

**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</u>	249
<u>development group shall hold at least a bachelor's degree in</u>	250
<u>nuclear, mechanical, chemical, or electrical engineering and the</u>	251
<u>member shall also be a recognized professional in at least one</u>	252
<u>of the following areas of study:</u>	253
<u>(a) Advanced nuclear reactors;</u>	254
<u>(b) Materials science involving the study of alloys and</u>	255
<u>metallurgy, ceramics, or composites;</u>	256
<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</u>	263
<u>consortium approves terms of an alternative duration.</u>	264
<u>(E) Any appointment to fill a vacancy on the authority</u>	265
<u>shall be made for the unexpired term of the member whose death,</u>	266
<u>resignation, or removal created the vacancy.</u>	267
<u>(F) Initial appointments under this section shall be made</u>	268
<u>not later than sixty days after the effective date of this</u>	269
<u>section.</u>	270
<u><b>Sec. 4164.11.</b> Immediately after appointment to the</u>	271
<u>authority under section 4164.09 of the Revised Code, the members</u>	272
<u>shall enter upon the performance of their duties.</u>	273

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

for advanced-nuclear-reactor and system-spent fuel; 388

(L) Treatment, storage, and disposal technology for 389  
advanced-nuclear-reactor and system radioactive waste; 390

(M) Other areas that the parties or their executive agents 391  
agree upon in writing. 392

**Sec. 4164.27.** To fund and support the activities of the 393  
authority and the consortium, the authority shall apply for, 394  
solicit, and accept from any source, including any agency of 395  
this state, any other state, or the United States, any 396  
municipality, county, or other political subdivision, any 397  
shareholder of the consortium, or any private corporation or 398  
other entity, any of the following: 399

(A) Grants, including grants available under federal law; 400

(B) Aid; 401

(C) Contributions of money, property, or other things of 402  
value, which shall be held, used, and applied for the purposes 403  
set forth in this chapter. 404

**Sec. 4164.29.** The authority shall give priority to all 405  
consortium projects that reduce nuclear waste and produce 406  
isotopes. 407

**Sec. 4164.33.** On or before the fourth day of July of each 408  
year, the authority shall submit an updated strategic plan, an 409  
annual summary of its activities, and recommendations for the 410  
support and expansion of the purposes set forth in this chapter. 411

**Sec. 4164.35.** The attorney general or the attorney 412  
general's designated representative shall be the primary general 413  
counsel for the authority and shall represent the interests of 414  
the authority in any litigation concerning the authority's 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 445  
agreements with other state organizations that are authorized to 446  
enter into such agreements, but may not obligate the state to 447  
such agreements. 448

(E) The consortium shall annually report to the authority 449  
on its nonproprietary activities. 450

**Sec. 4164.43.** The consortium shall pay the administrative 451  
expenses of the authority, which shall not exceed five per cent 452  
of the shareholders' equity in the consortium each year. 453

**Sec. 4164.45.** (A) The treasurer of state shall provide for 454  
an initial offering of uncertificated private common consortium 455  
stock that is set at twenty million shares at fifty dollars per 456  
share. 457

(B) The treasurer of state's office shall provide equity 458  
management services for the consortium and shall establish an 459  
online exchange to purchase, sell, and trade consortium stock. 460  
The treasurer of state may charge each purchaser of consortium 461  
stock a monthly fee to cover the costs incurred by the office in 462  
providing these services. 463

**Sec. 4164.46.** (A) The following purchase requirements 464  
apply to consortium stock: 465

(1) If the purchaser is a resident of this state who pays 466  
Ohio income tax or a business entity organized under Ohio law, 467  
no minimum purchase of shares is required. 468

(2) If the purchaser is an out-of-state resident, the 469  
minimum purchase shall be one hundred shares. 470

(3) If the purchaser is a business entity organized under 471  
the laws of another state, the minimum purchase shall be one 472

thousand shares.

473

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

474

475

476

477

478

479

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

480

481

482

483

484

485

486

487

488

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

489

490

491

492

493

494

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

495

496

497

498

499

500

501

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 562  
company group under section 5729.031 of the Revised Code; 563

(2) The credit for eligible employee training costs under 564  
section 5725.31 of the Revised Code; 565

(3) The credit for purchasers of qualified low-income 566  
community investments under section 5725.33 of the Revised Code; 567

(4) The nonrefundable job retention credit under division 568  
(B) of section 122.171 of the Revised Code; 569

(5) The nonrefundable credit for investments in rural 570  
business growth funds under section 122.152 of the Revised Code; 571

