responsibilities as 201
defined in this chapter. The authority shall be a nonprofit 202
entity. 203

Sec. 4164.07. The authority is established for both of the 204
following purposes: 205

(A) To be an information resource for this state, the 206
United States nuclear regulatory commission, all branches of the 207
United States military, and the United States department of 208
energy on advanced-nuclear-research reactors, isotopes, and 209
isotope technologies; 210

(B) To make this state all of the following: 211

(1) A leader in the development and construction of new- 212
type advanced-nuclear-research reactors; 213

(2) A national and global leader in the commercial 214
production of isotopes and research; 215

(3) A leader in the research and development of high- 216
level-nuclear-waste reduction and storage. 217

Sec. 4164.09. (A) The authority shall consist of nine 218
members representing the following three stakeholder groups 219
within the nuclear-engineering-and-manufacturing industry: 220

<u>(1) Safety;</u>	221
<u>(2) Industry;</u>	222
<u>(3) Engineering research and development.</u>	223
<u>(B) The governor, the speaker of the house of</u>	224
<u>representatives, and the president of the senate shall each</u>	225
<u>appoint one member from each of the three stakeholder groups.</u>	226
<u>(C) (1) A member appointed from the safety group shall hold</u>	227
<u>at least a bachelor's degree in nuclear, mechanical, chemical,</u>	228
<u>or electrical engineering and at least one of the following</u>	229
<u>shall also apply:</u>	230
<u>(a) The member is a recognized professional in nuclear-</u>	231
<u>reactor safety or developing ISO 9000 standards.</u>	232
<u>(b) The member has been employed by or has worked closely</u>	233
<u>with the United States department of energy or the nuclear</u>	234
<u>regulatory commission and the member also has a professional</u>	235
<u>background in nuclear-energy-technology development or advanced-</u>	236
<u>nuclear-reactor concepts.</u>	237
<u>(c) The member has been employed by a contractor that has</u>	238
<u>built concept reactors and the member also worked with hazardous</u>	239
<u>substances, either nuclear or chemical, during that employment.</u>	240
<u>(2) A member appointed from the industry group shall have</u>	241
<u>at least five years of experience in one or more of the</u>	242
<u>following:</u>	243
<u>(a) Nuclear-power-plant operation;</u>	244
<u>(b) Processing and extracting isotopes;</u>	245
<u>(c) Managing a facility that deals with hazardous</u>	246
<u>substances, either nuclear or chemical;</u>	247

<u>(d) Handling and storing nuclear waste.</u>	248
<u>(3) A member appointed from the engineering research and development group shall hold at least a bachelor's degree in nuclear, mechanical, chemical, or electrical engineering and the member shall also be a recognized professional in at least one of the following areas of study:</u>	249
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<u>(a) Advanced nuclear reactors;</u>	254
<u>(b) Materials science involving the study of alloys and metallurgy, ceramics, or composites;</u>	255
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<u>(c) Molten-salt chemistry;</u>	257
<u>(d) Solid-state chemistry;</u>	258
<u>(e) Chemical physics;</u>	259
<u>(f) Actinide chemistry;</u>	260
<u>(g) Instrumentation and sensors;</u>	261
<u>(h) Control systems.</u>	262
<u>(D) The members shall serve five-year terms unless the consortium approves terms of an alternative duration.</u>	263
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<u>(E) Any appointment to fill a vacancy on the authority shall be made for the unexpired term of the member whose death, resignation, or removal created the vacancy.</u>	265
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<u>(F) Initial appointments under this section shall be made not later than sixty days after the effective date of this section.</u>	268
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<u>Sec. 4164.11. Immediately after appointment to the authority under section 4164.09 of the Revised Code, the members shall enter upon the performance of their duties.</u>	271
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Sec. 4164.13. (A) The shareholders of the consortium shall 274
annually elect from among the members of the authority a 275
chairperson, a vice-chairperson, and a treasurer. 276

(B) The shareholders of the consortium shall annually 277
elect a secretary for the authority. The secretary is not 278
required to be a member of the authority. 279

