

**As Passed by the House**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. S. B. No. 242**

**SENATORS Carnes (By Request), Amstutz**  
**REPRESENTATIVES Evans, Schmidt, Metzger**

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**A BILL**

To amend sections 126.02, 183.02, 183.04, 183.06, 1  
183.12, 183.14, 183.20, 183.30, 5743.03, and 2  
5743.99, to enact sections 183.34 and 183.35, and 3  
to repeal section 183.31 of the Revised Code; to 4  
amend Section 32 of Am. Sub. H.B. 405 of the 124th 5  
General Assembly; and to repeal Section 103.03 of 6  
Am. Sub. H.B. 94 of the 124th General Assembly to 7  
modify the administration of tobacco settlement 8  
funds and to make operating and capital 9  
appropriations for the biennium beginning July 1, 10  
2002, and ending June 30, 2004. 11

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

**Section 1.** That sections 126.02, 183.02, 183.04, 183.06, 12  
183.12, 183.14, 183.20, 183.30, 5743.03, and 5743.99 be amended 13  
and sections 183.34 and 183.35 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 126.02.** The director of budget and management shall 16  
prepare and submit to the governor, biennially, not later than the 17  
first day of January preceding the convening of the general 18  
assembly, state budget estimates of revenues and expenditures for 19

each state fund and budget estimates for each state agency, except 20  
such estimates as are required under section ~~126.22~~ 126.022 of the 21  
Revised Code. The budget estimates for each state agency for which 22  
direct appropriations are proposed shall include the following 23  
details: 24

(A) Estimates of the operating budget; 25

(B) Estimates of the subsidy appropriations necessary, 26  
delineated by a distinct subsidy program; 27

(C) Estimates for special purposes, delineated by a distinct 28  
special purpose program; 29

(D) Estimates of appropriations necessary from each fund in 30  
reasonable detail to allow for adequate planning and oversight of 31  
programs and activities. 32

In the preparation of state revenue and expenditure 33  
estimates, the director of budget and management shall, not later 34  
than the fifteenth day of September in the year preceding the 35  
first regular session of the general assembly, distribute to all 36  
affected state agencies the forms necessary for the preparation of 37  
budget requests, which shall be in the form prescribed by the 38  
director in consultation with ~~the legislative budget office~~ of the 39  
legislative service commission to procure information concerning 40  
the revenues and expenditures for the preceding and current 41  
bienniums, an estimate of the revenues and expenditures of the 42  
current fiscal year, and an estimate of the revenues and proposed 43  
expenditures for the respective agencies for the two succeeding 44  
fiscal years for which appropriations have to be made. Each such 45  
agency shall, not later than the first day of November, file with 46  
the director its estimate of revenues and proposed expenditures 47  
for the succeeding biennium. 48

Each such agency shall, not later than the first day of 49  
December, file with the chairperson of the finance committees of 50

the senate and house of representatives and the legislative ~~budget~~ office service commission a duplicate copy of such budget request.

The budget request shall be accompanied by a statement in writing giving facts and explanation of reasons for the items requested. The director and the legislative ~~budget office~~ service commission may make further inquiry and investigation as to any item desired. The director may approve, disapprove, or alter the requests, excepting those for the legislative and judicial branches of the state. The requests as revised by the director constitute the state budget estimates of revenues and expenditures which the director is required to submit to the governor.

**Sec. 183.02.** This section's references to years mean state fiscal years.

All payments received by the state pursuant to the tobacco master settlement agreement shall be deposited into the state treasury to the credit of the tobacco master settlement agreement fund, which is hereby created. All investment earnings of the fund shall also be credited to the fund. Except as provided in division ~~(I)~~(K) of this section, payments and interest credited to the fund shall be transferred by the director of budget and management as follows:

(A)(1) Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually from 2000 to 2006 and in 2012, the following amount or percentage shall be transferred to the tobacco use prevention and cessation trust fund, created in section 183.03 of the Revised Code:

YEAR	AMOUNT OR PERCENTAGE
2000 (first payment credited)	\$104,855,222.85
2000 (net amount credited)	70.30%
2001	62.84

2002	61.41	82
2003	63.24	83
2004	66.65	84
2005	66.24	85
2006	65.97	86
2012	56.01	87

(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 of the 124th general assembly.

(B) Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually in 2000 and 2001, the following amount or percentage shall be transferred to the law enforcement improvements trust fund, created in section 183.10 of the Revised Code:

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$10,000,000	108
2000 (net amount credited)	5.41%	109
2001	2.32	110

(C)(1) Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually from 2000 to 2011, the following percentages

shall be transferred to the southern Ohio agricultural and  
community development trust fund, created in section 183.11 of the  
Revised Code:

YEAR	PERCENTAGE	
2000 (first payment credited)	5.00%	118
2000 (net amount credited)	8.73	119
2001	8.12	120
2002	9.18	121
2003	8.91	122
2004	7.84	123
2005	7.79	124
2006	7.76	125
2007	17.39	126
2008 through 2011	17.25	127

(2) Of the net amounts credited to the tobacco master  
settlement agreement fund in 2013, the director shall transfer to  
the southern Ohio agricultural and community development trust  
fund the amount not transferred to the southern Ohio agricultural  
and community development trust fund from the net amounts credited  
to the tobacco master settlement agreement fund in 2002 due to Am.  
Sub. H.B. No. 405 of the 124th general assembly. Of the net  
amounts credited to the tobacco master settlement agreement fund  
in 2014, the director shall transfer to the southern Ohio  
agricultural and community development trust fund the amount not  
transferred to the southern Ohio agricultural and community  
development trust fund from the net amounts credited to the  
tobacco master settlement agreement fund in 2003 due to Am. Sub.  
H.B. No. 405 of the 124th general assembly.

