



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

## Substitute Bill Comparative Synopsis

### Sub. H.B. 104

### 133<sup>rd</sup> General Assembly

House Energy and Natural Resources

Ralph D. Clark, Division Chief

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_0008-5)
<b>Tax credit</b>	
Conditionally authorizes a nonrefundable and transferable tax credit for investments in the Ohio Nuclear Development Consortium (Consortium) ( <i>R.C.122.97, 5725.98, 5726.98, 5729.98, 5747.02, 5747.98, and 5751.98</i> ).	No provision.

Previous Version (As Introduced)	Latest Version (I_133_0008-5)
<b>Ohio Nuclear Development Authority</b>	
<b>Type of entity: nonprofit/state</b>	
Creates the Ohio Nuclear Development Authority (Authority) as a <b>nonprofit entity</b> (R.C. 4164.05).	Creates the Authority as a <b>state entity within the Ohio Department of Commerce</b> (R.C. 4164.04).
<b>Appointment authority</b>	
Requires the Governor, Speaker of the House, and the President of the Senate to each appoint one member each from the three stakeholder groups of safety, industry, and engineering research and development, for a total of nine members (R.C. 4164.09(B)).	Requires the Governor to appoint all nine members consisting of three members each from the three stakeholder groups (R.C. 4164.05(A)).
<b>Members' terms</b>	
Provides that the terms of members appointed to the Authority is five years, unless the Consortium approves terms of an alternative duration (R.C. 4164.09(D)).	Provides that the terms of members appointed to the Authority is five years (R.C. 4164.05(E)).
<b>Members' citizenship requirement</b>	
No provision.	Requires members appointed to the Authority to be U.S. citizens and residents of Ohio (R.C. 4164.05(D)).
<b>Initial member appointments: if agreement entered with USNRC</b>	
No provision.	Specifies that no member may be appointed to the Authority until an agreement with the U.S. Nuclear Regulatory Commission (USNRC) about radioactive waste and other nuclear materials is entered into by the Ohio Department of Health and the Authority (R.C. 4164.06).

Previous Version (As Introduced)	Latest Version (I_133_0008-5)
<b>Purpose of Authority: research and development leader</b>	
Establishes the Authority to make Ohio a leader in the research and development of high-level-nuclear-waste reduction and storage <i>(R.C. 4164.07(B)(3))</i> .	Establishes the Authority to make Ohio a leader in the research and development of high-level-nuclear-waste reduction and storage <b>technology</b> <i>(R.C. 4164.10(B)(3))</i> .
<b>Initial member appointments: 60-day period</b>	
Requires initial member appointments to be made not later than 60 days after the bill's effective date <i>(R.C. 4164.09(F))</i> .	Requires initial member appointments to be made not later than 60 days after the effective date of an agreement made with USNRC <i>(R.C. 4164.05(G))</i> .
<b>Exercise of powers</b>	
Provides that the Authority's exercise of powers conferred by the bill is the performance of an essential governmental function and matters of public necessity <i>(R.C. 4164.05)</i> .	Provides that the Authority's exercise of powers conferred by the bill is the performance of an essential governmental function and <b>address</b> matters of public necessity <i>(R.C. 4164.04)</i> .
<b>Eminent Domain</b>	
Grants the Authority the right of Eminent Domain in acquiring lands to meet its responsibilities <i>(R.C. 4164.05)</i> .	No provision.
<b>Power to promote and facilitate research agreements</b>	
Grants the Authority power to promote and facilitate agreements among public and private institutions of higher education in Ohio and other research entities to carry out research projects relating to public safety, advanced-nuclear-research-reactor technology, and the production of isotopes <i>(R.C. 4164.19(C))</i> .	No provision.

Previous Version (As Introduced)	Latest Version (I_133_0008-5)
<b>Power to foster innovative partnerships and relationships</b>	
Grants the Authority power to foster innovative partnerships and relationships among the state, the state’s public institutions of higher education, private companies, federal laboratories, and nonprofit organizations to accomplish the bill’s purposes (R.C. 4164.19(D)).	Grants the Authority power to foster innovative partnerships and relationships <b>in the state and among</b> the state’s public institutions of higher education, private companies, federal laboratories, and nonprofit organizations to accomplish the bill’s purposes (R.C. 4164.11(C)).
<b>Power regarding commercialization, application, and transfer of technologies</b>	
Grants the Authority power to encourage, facilitate, and support the application, commercialization, and transfer of new isotope and advanced-nuclear-research-reactor technologies (R.C. 4164.19(F)).	No provision.
<b>Use of Department of Commerce staff and experts</b>	
No provision.	Permits the Authority to use the Department of Commerce’s staff and experts to carry out its duties under the bill pursuant to mutual arrangement between the Department and Authority (R.C. 4164.12).
<b>Reporting requirements</b>	
Requires the Authority to submit an updated strategic plan, an annual summary of its activities, and recommendations for the support and expansion of the purposes of the bill (does not state to whom the submissions are to be made) (R.C. 4164.33).	Requires the Authority to submit an annual report of its activities to the Governor, Speaker of the House, President of the Senate, and the Chairs of the House and Senate committees that oversee energy-related issues. Requires the report to be posted on the Authority’s website. (R.C. 4164.18.)

Previous Version (As Introduced)	Latest Version (I_133_0008-5)
<b>Priority projects</b>	
Requires the Authority to give priority to <b>all Consortium</b> projects that reduce nuclear waste and produce isotopes ( <i>R.C. 4164.29</i> ).	Requires the Authority to give priority to projects that reduce nuclear waste and produce isotopes ( <i>R.C. 4164.16</i> ).
<b>Attorney General as Authority's legal representative</b>	
Requires the Ohio Attorney General to be the primary general counsel for the Authority ( <i>R.C. 4164.35</i> ).	No provision.
<b>Ohio Nuclear Development Consortium</b>	
<b>Consortium creation and operation</b>	
Requires the Authority to establish the Consortium as a for-profit entity to carry out the Authority's mission through various activities, including for example issuing stock and raising money ( <i>R.C. 4164.01, 4164.13, 4164.17, 4164.21, 4164.27, 4164.41, 4164.43, 4164.48, 4164.50, 4164.52, 4164.58, 4164.59, and 4164.73</i> ).	No provision.
<b>Auditor of State duties</b>	
Requires the Auditor of State to annually audit the Consortium's financial accounts ( <i>R.C. 4164.63</i> ).	No provision.
<b>Treasurer of State duties</b>	
Requires the Treasurer of State to provide equity management, stock issuance, and shareholder related services to the Consortium ( <i>R.C. 4164.45 and 4164.46</i> ).	No provision.