(C) Prior to the first organizational meeting of the 280
consortium, the members of the authority may appoint a temporary 281
chairperson, a temporary vice-chairperson, a temporary 282
treasurer, and a temporary secretary. 283

Sec. 4164.15. Meetings of the authority shall be held in 284
compliance with section 121.22 of the Revised Code. 285

Sec. 4164.17. The authority may preside over the first 286
organizational meeting of the shareholders of the consortium. 287

Sec. 4164.19. The authority shall have all powers 288
necessary and convenient for carrying out its statutory 289
purposes, including the following powers: 290

(A) To adopt bylaws for the management and regulation of 291
its affairs; 292

(B) To develop and adopt a strategic plan for carrying out 293
the purposes set forth in this chapter; 294

(C) To promote and facilitate agreements among public and 295
private institutions of higher education in this state and other 296
research entities to carry out research projects relating to 297
public safety, advanced-nuclear-research-reactor technology, and 298
the production of isotopes; 299

(D) To foster innovative partnerships and relationships 300
among the state, the state's public institutions of higher 301

education, private companies, federal laboratories, and 302
nonprofit organizations to accomplish the purposes set forth in 303
this chapter; 304

(E) To identify and support, in cooperation with the 305
public and private sectors, the development of education 306
programs related to Ohio's isotope industry; 307

(F) To encourage, facilitate, and support the application, 308
commercialization, and transfer of new isotope and advanced- 309
nuclear-research-reactor technologies; 310

(G) To assume any regulatory powers delegated from the 311
United States nuclear regulatory commission, the United States 312
department of energy, or any branch of the United States 313
military, or similar federal agencies, departments, or programs, 314
governing the construction and operation of noncommercial power- 315
producing nuclear reactors and the handling of radioactive 316
materials; 317

(H) To act in place of the governor in approving 318
agreements with the United States nuclear regulatory commission 319
and joint-development agreements with the United States 320
department of energy or an equivalent regulatory agency in the 321
event that any of the following occur: 322

(1) The authority requests the commission to delegate 323
rules for a state-based nuclear research-and-development 324
program. 325

(2) The authority requests to jointly develop advanced- 326
nuclear-research-reactor technology with the department under 327
the department's authority. 328

(3) The authority requests to jointly develop advanced- 329
nuclear-research-reactor technology with the United States 330

department of defense or another United States military agency 331
under the authority of the department or agency. 332

Sec. 4164.21. The authority shall, under Chapter 119. of 333
the Revised Code, adopt rules provided for by the United States 334
nuclear regulatory commission, department of energy, department 335
of defense or another United States military agency, or a 336
comparable federal agency for an Ohio state nuclear technology 337
research program for the purposes of developing and studying 338
advanced-nuclear research reactors to produce isotopes and to 339
reduce this state's high-level nuclear waste. The rules shall 340
reasonably ensure Ohioans of their safety in respect to nuclear 341
technology research and development and radioactive materials 342
utilized by the consortium. 343

Sec. 4164.25. The authority shall work with industrial and 344
academic institutions and the United States department of energy 345
or branches of the United States military to approve designs for 346
the commercialization of advanced-nuclear-reactor components, 347
which may include any of the following: 348

(A) Advanced-nuclear-reactor-neutronics analysis and 349
experimentation, including reactor, plant, shielding, nuclear 350
data, source-program software, nuclear database, conceptual 351
design, core and system design, certification in the phases, 352
core-management and fuel-management technology, modeling, and 353
calculation; 354

(B) Advanced-nuclear-reactor safety and plant safety, 355
including reactor-system safety standards, accident-analysis 356
software, and accident-management regulations; 357

(C) Advanced-nuclear-reactor fuels and materials, 358
including long-life fuel, clad materials, structural materials, 359

