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H.B. 104
(1_133_0008-5)
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 104's Bill Analysis](#)

Version: In House Energy and Natural Resources

Primary Sponsor: Rep. Stein

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill creates the Ohio Nuclear Development Authority within the Ohio Department of Commerce, which would work with industrial and academic institutions and the United States Department of Energy or branches of the United States military to approve designs for the commercialization of advanced-nuclear-reactor components.
- The bill provides that the Authority consists of nine members appointed by the Governor, and the bill prohibits members from being appointed to the Authority until a radiation protection agreement is authorized under continuing law. Ohio entered into such an agreement with the U.S. Nuclear Regulatory Commission beginning August 31, 1999.
- The bill creates various duties for the Authority and the Department of Commerce, but does not appropriate any funds for these activities.

Detailed Analysis

The bill establishes the Ohio Nuclear Development Authority (or "Authority") within the Ohio Department of Commerce. For the purpose of carrying out its duties under the bill, the Authority may make use of the staff and experts employed at the Department of Commerce in such manner as is provided by mutual arrangement between the Authority and the Department.

The Authority is created as a nine-member entity, appointed by the Governor, to: (1) serve as an information resource on advanced-nuclear-research reactors, isotopes, and isotope technologies, and (2) to make Ohio a leader in the development and construction of new-type advanced-nuclear-research reactors, the commercial production of isotopes and research, and in the research and development of high-level-nuclear-waste reduction and storage technology.

H.B. 104 requires the Authority to work with industrial and academic institutions and the United States Department of Energy or branches of the United States military to approve designs for the commercialization of advanced-nuclear-reactor components.

On or before July 4 of each year, the Authority must submit an annual report of its activities to the Governor and General Assembly. H.B. 104 also requires the report to be posted to the Authority's website.

The bill requires that initial appointments "shall be made not later than sixty days after the effective date of an agreement made under section 3748.03 of the Revised Code." Section 4164.06 further specifies, "No member shall be appointed to the authority until an agreement is reached under division (B) of section 3748.03 of the Revised Code." Ohio previously entered into this radiation protection agreement with the U.S. Nuclear Regulatory Commission (NRC), which became effective August 31, 1999.¹

Section 4164.19 of the bill states "Nothing in this chapter shall be construed to supersede any agreement between the department of health and the United States nuclear regulatory commission entered into under section 3748.03 of the Revised Code with respect to regulating activities not within the scope of activities of the authority."

The Department of Commerce and the Authority will incur an indeterminate amount of expenditures once members are appointed to the Authority. H.B. 104 does not specify any form of compensation for members of the Authority nor does it appropriate funds, but regards the Authority's use of its powers as "the performance of an essential governmental function and [addressing] matters of public necessity for which public moneys may be spent and private property acquired."

Synopsis of Fiscal Effect Changes

The substitute bill removes a provision from the As Introduced version authorizing a tax credit for which the cumulative state revenue loss over the 15-year period was not to exceed \$350 million. The substitute bill also (1) establishes the Authority in the Department of Commerce, rather than as a nonprofit entity, (2) removes provisions from the As Introduced version that would have had a fiscal effect on the Development Services Agency, and (3) removes the requirements for the Treasurer of State. The fiscal effects in the As Introduced version of the bill on the Attorney General and the Auditor of State are reduced because new duties assigned to them have been removed from the substitute bill.

¹ <https://scp.nrc.gov/special/regs/ohagreements.pdf>.