(D)(1) The following percentages of the net amounts credited  
to the tobacco master settlement agreement fund annually shall be  
transferred to Ohio's public health priorities trust fund, created  
in section 183.18 of the Revised Code:

YEAR	PERCENTAGE	
2000	5.41	146
2001	6.68	147
2002	6.79	148
2003	6.90	149
2004	7.82	150
2005	8.18	151
2006	8.56	152
2007	19.83	153
2008	19.66	154
2009	20.48	155
2010	21.30	156
2011	22.12	157
2012	10.47	158

(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to ~~the Ohio~~ Ohio's public health priorities trust fund the amount not transferred to ~~the Ohio~~ Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to ~~the Ohio~~ Ohio's public health priorities trust fund the amount not transferred to ~~the Ohio~~ Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 of the 124th general assembly.

(E) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the biomedical research and technology transfer trust fund, created in section 183.19 of the Revised Code:

YEAR	PERCENTAGE	
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2000	2.71	178
2001	14.03	179
2002	13.29	180
2003	12.73	181
2004	13.78	182
2005	14.31	183
2006	14.66	184
2007	49.57	185
2008 to 2011	45.06	186
2012	18.77	187

(F) Of the amounts credited to the tobacco master settlement agreement fund annually, the following amounts shall be transferred to the education facilities trust fund, created in section 183.26 of the Revised Code:

YEAR	AMOUNT	
2000	\$133,062,504.95	193
2001	128,938,732.73	194
2002	185,804,475.78	195
2003	180,561,673.11	196
2004	122,778,219.49	197
2005	121,389,325.80	198
2006	120,463,396.67	199
2007	246,389,369.01	200
2008 to 2011	267,531,291.85	201
2012	110,954,545.28	202

(G) Of the amounts credited to the tobacco master settlement agreement fund annually, from 2000 to 2012 five million dollars per year shall be transferred to the education facilities endowment fund, created in section 183.27 of the Revised Code. From 2013 to 2025, the following percentages of the amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the endowment fund:

YEAR	PERCENTAGE	
2013	30.22	211
2014	33.36	212
2015 to 2025	40.90	213

(H) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the education technology trust fund, created in section 183.28 of the Revised Code:

YEAR	PERCENTAGE	
2000	7.44	219
2001	6.01	220
2002	9.33	221
2003	8.22	222
2004	3.91	223
2005	3.48	224
2006	3.05	225
2007	13.21	226
2008	18.03	227
2009	17.21	228
2010	16.39	229
2011	15.57	230
2012	14.75	231

(I) In each year from 2003 to 2025, after the transfers made under divisions (F) and (G) of this section but prior to the transfers made under divisions (A) to (E) of this section, the director of budget and management shall transfer to the tobacco settlement oversight, administration, and enforcement fund created in section 183.34 of the Revised Code such amount as the director determines necessary to pay the costs incurred by the attorney general in tobacco settlement oversight, administration, and enforcement.

(J) In each year from 2003 to 2025, after the transfers made



under divisions (F) and (G) of this section but prior to the 242  
transfers made under divisions (A) to (E) of this section, the 243  
director of budget and management shall transfer to the tobacco 244  
settlement enforcement fund created in section 183.35 of the 245  
Revised Code such amount as the director determines necessary to 246  
pay the costs incurred by the tax commissioner in the enforcement 247  
of divisions (F) and (G) of section 5743.03 of the Revised Code. 248

(K) If in any year from 2001 to 2012 the payments and 249  
interest credited to the tobacco master settlement agreement fund 250  
during the year amount to less than the amounts required to be 251  
transferred to the education facilities trust fund and the 252  
education facilities endowment fund that year, the director of 253  
budget and management shall make none of the transfers required by 254  
divisions (A) to ~~(H)~~(J) of this section. 255

~~(J)~~(L) If in any year from 2000 to 2025 the payments credited 256  
to the tobacco master settlement agreement fund during the year 257  
exceed the following amounts, the director of budget and 258  
management shall transfer the excess to the income tax reduction 259  
fund, created in section 131.44 of the Revised Code: 260

YEAR	AMOUNT	
2000	\$443,892,767.51	261
2001	348,780,049.22	262
2002	418,783,038.09	263
2003	422,746,368.61	264
2004	352,827,184.57	265
2005	352,827,184.57	266
2006	352,827,184.57	267
2007	352,827,184.57	268
2008 to 2017	383,779,323.15	269
2018 to 2025	403,202,282.16	270

**Sec. 183.04.** There is hereby created the tobacco use 272

prevention and control foundation, the general management of which 273  
is vested in a board of trustees of ~~twenty~~ twenty-four members as 274  
follows: 275