<u>component materials, absorber materials, circuit materials, raw</u>	360
<u>materials, fuels-and-materials research and development, testing</u>	361
<u>programs used to develop fuels and materials-manufacturing</u>	362
<u>processes, experimental data, formulae, technological processes,</u>	363
<u>and facilities and equipment used to manufacture advanced-</u>	364
<u>nuclear-reactor fuels and materials;</u>	365
<u>(D) Advanced-nuclear-reactor-nuclear-steam-supply systems</u>	366
<u>and their associated components and equipment, including design</u>	367
<u>standards, component, equipment, and systems design, thermal</u>	368
<u>hydraulics, mechanics, and chemistry analysis;</u>	369
<u>(E) Advanced-nuclear-reactor engineered-safety features</u>	370
<u>and their associated components, including design standards,</u>	371
<u>component design, system design, and structural design;</u>	372
<u>(F) Advanced-nuclear-reactor building, including</u>	373
<u>containment design, structural analysis, and architectural</u>	374
<u>analysis;</u>	375
<u>(G) Advanced-nuclear-reactor instrumentation and control</u>	376
<u>and application of computer science, including survey, monitor,</u>	377
<u>control, and protection systems;</u>	378
<u>(H) Advanced-nuclear-reactor-quality practices,</u>	379
<u>nondestructive-inspection practices, and in-service-inspection</u>	380
<u>technology;</u>	381
<u>(I) Advanced-nuclear-reactor plant design and</u>	382
<u>construction, debug, test-run, operation, maintenance, and</u>	383
<u>decommissioning technology;</u>	384
<u>(J) Advanced-nuclear-reactor economic methodology and</u>	385
<u>evaluation technology;</u>	386
<u>(K) Treatment, storage, recycling, and disposal technology</u>	387

<u>for advanced-nuclear-reactor and system-spent fuel;</u>	388
<u>(L) Treatment, storage, and disposal technology for</u>	389
<u>advanced-nuclear-reactor and system radioactive waste;</u>	390
<u>(M) Other areas that the parties or their executive agents</u>	391
<u>agree upon in writing.</u>	392
<u>Sec. 4164.27. To fund and support the activities of the</u>	393
<u>authority and the consortium, the authority shall apply for,</u>	394
<u>solicit, and accept from any source, including any agency of</u>	395
<u>this state, any other state, or the United States, any</u>	396
<u>municipality, county, or other political subdivision, any</u>	397
<u>shareholder of the consortium, or any private corporation or</u>	398
<u>other entity, any of the following:</u>	399
<u>(A) Grants, including grants available under federal law;</u>	400
<u>(B) Aid;</u>	401
<u>(C) Contributions of money, property, or other things of</u>	402
<u>value, which shall be held, used, and applied for the purposes</u>	403
<u>set forth in this chapter.</u>	404
<u>Sec. 4164.29. The authority shall give priority to all</u>	405
<u>consortium projects that reduce nuclear waste and produce</u>	406
<u>isotopes.</u>	407
<u>Sec. 4164.33. On or before the fourth day of July of each</u>	408
<u>year, the authority shall submit an updated strategic plan, an</u>	409
<u>annual summary of its activities, and recommendations for the</u>	410
<u>support and expansion of the purposes set forth in this chapter.</u>	411
<u>Sec. 4164.35. The attorney general or the attorney</u>	412
<u>general's designated representative shall be the primary general</u>	413
<u>counsel for the authority and shall represent the interests of</u>	414
<u>the authority in any litigation concerning the authority's</u>	415

activities with other states and with the federal government. 416

Sec. 4164.41. (A) The authority, not later than one 417
hundred eighty days after the appointment of its initial 418
members, shall provide for the formation of a for-profit entity 419
to be known as the Ohio nuclear development consortium. The 420
consortium shall be created, organized, and governed, its 421
business shall be conducted, and its directors shall be chosen, 422
in all respects in the same manner as is provided by Chapters 423
1701. and 1704. of the Revised Code, for corporations generally, 424
to the extent that it is not inconsistent with this chapter. 425

(B) The purposes of the consortium include carrying out 426
the mission of the authority in: 427

(1) Making the state a leader in the commercial production 428
of isotopes and in nuclear-waste reduction and storage; 429

(2) Serving as an interdisciplinary study, research, and 430
information resource for the state, the United States nuclear 431
regulatory commission, the United States department of energy, 432
and the United States department of defense on isotopes. 433