(6) The offset of assessments by the Ohio life and health 572  
insurance guaranty association permitted by section 3956.20 of 573  
the Revised Code; 574

(7) The nonrefundable credit for investment in the Ohio 575  
nuclear development consortium under section 122.97 of the 576  
Revised Code; 577

(8) The refundable credit for rehabilitating a historic 578  
building under section 5725.34 of the Revised Code~~;~~ 579

~~(8)~~ (9) The refundable credit for Ohio job retention under 580  
former division (B) (2) or (3) of section 122.171 of the Revised 581  
Code as those divisions existed before September 29, 2015, the 582  
effective date of the amendment of this section by H.B. 64 of 583  
the 131st general assembly; 584

~~(9)~~ (10) The refundable credit for Ohio job creation under 585  
section 5725.32 of the Revised Code; 586

~~(10)~~ (11) The refundable credit under section 5725.19 of 587

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

(6) The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

~~(6)~~ (7) The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

~~(7)~~ (8) 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;

~~(8)~~ (9) The refundable motion picture production credit under section 5726.55 of the Revised Code.

(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.

**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:

(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;

(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code;

(3) The credit for purchases of qualified low-income 644  
community investments under section 5729.16 of the Revised Code; 645

(4) The nonrefundable job retention credit under division 646  
(B) of section 122.171 of the Revised Code; 647

(5) The nonrefundable credit for investments in rural 648  
business growth funds under section 122.152 of the Revised Code; 649

(6) The offset of assessments by the Ohio life and health 650  
insurance guaranty association against tax liability permitted 651  
by section 3956.20 of the Revised Code; 652

(7) The nonrefundable credit for investment in the Ohio 653  
nuclear development consortium under section 122.97 of the 654  
Revised Code; 655

(8) The refundable credit for rehabilitating a historic 656  
building under section 5729.17 of the Revised Code~~;~~ 657

~~(8)~~ (9) The refundable credit for Ohio job retention under 658  
former division (B) (2) or (3) of section 122.171 of the Revised 659  
Code as those divisions existed before September 29, 2015, the 660  
effective date of the amendment of this section by H.B. 64 of 661  
the 131st general assembly; 662

~~(9)~~ (10) The refundable credit for Ohio job creation under 663  
section 5729.032 of the Revised Code; 664

~~(10)~~ (11) The refundable credit under section 5729.08 of 665  
the Revised Code for losses on loans made under the Ohio venture 666  
capital program under sections 150.01 to 150.10 of the Revised 667  
Code. 668

(B) For any credit except the refundable credits 669  
enumerated in this section, the amount of the credit for a 670  
taxable year shall not exceed the tax due after allowing for any 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	\$2,396.39 plus 3.960% of the amount	732
not more than \$105,300	in excess of \$84,200	733
More than \$105,300 but	\$3,231.95 plus 4.597% of the amount	734
not more than \$210,600	in excess of \$105,300	735
More than \$210,600	\$8,072.59 plus 4.997% of the amount	736
in excess of \$210,600		737

(4) (a) In the case of individuals, for taxable years 738  
beginning in 2016 or thereafter, the tax imposed by this section 739  
on taxable business income shall equal three per cent of the 740  
result obtained by subtracting any amount allowed under division 741  
(A) (4) (b) of this section from the individual's taxable business 742  
income. 743

(b) If the exemptions allowed to an individual under 744  
division (A) (3) of this section exceed the taxpayer's Ohio 745  
adjusted gross income less taxable business income, the excess 746  
shall be deducted from taxable business income before computing 747  
the tax under division (A) (4) (a) of this section. 748

(5) Except as otherwise provided in this division, in 749  
August of each year, the tax commissioner shall make a new 750  
adjustment to the income amounts prescribed in divisions (A) (2) 751  
and (3) of this section by multiplying the percentage increase 752  
in the gross domestic product deflator computed that year under 753  
section 5747.025 of the Revised Code by each of the income 754  
amounts resulting from the adjustment under this division in the 755  
preceding year, adding the resulting product to the 756  
corresponding income amount resulting from the adjustment in the 757  
preceding year, and rounding the resulting sum to the nearest 758  
multiple of fifty dollars. The tax commissioner also shall 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
<del>(21)</del> <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
<del>(22)</del> <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
<del>(23)</del> <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
<del>(24)</del> <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
<del>(25)</del> <u>(26)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	897 898
<del>(26)</del> <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

(6) The refundable motion picture production credit under 931  
section 5751.54 of the Revised Code; 932

~~(6)~~ (7) The refundable jobs creation credit or job 933  
retention credit under division (A) of section 5751.50 of the 934  
Revised Code; 935

~~(7)~~ (8) 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