(A) Eight members who are health professionals, health 276  
researchers, or representatives of health organizations. Two of 277  
these members shall be appointed by the governor, two by the 278  
speaker of the house of representatives, one by the minority 279  
leader of the house of representatives, two by the president of 280  
the senate, and one by the minority leader of the senate. 281

(B) Two members, one of whom has experience in financial 282  
planning and accounting and one of whom has experience in media 283  
and mass marketing, who shall be appointed by the governor; 284

(C) One member, who shall be appointed by the governor from a 285  
list of at least three individuals recommended by the American 286  
cancer society; 287

(D) One member, who shall be appointed by the governor from a 288  
list of at least three individuals recommended by the American 289  
heart association; 290

(E) One member, who shall be appointed by the governor from a 291  
list of at least three individuals recommended by the American 292  
lung association; 293

(F) One member, who shall be appointed by the governor from a 294  
list of at least three individuals recommended by the association 295  
of hospitals and health systems; 296

(G) One member, who shall be appointed by the governor from a 297  
list of at least three individuals recommended by the Ohio state 298  
medical association; 299

(H) One member, who shall be appointed by the governor from a 300  
list of at least three individuals recommended by the association 301  
of Ohio health commissioners; 302

(I) One member, who shall be appointed by the governor from a list of at least three individuals recommended by the Ohio dental association;

(J) One nonvoting member, who shall be a member of the house of representatives of the political party of which the speaker of the house of representatives is a member and who shall be appointed by the speaker;

(K) One nonvoting member, who shall be a member of the house of representatives of the major political party of which the speaker of the house of representatives is not a member and who shall be appointed by the speaker;

(L) One nonvoting member, who shall be a member of the senate of the political party of which the president of the senate is a member and who shall be appointed by the president;

(M) One nonvoting member, who shall be a member of the senate of the major political party of which the president of the senate is not a member and who shall be appointed by the president;

(N) The director of health, executive director of the commission on minority health, and attorney general, who shall serve as ex officio members.

The appointments of the governor shall be with the advice and consent of the senate.

Terms of office for the non-legislative members appointed by the governor, president, speaker, and minority leaders shall be for five years. The terms of legislative members shall be for the biennial session of the general assembly in which they are appointed. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

Any member shall continue in office subsequent to the expiration 334  
date of the member's term until the member's successor takes 335  
office, or until a period of sixty days has elapsed, whichever 336  
occurs first. A vacancy in an unexpired term shall be filled in 337  
the same manner as the original appointment. The governor may 338  
remove any non-legislative member for malfeasance, misfeasance, or 339  
nonfeasance after a hearing in accordance with Chapter 119. of the 340  
Revised Code. 341

The members of the board shall serve without compensation but 342  
shall receive their reasonable and necessary expenses incurred in 343  
the conduct of foundation business. 344

Sections 101.82 to 101.87 of the Revised Code do not apply to 345  
the foundation. 346

**Sec. 183.06.** The board of trustees of the tobacco use 347  
prevention and control foundation shall appoint and set the 348  
compensation of an executive director and other employees needed 349  
to carry out the duties of the foundation. Before entering upon 350  
the discharge of the duties of office, the executive director 351  
shall give a bond to the state, to be approved by the governor, 352  
conditioned for the faithful performance of the duties of office. 353  
The executive director and the other employees of the foundation 354  
are state employees and serve in the unclassified service. 355

There is hereby created in the state treasury the tobacco use 356  
prevention and control operating expenses fund. The treasurer of 357  
state shall periodically pay into the fund, from the tobacco use 358  
prevention and control endowment fund created in section 183.08 of 359  
the Revised Code, amounts requested by the foundation to pay the 360  
compensation of state employees of the foundation. Amounts 361  
credited to the operating expenses fund shall be used by the 362  
foundation solely to pay the compensation of the state employees 363  
of the foundation. All investment earnings of the operating 364

expenses fund shall be credited to the fund.

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**Sec. 183.12.** There is hereby created the southern Ohio agricultural and community development foundation, the general management of which is vested in a board of trustees of ~~twelve~~ sixteen members as follows:

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(A) The director of agriculture, director of development, executive director of the Ohio rural development partnership, and director or designee of the director of the Ohio state university extension, who shall serve as ex officio officers;

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(B) Two residents of major tobacco-producing counties with experience in local agricultural economic development or community development, who shall be appointed by the governor;

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(C) Three active farmers from major tobacco-producing counties, who shall be appointed by the governor, two of whom shall be appointed from a list of at least four individuals recommended by the Ohio farm bureau and one of whom shall be appointed from a list of at least two individuals recommended by the farmers' union;

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(D) Three active tobacco farmers from major tobacco-producing counties, who shall be appointed by the governor from a list of at least six individuals recommended by the Ohio tobacco growers association;

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(E) One nonvoting member, who shall be a member of the house of representatives of the political party of which the speaker of the house of representatives is a member and who shall be appointed by the speaker;

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(F) One nonvoting member, who shall be a member of the house of representatives of the major political party of which the speaker of the house of representatives is not a member and who shall be appointed by the speaker;