(C) The consortium shall be solely responsible for the 434
internment and sequestration of high-level nuclear waste, or its 435
destruction or reduction, that is produced in the state if the 436
federal government defaults on its obligation to dispose of or 437
store Ohio produced high-level nuclear waste. The consortium may 438
seek funds of the United States department of energy to develop 439
alternative technologies to store, reduce, or consume Ohio's 440
high-level nuclear waste. The consortium shall have legal 441
standing to represent the state if the United States department 442
of energy fails in its obligation to provide a viable repository 443
for the state's high-level nuclear waste. 444

(D) The consortium may commit to research and development agreements with other state organizations that are authorized to enter into such agreements, but may not obligate the state to such agreements. 445
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(E) The consortium shall annually report to the authority on its nonproprietary activities. 449
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Sec. 4164.43. The consortium shall pay the administrative expenses of the authority, which shall not exceed five per cent of the shareholders' equity in the consortium each year. 451
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Sec. 4164.45. (A) The treasurer of state shall provide for an initial offering of uncertificated private common consortium stock that is set at twenty million shares at fifty dollars per share. 454
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(B) The treasurer of state's office shall provide equity management services for the consortium and shall establish an online exchange to purchase, sell, and trade consortium stock. The treasurer of state may charge each purchaser of consortium stock a monthly fee to cover the costs incurred by the office in providing these services. 458
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Sec. 4164.46. (A) The following purchase requirements apply to consortium stock: 464
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(1) If the purchaser is a resident of this state who pays Ohio income tax or a business entity organized under Ohio law, no minimum purchase of shares is required. 466
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(2) If the purchaser is an out-of-state resident, the minimum purchase shall be one hundred shares. 469
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(3) If the purchaser is a business entity organized under the laws of another state, the minimum purchase shall be one 471
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thousand shares. 473

(B) At no point shall a foreign national, foreign company, 474
or foreign country be allowed to own more than thirty-three per 475
cent shares of stock that entitle the holder to vote. A foreign 476
national, foreign company, or foreign country may, however, own 477
an unlimited amount of preferred stock that does not allow the 478
holder to vote. 479

Sec. 4164.48. An organizational meeting of the 480
shareholders of the consortium shall be held as early as five 481
hundred forty days after the formation of the consortium by the 482
authority, or within one hundred eighty days after the sale of 483
one million shares of the original offering of stock, whichever 484
comes first. Thereafter, the annual meeting of the shareholders 485
for the election of directors and the transaction of other 486
business shall be held on the date in each year determined by 487
the board of directors. 488

Sec. 4164.50. (A) Immediately after the consortium's 489
organization and before its first organizational meeting, the 490
nonprofit eGeneration foundation, or its successor entity, shall 491
act as an agent to encourage investment into the consortium, to 492
educate the public of the importance of isotopes, and to lobby 493
the federal government, as the authority approves. 494

(B) The eGeneration foundation, or its successor entity, 495
shall be permitted to expend consortium-derived funds, at its 496
discretion and with the approval of the authority, of up to one 497
million dollars annually, provided the foundation or successor 498
entity remains a nonprofit organization and pays not more than 499
one manager one hundred ten thousand dollars or less annually 500
and no other employees more than seventy thousand dollars 501
annually. The authority, at its discretion, may approve more 502

discretionary spending for the foundation or successor entity 503
prior to the first organizational meeting of the consortium. 504

(C) After the first meeting of the consortium, the 505
consortium shall determine the annual budget of the consortium. 506

Sec. 4164.52. (A) The business of the consortium shall be 507
managed by the board of directors. Each director shall be at 508
least eighteen years of age, a resident of this state, and a 509
citizen of the United States. 510

(B) (1) The number of directors constituting the entire 511
board shall be the number, not less than one nor more than 512
twenty, that is fixed from time to time by a majority of the 513
total number of directors that the consortium would have, prior 514
to any increase or decrease, if there were no vacancies. No 515
decrease, however, shall shorten the term of an incumbent 516
director. 517

(2) Until otherwise fixed by the directors, the number of 518
directors constituting the entire board shall be four. 519

(C) At each annual meeting of shareholders, directors 520
shall be elected to hold office until the next annual meeting 521
and until their successors have been elected and qualified or 522
until their death, resignation, or removal in the manner 523
provided in this chapter. 524

(D) For their own government, the directors may adopt 525
bylaws that are not inconsistent with the articles or 526
regulations. 527

Sec. 4164.58. The consortium, with the consent of a 528
majority of its shareholders and also the United States 529
department of energy, the United States nuclear regulatory 530
commission, or the United States military, may build one or more 531

demonstration power-producing nuclear reactors located in this 532
state. The reactor or reactors shall not transmit electricity 533
outside of this state and shall not transmit district heat 534
outside of this state. 535

Sec. 4164.59. Neither the authority nor the consortium 536
shall operate a power-producing reactor or research reactor 537
outside of this state. 538

Sec. 4164.63. The auditor of state or the auditor of 539
state's legally authorized representatives shall annually audit 540
the financial accounts of the consortium, provided that the 541
working papers and files of the auditor of state relating to 542
such audits are not public records under section 149.43 of the 543
Revised Code. 544

Sec. 4164.71. Nothing in this chapter shall be construed 545
to supersede any agreement between the department of health and 546
the United States nuclear regulatory commission entered into 547
under section 3748.03 of the Revised Code with respect to 548
regulating activities not within the scope of activities of the 549
authority. 550

Sec. 4164.73. Notwithstanding any law to the contrary, no 551
officer or employee of this state shall be deemed to have 552
forfeited or shall have forfeited the officer's or employee's 553
office or employment due to acceptance of membership on the 554
authority or by providing service to the authority or to the 555
consortium. 556

Sec. 5725.98. (A) To provide a uniform procedure for 557
calculating the amount of tax imposed by section 5725.18 of the 558
Revised Code that is due under this chapter, a taxpayer shall 559
claim any credits and offsets against tax liability to which it 560

is entitled in the following order:	561
(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;	562 563
(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code;	564 565
(3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;	566 567
(4) The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	568 569
(5) The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	570 571
(6) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	572 573 574
(7) <u>The nonrefundable credit for investment in the Ohio nuclear development consortium under section 122.97 of the Revised Code;</u>	575 576 577
<u>(8)</u> The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code ;	578 579
(8) <u>(9)</u> The refundable credit for Ohio job retention under former division (B) (2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	580 581 582 583 584
(9) <u>(10)</u> The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	585 586
(10) <u>(11)</u> The refundable credit under section 5725.19 of	587

the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 588
589
590

(B) For any credit except the refundable credits 591
enumerated in this section, the amount of the credit for a 592
taxable year shall not exceed the tax due after allowing for any 593
other credit that precedes it in the order required under this 594
section. Any excess amount of a particular credit may be carried 595
forward if authorized under the section creating that credit. 596
Nothing in this chapter shall be construed to allow a taxpayer 597
to claim, directly or indirectly, a credit more than once for a 598
taxable year. 599

Sec. 5726.98. (A) To provide a uniform procedure for 600
calculating the amount of tax due under section 5726.02 of the 601
Revised Code, a taxpayer shall claim any credits to which the 602
taxpayer is entitled under this chapter in the following order: 603

(1) The nonrefundable job retention credit under division 604
(B) of section 5726.50 of the Revised Code; 605

(2) The nonrefundable credit for purchases of qualified 606
low-income community investments under section 5726.54 of the 607
Revised Code; 608

(3) The nonrefundable credit for qualified research 609
expenses under section 5726.56 of the Revised Code; 610

(4) The nonrefundable credit for qualifying dealer in 611
intangibles taxes under section 5726.57 of the Revised Code; 612

(5) The nonrefundable credit for investment in the Ohio 613
nuclear development consortium under section 122.97 of the 614
Revised Code; 615

<u>(6)</u> The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;	616 617
(6) <u>(7)</u> The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;	618 619 620
(7) <u>(8)</u> The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	621 622 623 624
(8) <u>(9)</u> The refundable motion picture production credit under section 5726.55 of the Revised Code.	625 626
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	627 628 629 630 631 632 633 634 635
Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:	636 637 638 639
(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;	640 641
(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code;	642 643