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(G) One nonvoting member, who shall be a member of the senate 395  
of the political party of which the president of the senate is a 396  
member and who shall be appointed by the president; 397

(H) One nonvoting member, who shall be a member of the senate 398  
of the major political party of which the president of the senate 399  
is not a member and who shall be appointed by the president. 400

The appointments of the governor shall be with the advice and 401  
consent of the senate. 402

Terms of office for the members appointed by the governor 403  
shall be for five years. The terms of legislative members shall be 404  
for the biennial session of the general assembly in which they are 405  
appointed. Each ~~such~~ member shall hold office from the date of 406  
appointment until the end of the term for which the member was 407  
appointed. Any member appointed ~~by the governor~~ to fill a vacancy 408  
occurring prior to the expiration of the term for which the 409  
member's predecessor was appointed shall hold office for the 410  
remainder of ~~such~~ that term. Any member ~~appointed by the governor~~ 411  
shall continue in office subsequent to the expiration date of the 412  
member's term until the member's successor takes office, or until 413  
a period of sixty days has elapsed, whichever occurs first. The 414  
governor may remove any non-legislative member ~~appointed by the~~ 415  
~~governor~~ for malfeasance, misfeasance, or nonfeasance after a 416  
hearing in accordance with Chapter 119. of the Revised Code. 417

A vacancy on the board shall be filled in the same manner as 418  
the original appointment. 419

The members of the board shall serve without compensation but 420  
shall receive their reasonable and necessary expenses incurred in 421  
the conduct of foundation business. 422

Sections 101.82 to 101.87 of the Revised Code do not apply to 423  
the foundation. 424

As used in this section, "major tobacco-producing counties" 425

means any of the counties, ranked in descending order of pounds  
produced, where ninety-five per cent of the 1998 burley tobacco  
quota for the state was produced.

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**Sec. 183.14.** The board of trustees of the southern Ohio  
agricultural and community development foundation shall appoint  
and set the compensation of an executive director and other  
employees needed to carry out the duties of the foundation. Before  
entering upon the discharge of the duties of office, the executive  
director shall give a bond to the state, to be approved by the  
governor, conditioned for the faithful performance of the duties  
of office. The executive director and the other employees of the  
foundation are state employees and serve in the unclassified  
service.

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There is hereby created in the state treasury the southern  
Ohio agricultural and community development operating expenses  
fund. The treasurer of state shall periodically pay into the fund,  
from the southern Ohio agricultural and community development  
foundation endowment fund created in section 183.16 of the Revised  
Code, amounts requested by the foundation to pay the compensation  
of the state employees of the foundation. Amounts credited to the  
operating expenses fund shall be used by the foundation solely to  
pay the compensation of the state employees of the foundation. All  
investment earnings of the operating expenses fund shall be  
credited to the fund.

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**Sec. 183.20.** There is hereby created the biomedical research  
and technology transfer commission within the Ohio board of  
regents. The commission shall consist of ~~twenty-five~~ twenty-nine  
members as follows:

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(A) The chancellor of the board, director of development,  
director of health, and executive director of the commission on

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minority health, who shall serve as ex officio members; 456

(B) The director of budget and management, who shall serve as 457  
an ex officio member, or the director's designee; 458

(C) Twelve members, who shall not be or represent potential 459  
recipients of grants from the commission, appointed as follows: 460

(1) Six members, appointed by the governor, at least two of 461  
whom are experts in commercializing the results of biomedical 462  
research; 463

(2) Two members, in addition to the member described in 464  
division (E) of this section, appointed by the speaker of the 465  
house of representatives; 466

(3) One member, in addition to the member described in 467  
division (F) of this section, appointed by the minority leader of 468  
the house of representatives; 469

(4) Two members, in addition to the member described in 470  
division (G) of this section, appointed by the president of the 471  
senate; 472

(5) One member, in addition to the member described in 473  
division (H) of this section, appointed by the minority leader of 474  
the senate. 475

(D) Eight nonvoting members appointed by the governor, 476  
representing Ohio's biomedical research institutions; 477

(E) One nonvoting member, who shall be a member of the house 478  
of representatives of the political party of which the speaker of 479  
the house of representatives is a member and who shall be 480  
appointed by the speaker; 481

(F) One nonvoting member, who shall be a member of the house 482  
of representatives of the major political party of which the 483  
speaker of the house of representatives is not a member and who 484  
shall be appointed by the speaker; 485



(G) One nonvoting member, who shall be a member of the senate 486  
of the political party of which the president of the senate is a 487  
member and who shall be appointed by the president; 488

(H) One nonvoting member, who shall be a member of the senate 489  
of the major political party of which the president of the senate 490  
is not a member and who shall be appointed by the president. 491

Before making their appointments of the non-legislative 492  
members, the governor, speaker, president, and minority leaders 493  
shall solicit, from the state's medical colleges, dental colleges, 494  
and medical research institutions, the national institutes of 495  
health, and other sources familiar with experts in the field of 496  
biomedical research and in commercializing the results of 497  
biomedical research, recommendations as to whom to appoint. 498

The appointments of the governor shall be with the advice and 499  
consent of the senate. 500