(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	644 645
(4) The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	646 647
(5) The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	648 649
(6) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	650 651 652
(7) <u>The nonrefundable credit for investment in the Ohio nuclear development consortium under section 122.97 of the Revised Code;</u>	653 654 655
<u>(8)</u> The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code-;	656 657
(8) <u>(9)</u> The refundable credit for Ohio job retention under former division (B) (2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	658 659 660 661 662
(9) <u>(10)</u> The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	663 664
(10) <u>(11)</u> The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	665 666 667 668
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any	669 670 671

other credit that precedes it in the order required under this 672
section. Any excess amount of a particular credit may be carried 673
forward if authorized under the section creating that credit. 674
Nothing in this chapter shall be construed to allow a taxpayer 675
to claim, directly or indirectly, a credit more than once for a 676
taxable year. 677

Sec. 5747.02. (A) For the purpose of providing revenue for 678
the support of schools and local government functions, to 679
provide relief to property taxpayers, to provide revenue for the 680
general revenue fund, and to meet the expenses of administering 681
the tax levied by this chapter, there is hereby levied on every 682
individual, trust, and estate residing in or earning or 683
receiving income in this state, on every individual, trust, and 684
estate earning or receiving lottery winnings, prizes, or awards 685
pursuant to Chapter 3770. of the Revised Code, on every 686
individual, trust, and estate earning or receiving winnings on 687
casino gaming, and on every individual, trust, and estate 688
otherwise having nexus with or in this state under the 689
Constitution of the United States, an annual tax measured as 690
prescribed in divisions (A)(1) to (4) of this section. 691

(1) In the case of trusts, the tax imposed by this section 692
shall be measured by modified Ohio taxable income under division 693
(D) of this section and levied in the same amount as the tax is 694
imposed on estates as prescribed in division (A)(2) of this 695
section. 696

(2) In the case of estates, the tax imposed by this 697
section shall be measured by Ohio taxable income and levied at 698
the rate of seven thousand four hundred twenty-five ten- 699
thousandths per cent for the first ten thousand five hundred 700
dollars of such income and, for income in excess of that amount, 701

at the same rates prescribed in division (A) (3) of this section 702
for individuals. 703

(3) In the case of individuals, for taxable years 704
beginning in 2017 or thereafter, the tax imposed by this section 705
on income other than taxable business income shall be measured 706
by Ohio adjusted gross income, less taxable business income and 707
less an exemption for the taxpayer, the taxpayer's spouse, and 708
each dependent as provided in section 5747.025 of the Revised 709
Code. If the balance thus obtained is equal to or less than ten 710
thousand five hundred dollars, no tax shall be imposed on that 711
balance. If the balance thus obtained is greater than ten 712
thousand five hundred dollars, the tax is hereby levied as 713
follows: 714

OHIO ADJUSTED GROSS 715

INCOME LESS TAXABLE 716

BUSINESS INCOME AND EXEMPTIONS 717

(INDIVIDUALS) 718

OR 719

MODIFIED OHIO 720

TAXABLE INCOME (TRUSTS) 721

OR 722

OHIO TAXABLE INCOME (ESTATES) TAX 723

More than \$10,500 but \$77.96 plus 1.980% of the amount 724

not more than \$15,800 in excess of \$10,500 725

More than \$15,800 but \$182.90 plus 2.476% of the amount 726

not more than \$21,100 in excess of \$15,800 727

More than \$21,100 but \$314.13 plus 2.969% of the amount 728

not more than \$42,100 in excess of \$21,100 729

More than \$42,100 but \$937.62 plus 3.465% of the amount 730

not more than \$84,200	in excess of \$42,100	731
More than \$84,200 but not more than \$105,300	\$2,396.39 plus 3.960% of the amount in excess of \$84,200	732 733
More than \$105,300 but not more than \$210,600	\$3,231.95 plus 4.597% of the amount in excess of \$105,300	734 735
More than \$210,600 in excess of \$210,600	\$8,072.59 plus 4.997% of the amount	736 737
(4) (a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A) (4) (b) of this section from the individual's taxable business income.		738 739 740 741 742 743
(b) If the exemptions allowed to an individual under division (A) (3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A) (4) (a) of this section.		744 745 746 747 748
(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A) (2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall		749 750 751 752 753 754 755 756 757 758 759

recompute each of the tax dollar amounts to the extent necessary 760
to reflect the new adjustment of the income amounts. To 761
recompute the tax dollar amount corresponding to the lowest tax 762
rate in division (A) (3) of this section, the commissioner shall 763
multiply the tax rate prescribed in division (A) (2) of this 764
section by the income amount specified in that division and as 765
adjusted according to this paragraph. The rates of taxation 766
shall not be adjusted. 767

The adjusted amounts apply to taxable years beginning in 768
the calendar year in which the adjustments are made and to 769
taxable years beginning in each ensuing calendar year until a 770
calendar year in which a new adjustment is made pursuant to this 771
division. The tax commissioner shall not make a new adjustment 772
in any year in which the amount resulting from the adjustment 773
would be less than the amount resulting from the adjustment in 774
the preceding year. 775

(B) If the director of budget and management makes a 776
certification to the tax commissioner under division (B) of 777
section 131.44 of the Revised Code, the amount of tax as 778
determined under divisions (A) (1) to (3) of this section shall 779
be reduced by the percentage prescribed in that certification 780
for taxable years beginning in the calendar year in which that 781
certification is made. 782

(C) The levy of this tax on income does not prevent a 783
municipal corporation, a joint economic development zone created 784
under section 715.691, or a joint economic development district 785
created under section 715.70, 715.71, or 715.72 of the Revised 786
Code from levying a tax on income. 787

(D) This division applies only to taxable years of a trust 788
beginning in 2002 or thereafter. 789

(1) The tax imposed by this section on a trust shall be 790
computed by multiplying the Ohio modified taxable income of the 791
trust by the rates prescribed by division (A) of this section. 792

(2) A resident trust may claim a credit against the tax 793
computed under division (D) of this section equal to the lesser 794
of (a) the tax paid to another state or the District of Columbia 795
on the resident trust's modified nonbusiness income, other than 796
the portion of the resident trust's nonbusiness income that is 797
qualifying investment income as defined in section 5747.012 of 798
the Revised Code, or (b) the effective tax rate, based on 799
modified Ohio taxable income, multiplied by the resident trust's 800
modified nonbusiness income other than the portion of the 801
resident trust's nonbusiness income that is qualifying 802
investment income. The credit applies before any other 803
applicable credits. 804

(3) The credits enumerated in divisions (A)(1) to (9) and 805
(A) ~~(18) to (20)~~, (19), and (21) of section 5747.98 of the 806
Revised Code do not apply to a trust subject to division (D) of 807
this section. Any credits enumerated in other divisions of 808
section 5747.98 of the Revised Code apply to a trust subject to 809
division (D) of this section. To the extent that the trust 810
distributes income for the taxable year for which a credit is 811
available to the trust, the credit shall be shared by the trust 812
and its beneficiaries. The tax commissioner and the trust shall 813
be guided by applicable regulations of the United States 814
treasury regarding the sharing of credits. 815

(E) For the purposes of this section, "trust" means any 816
trust described in Subchapter J of Chapter 1 of the Internal 817
Revenue Code, excluding trusts that are not irrevocable as 818
defined in division (I)(3)(b) of section 5747.01 of the Revised 819

Code and that have no modified Ohio taxable income for the 820
taxable year, charitable remainder trusts, qualified funeral 821
trusts and preneed funeral contract trusts established pursuant 822
to sections 4717.31 to 4717.38 of the Revised Code that are not 823
qualified funeral trusts, endowment and perpetual care trusts, 824
qualified settlement trusts and funds, designated settlement 825
trusts and funds, and trusts exempted from taxation under 826
section 501(a) of the Internal Revenue Code. 827

(F) Nothing in division (A) (3) of this section shall 828
prohibit an individual with an Ohio adjusted gross income, less 829
taxable business income and exemptions, of ten thousand five 830
hundred dollars or less from filing a return under this chapter 831
to receive a refund of taxes withheld or to claim any refundable 832
credit allowed under this chapter. 833

Sec. 5747.98. (A) To provide a uniform procedure for 834
calculating a taxpayer's aggregate tax liability under section 835
5747.02 of the Revised Code, a taxpayer shall claim any credits 836
to which the taxpayer is entitled in the following order: 837