Terms of office for the non-legislative members appointed by 501  
the governor, president, speaker, and minority leaders shall be 502  
for five years. The terms of legislative members shall be for the 503  
biennial session of the general assembly in which they are 504  
appointed. Each member shall hold office from the date of 505  
appointment until the end of the term for which the member was 506  
appointed. Any member appointed to fill a vacancy occurring prior 507  
to the expiration of the term for which the member's predecessor 508  
was appointed shall hold office for the remainder of such that 509  
term. Any member shall continue in office subsequent to the 510  
expiration date of the member's term until the member's successor 511  
takes office, or until a period of sixty days has elapsed, 512  
whichever occurs first. A vacancy in an unexpired term shall be 513  
filled in the same manner as the original appointment. The 514  
governor may remove any non-legislative member for malfeasance, 515  
misfeasance, or nonfeasance after a hearing in accordance with 516  
Chapter 119. of the Revised Code. 517

The members of the commission shall serve without 518  
compensation but shall receive their reasonable and necessary 519  
expenses incurred in the conduct of commission business. 520

Sections 101.82 to 101.87 of the Revised Code do not apply to 521  
the commission. 522

**Sec. 183.30.** (A) Except as provided in division (D) of this 523  
section, no more than five per cent of the total expenditures of 524  
the tobacco use prevention and control foundation in a fiscal year 525  
shall be for administrative expenses of the foundation. 526

(B) Except as provided in division (D) of this section, no 527  
more than five per cent of the total expenditures of the southern 528  
Ohio agricultural and community development foundation in a fiscal 529  
year shall be for administrative expenses of the foundation. 530

(C) Except as provided in division (D) of this section, no 531  
more than five per cent of the total expenditures of the 532  
biomedical research and technology transfer commission in a fiscal 533  
year shall be for administrative expenses of the commission. 534

(D) This section's five per cent limitation on administrative 535  
expenses does not apply ~~in to any fiscal years 2001 and 2002,~~ 536  
~~provided the foundation or commission seeking to spend more than~~ 537  
~~five per cent has submitted a spending plan to year for which the~~ 538  
~~controlling board and the controlling board has approved the~~ 539  
approves a spending plan that the foundation or commission submits 540  
to the board. 541

**Sec. 183.34.** There is hereby created in the state treasury 542  
the tobacco settlement oversight, administration, and enforcement 543  
fund, to which shall be credited amounts transferred under 544  
division (I) of section 183.02 of the Revised Code. The attorney 545  
general shall use the fund to pay costs incurred in the oversight, 546  
administration, and enforcement of the tobacco master settlement 547

agreement.

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Sec. 183.35. There is hereby created in the state treasury  
the tobacco settlement enforcement fund, to which shall be  
credited amounts transferred under division (J) of section 183.02  
of the Revised Code. The tax commissioner shall use the fund to  
pay costs incurred in the enforcement of divisions (F) and (G) of  
section 5743.03 of the Revised Code.

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Sec. 5743.03. (A) Except as provided in section 5743.04 of  
the Revised Code, the taxes imposed under sections 5743.02,  
5743.023, 5743.024, and 5743.026 of the Revised Code shall be paid  
by the purchase of stamps. A stamp shall be affixed to each  
package of an aggregate denomination not less than the amount of  
the tax upon the contents thereof. The stamp, so affixed, shall be  
prima-facie evidence of payment of the tax. Except as is provided  
in the rules prescribed by the tax commissioner under authority of  
sections 5743.01 to 5743.20 of the Revised Code, and unless such  
stamps have been previously affixed, they shall be so affixed by  
each wholesale dealer, and canceled by writing or stamping across  
the face thereof the number assigned to such wholesale dealer by  
the tax commissioner for that purpose, prior to the delivery of  
any cigarettes to any person in this state, or in the case of a  
tax levied pursuant to section 5743.024 or 5743.026 of the Revised  
Code, prior to the delivery of cigarettes to any person in the  
county in which the tax is levied.

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(B) Except as provided in the rules prescribed by the  
commissioner under authority of sections 5743.01 to 5743.20 of the  
Revised Code, and unless such stamps have been previously affixed,  
each retail dealer shall within twenty-four hours after the  
receipt of any cigarettes at the retail dealer's place of business  
and prior to the delivery thereof to any person in this state, or  
in the case of a tax levied pursuant to section 5743.024 or

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5743.026 of the Revised Code prior to the delivery thereof to any 579  
person in the county in which the tax is levied, so affix such 580  
stamps and cancel same by writing or stamping across the face 581  
thereof the number assigned to such retail dealer by the 582  
commissioner for that purpose. 583

(C) Whenever any cigarettes are found in the place of 584  
business of any retail dealer without proper tax stamps affixed 585  
thereto and canceled, it is presumed that such cigarettes are kept 586  
therein in violation of sections 5743.01 to 5743.20 of the Revised 587  
Code. 588