(1) Either the retirement income credit under division (B) 838
of section 5747.055 of the Revised Code or the lump sum 839
retirement income credits under divisions (C), (D), and (E) of 840
that section; 841

(2) Either the senior citizen credit under division (F) of 842
section 5747.055 of the Revised Code or the lump sum 843
distribution credit under division (G) of that section; 844

(3) The dependent care credit under section 5747.054 of 845
the Revised Code; 846

(4) The credit for displaced workers who pay for job 847
training under section 5747.27 of the Revised Code; 848

(5) The campaign contribution credit under section 5747.29 of the Revised Code;	849 850
(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	851 852
(7) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	853 854
(8) The earned income credit under section 5747.71 of the Revised Code;	855 856
(9) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	857 858
(10) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	859 860
(11) The enterprise zone credit under section 5709.66 of the Revised Code;	861 862
(12) The ethanol plant investment credit under section 5747.75 of the Revised Code;	863 864
(13) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	865 866
(14) The small business investment credit under section 5747.81 of the Revised Code;	867 868
(15) The enterprise zone credits under section 5709.65 of the Revised Code;	869 870
(16) The research and development credit under section 5747.331 of the Revised Code;	871 872
(17) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	873 874

(18) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	875 876
(19) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	877 878
(20) <u>The nonrefundable credit for investment in the Ohio nuclear development consortium under section 122.97 of the Revised Code;</u>	879 880 881
<u>(21)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	882 883
(21) <u>(22)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	884 885 886
(22) <u>(23)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	887 888 889
(23) <u>(24)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	890 891 892
(24) <u>(25)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	893 894 895 896
(25) <u>(26)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	897 898
(26) <u>(27)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	899 900 901

(B) For any credit, except the refundable credits 902
enumerated in this section and the credit granted under division 903
(H) of section 5747.08 of the Revised Code, the amount of the 904
credit for a taxable year shall not exceed the taxpayer's 905
aggregate amount of tax due under section 5747.02 of the Revised 906
Code, after allowing for any other credit that precedes it in 907
the order required under this section. Any excess amount of a 908
particular credit may be carried forward if authorized under the 909
section creating that credit. Nothing in this chapter shall be 910
construed to allow a taxpayer to claim, directly or indirectly, 911
a credit more than once for a taxable year. 912

Sec. 5751.98. (A) To provide a uniform procedure for 913
calculating the amount of tax due under this chapter, a taxpayer 914
shall claim any credits to which it is entitled in the following 915
order: 916

(1) The nonrefundable jobs retention credit under division 917
(B) of section 5751.50 of the Revised Code; 918

(2) The nonrefundable credit for qualified research 919
expenses under division (B) of section 5751.51 of the Revised 920
Code; 921

(3) The nonrefundable credit for a borrower's qualified 922
research and development loan payments under division (B) of 923
section 5751.52 of the Revised Code; 924

(4) The nonrefundable credit for calendar years 2010 to 925
2029 for unused net operating losses under division (B) of 926
section 5751.53 of the Revised Code; 927

(5) The nonrefundable credit for investment in the Ohio 928
nuclear development consortium under section 122.97 of the 929
Revised Code; 930

<u>(6)</u> The refundable motion picture production credit under	931
section 5751.54 of the Revised Code;	932
(6) <u>(7)</u> The refundable jobs creation credit or job	933
retention credit under division (A) of section 5751.50 of the	934
Revised Code;	935
(7) <u>(8)</u> The refundable credit for calendar year 2030 for	936
unused net operating losses under division (C) of section	937
5751.53 of the Revised Code.	938
(B) For any credit except the refundable credits	939
enumerated in this section, the amount of the credit for a tax	940
period shall not exceed the tax due after allowing for any other	941
credit that precedes it in the order required under this	942
section. Any excess amount of a particular credit may be carried	943
forward if authorized under the section creating the credit.	944
Section 2. That existing sections 3748.03, 5725.98,	945
5726.98, 5729.98, 5747.02, 5747.98, and 5751.98 of the Revised	946
Code are hereby repealed.	947