(D) Each wholesale dealer and each retail dealer who 589  
purchases cigarettes without proper tax stamps affixed thereto 590  
shall, on or before the thirty-first day of the month following 591  
the close of each semiannual period, which period shall end on the 592  
thirtieth day of June and the thirty-first day of December of each 593  
year, make and file a return of the preceding semiannual period, 594  
on such form as is prescribed by the tax commissioner, showing the 595  
dealer's entire purchases and sales of cigarettes and stamps or 596  
impressions for such semiannual period and accurate inventories as 597  
of the beginning and end of each semiannual period of cigarettes, 598  
stamped or unstamped; cigarette tax stamps affixed or unaffixed 599  
and unused meter impressions; and such other information as the 600  
commissioner finds necessary to the proper administration of 601  
sections 5743.01 to 5743.20 of the Revised Code. The commissioner 602  
may extend the time for making and filing returns and may remit 603  
all or any part of amounts of penalties ~~which~~ that may become due 604  
under sections 5743.01 to 5743.20 of the Revised Code. The 605  
wholesale or retail dealer shall deliver the return together with 606  
a remittance of the tax deficiency reported thereon to the 607  
treasurer of state. The treasurer of state shall stamp or 608  
otherwise mark on the return the date it was received and shall 609  
also show thereon by stamp or otherwise a payment or nonpayment of 610

the deficiency shown by the return. Thereafter, the treasurer of 611  
state shall immediately transmit all returns filed under this 612  
section to the commissioner. ~~Any~~ 613

(E) Any wholesale or retail dealer who fails to file a return 614  
under this section and the rules of the commissioner, other than a 615  
report required pursuant to division (F) of this section, may be 616  
required, for each day the dealer so fails, to forfeit and pay 617  
into the state treasury the sum of one dollar as revenue arising 618  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 619  
Code and such sum may be collected by assessment in the manner 620  
provided in section 5743.081 of the Revised Code. If the 621  
commissioner finds it necessary in order to insure the payment of 622  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 623  
Code, the commissioner may require returns and payments to be made 624  
other than semiannually. The returns shall be signed by the 625  
wholesale or retail dealer or an authorized agent thereof. 626

(F) Each person required to file a tax return under section 627  
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 628  
the commissioner the quantity of all cigarettes and roll-your-own 629  
cigarette tobacco sold in Ohio for each brand not covered by the 630  
tobacco master settlement agreement for which the person is liable 631  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 632  
the Revised Code. 633

As used in this division, "tobacco master settlement 634  
agreement" has the same meaning as in section 183.01 of the 635  
Revised Code. 636

(G) The report required by division (F) of this section shall 637  
be made on a form prescribed by the commissioner and shall be 638  
filed not later than the last day of each month for the previous 639  
month, except that if the commissioner determines that the 640  
quantity reported by a person does not warrant monthly reporting, 641  
the commissioner may authorize reporting at less frequent 642

intervals. The commissioner may assess a penalty of not more than  
two hundred fifty dollars for each month or portion thereof that a  
person fails to timely file a required report, and such sum may be  
collected by assessment in the manner provided in section 5743.081  
of the Revised Code. All money collected under this division shall  
be considered as revenue arising from the taxes imposed by  
sections 5743.01 to 5743.20 of the Revised Code.

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**Sec. 5743.99.** (A) Whoever violates section 5743.10, 5743.11,  
or 5743.12 or division (C) of section 5743.54 of the Revised Code  
is guilty of a misdemeanor of the first degree. If the offender  
has been previously convicted of an offense under this division,  
violation is a felony of the fourth degree.

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(B) Whoever violates section 5743.111, 5743.112, 5743.13,  
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a  
felony of the fourth degree. If the offender has been previously  
convicted of an offense under this division, violation is a felony  
of the second degree.

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(C) Whoever violates section 5743.41 or 5743.42 of the  
Revised Code is guilty of a misdemeanor of the fourth degree. If  
the offender has been previously convicted of an offense under  
this division, violation is a misdemeanor of the third degree.

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(D) Whoever violates section 5743.21 of the Revised Code is  
guilty of a misdemeanor of the first degree. If the offender has  
been previously convicted of an offense under this division,  
violation is a felony of the fifth degree.

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(E) Whoever violates division (F) of section 5743.03 of the  
Revised Code is guilty of a misdemeanor of the fourth degree.

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(F) Whoever violates any provision of this chapter, or any  
rule promulgated by the tax commissioner under authority of this  
chapter, for the violation of which no penalty is provided

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elsewhere, is guilty of a misdemeanor of the fourth degree. 673

~~(F)~~(G) In addition to any other penalty imposed upon a person 674  
convicted of a violation of section 5743.112 or 5743.60 of the 675  
Revised Code who was the operator of a motor vehicle used in the 676  
violation, the registrar of motor vehicles shall suspend any 677  
driver's or commercial driver's license issued to the offender 678  
pursuant to the order and determination of the trial judge of any 679  
court of record as provided in section 4507.16 of the Revised 680  
Code. 681

**Section 2.** That existing sections 126.02, 183.02, 183.04, 682  
183.06, 183.12, 183.14, 183.20, 183.30, 5743.03, and 5743.99 and 683  
section 183.31 of the Revised Code are hereby repealed. 684

**Section 3.** All items in Sections 4 to 13 of this act are 685  
hereby appropriated as designated out of any moneys in the state 686  
treasury to the credit of the designated fund that are not 687  
otherwise appropriated. For all appropriations made in this 688  
section, those in the first column are for fiscal year 2003 and 689  
those in the second column are for fiscal year 2004. 690

**Section 4.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 691  
SERVICES 692

Tobacco Master Settlement Agreement Fund Group 693

L87 038-403 Urban Minority \$ 500,000 \$ 500,000 694

Alcoholism and Drug

Abuse Outreach

Programs

L87 038-405 Juvenile Offender \$ 3,000,000 \$ 3,000,000 695

Aftercare Program

TOTAL TSF Tobacco Master Settlement \$ 3,500,000 \$ 3,500,000 696

Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,500,000 \$ 3,500,000 697

<b>Section 5. AGO ATTORNEY GENERAL</b>	699
Tobacco Master Settlement Agreement Fund Group	700
J87 055-635 Law Enforcement           \$       6,200,000 \$       1,000,000	701
Technology, Training, and Facility Enhancements	
U87 055-402 Tobacco Settlement       \$       529,958 \$       551,516	702
Oversight, Administration, and Enforcement	
TOTAL TSF Tobacco Master Settlement \$       6,729,958 \$       1,551,516	703
Agreement Fund Group	
TOTAL ALL BUDGET FUND GROUPS       \$       6,729,958 \$       1,551,516	704
 LAW ENFORCEMENT IMPROVEMENTS TRUST FUND	705
 The foregoing appropriation item 055-635, Law Enforcement	706
Technology, Training, and Facility Enhancements shall be used in	707
accordance with section 183.10 of the Revised Code.	708
Notwithstanding anything to the contrary contained in sections	709
9.33 to 9.332 and Chapters 123. and 153. of the Revised Code, the	710
Office of the Attorney General may negotiate, enter into, and	711
administer a contract that combines both the design and	712
construction elements into one contract for the Ohio Peace Officer	713
Training Academy Outdoor Training Facility and Improvements	714
project, which is funded from appropriation item 055-635, Law	715
Enforcement Technology, Training, and Facility Enhancements.	716
 <b>Section 6. DOH DEPARTMENT OF HEALTH</b>	717
Tobacco Master Settlement Agreement Fund Group	718
L87 440-404 Minority Health Care     \$       350,000 \$       350,000	719
Data Development	
L87 440-409 Tuberculocis           \$       450,000 \$       450,000	720



	Prevention and Treatment					
L87 440-410	Hepatitis C Prevention and Intervention	\$	425,000	\$	425,000	721
L87 440-411	Dental Care Programs for Minority and Low-Income Populations	\$	300,000	\$	300,000	722
L87 440-412	Emergency Medications and Oxygen for Low-Income Seniors	\$	557,105	\$	561,421	723
L87 440-414	Uncompensated Care	\$	3,500,000	\$	3,500,000	724
L87 440-420	Childhood Lead WIC Pilot	\$	50,000	\$	50,000	725
L87 440-421	Infant Mortality Reduction Initiative	\$	219,000	\$	266,000	726
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	5,851,105	\$	5,902,421	727 728 729
TOTAL ALL BUDGET FUND GROUPS		\$	5,851,105	\$	5,902,421	730
	<b>Section 7. MIH COMMISSION ON MINORITY HEALTH</b>					732
	Tobacco Master Settlement Agreement Fund Group					733
L87 149-402	Minority Health and Academic Partnership Grants	\$	1,055,000	\$	1,090,000	734
L87 149-403	Training and Capacity Building	\$	100,000	\$	100,000	735
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	1,155,000	\$	1,190,000	736
TOTAL ALL BUDGET FUND GROUPS		\$	1,155,000	\$	1,190,000	737
	<b>Section 8. DHS DEPARTMENT OF PUBLIC SAFETY</b>					739
	Tobacco Master Settlement Agreement Fund Group					740

L87 767-406 Under-Age Tobacco Use	\$	636,000	\$	636,000	741
Enforcement					
TOTAL TSF Tobacco Master Settlement Agreement Fund	\$	636,000	\$	636,000	742
TOTAL ALL BUDGET FUND GROUPS	\$	636,000	\$	636,000	743

**Section 9. BOR BOARD OF REGENTS** 745

Tobacco Master Settlement Agreement Fund Group					746
M87 235-405 Biomedical Research	\$	25,500,000	\$	25,500,000	747
and Technology					
Transfer Commission					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	25,500,000	\$	25,500,000	750
TOTAL ALL BUDGET FUND GROUPS	\$	25,500,000	\$	25,500,000	751

**Section 10. NET SCHOOLNET COMMISSION** 753

Tobacco Master Settlement Agreement Fund Group					754
S87 228-602 Education Technology	\$	16,500,000	\$	16,500,000	755
Trust Fund					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	16,500,000	\$	16,500,000	758
TOTAL ALL BUDGET FUND GROUPS	\$	16,500,000	\$	16,500,000	759

**EDUCATION TECHNOLOGY TRUST FUND** 760

The foregoing appropriation item 228-602, Education Technology Trust Fund, shall be used by the SchoolNet Commission for grants to school districts and other entities and for the costs of administering these grants. Of the total amount for grants, \$1,917,293 in fiscal year 2003 shall be used for the ONEnet project, \$909,247 in fiscal year 2003 shall be used for the INFOhio Network, \$298,750 in fiscal year 2003 shall be used for

the JASON Project, \$1,000,000 in fiscal year 2003 shall be used  
for RISE Learning Solutions, and \$200,000 in fiscal year 2003  
shall be used for the Stark County School Teacher Technical  
Training Center. The remaining amount for grants shall be made to  
school districts.

The JASON Project shall provide funding for statewide access  
and a seventy-five per cent subsidy for statewide licensing of  
JASON content for 90,000 middle school students statewide, and  
professional development for teachers participating in the JASON  
Project.

It is the intent of the General Assembly that the SchoolNet  
Commission, in conjunction with RISE Learning Solutions, shall  
develop a program that may be conducted in conjunction with  
state-supported technology programs, including, but not limited  
to, SchoolNet Commission appropriation item 228-406, Technical and  
Instructional Professional Development, and appropriation item  
228-539, Education Technology, and that shall be designed to  
educate preschool staff members and providers on developmentally  
appropriate teaching methods, behavior guidance, and literacy and  
to involve parents more closely in the education and development  
of their children. The program shall include an interactive  
instructional component, delivered using satellite television,  
Internet, and with facilitation, and shall be distributed to  
program participants using the established satellite receiver  
dishes on public schools, Head Start centers, and childcare  
centers at up to 100 locations throughout the state. The  
interactive instructional component of the program shall be  
developed to enhance the professional development, training, and  
performance of preschool staff members, the education and  
care-giving skills of the parents of preschool children, and the  
preparation of preschool-age children for learning.

The program shall utilize the grant to continue a

direct-service component that shall include at least three  
teleconferences that may be distributed by Ohio-based public  
television utilizing satellite or microwave technology in a manner  
designed to promote interactive communications between the program  
participants located at subsites within the Ohio Educational  
Broadcast Network or as determined by the commission. Program  
participants shall communicate with trainers and participants at  
other program sites through telecommunications and facsimile and  
on-line computer technology. As much as possible, the  
direct-service component shall utilize systems currently available  
in state-supported technology programs and conduct the component  
in a manner that promotes innovative, interactive communications  
between program participants at all the sites. Parent support  
groups and teacher training sessions shall supplement the  
teleconferences and shall occur on a local basis.

RISE Learning Solutions may subcontract components of the  
program.

Individuals eligible to participate in the program include  
those children, their parents, custodians, or guardians, and  
preschool staff members who are eligible to participate in a  
preschool program as defined in division (A) of section 3301.52  
and section 5104.02 of the Revised Code.

The components of the program, including two that shall be  
developed in support of teacher proficiency in teaching reading to  
prekindergarten and kindergarten to third grade students, at the  
direction of the Department of Education, may include: two  
three-hour broadcast seminars from a central up-link station,  
distributed in up to 88 counties; high production-value video  
sought in various locations; and direct interactive adult learning  
activities. These two components shall include development of  
workbooks and involve at least three small, group-facilitated  
follow-up discussion workshops and development and distribution of

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at least two home videos. The program shall also provide Internet  
access, interactive lines, bulletin board, and CD-ROM.

Upon completion of each of the school years for which the  
grant was made, RISE Learning Solutions shall issue a report to  
the commission and members of the General Assembly explaining the  
goals and objectives determined, the activities implemented, the  
progress made toward the achievement of the goals and objectives,  
and the outcome of the program.

The commission shall use the remaining appropriation  
authority in fiscal year 2003 and appropriation authority granted  
in fiscal year 2004 to establish and equip, through the SchoolNet  
Plus Program, at least one interactive computer station for each  
five children enrolled in the sixth grade as determined by a  
three-year average adjusted per pupil property valuation pursuant  
to division (A) of section 3317.03 of the Revised Code. Districts  
in the first two quartiles of wealth shall receive \$380 per pupil  
for students in grade six to purchase classroom computers for the  
sixth grade. Districts in the third and fourth quartile shall  
receive approximately \$188 per sixth grade pupil. If a district  
has met the state's goal of one computer to every five students,  
the district may use funds provided through the SchoolNet Plus  
Program to purchase computers for grade seven or to fulfill  
educational technology needs on other grades as specified in the  
district's technology plan. When there is at least one computer  
for each five children enrolled in the sixth grade, SchoolNet  
shall use any remaining funds appropriated to establish and equip  
at least one interactive computer workstation for each five  
children enrolled in the seventh grade as determined by the  
previously defined formula.

**Section 11.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY  
DEVELOPMENT FOUNDATION

Tobacco Master Settlement Agreement Fund Group				863
5M9 945-601 Operating Expenses	\$	416,000	\$ 435,000	864
TOTAL TSF Tobacco Master Settlement Agreement Fund Group				865
				866
	\$	416,000	\$ 435,000	867
TOTAL ALL BUDGET FUND GROUPS	\$	416,000	\$ 435,000	868

INVESTMENT EARNINGS ON OPERATING EXPENSES FUND 869

On July 1, 2002, or as soon thereafter as possible, the 870  
Director of Budget and Management shall transfer the investment 871  
earnings that would have been credited to the Southern Ohio 872  
Agricultural and Community Development Operating Expenses Fund 873  
(Fund 5M9) established in section 183.14 of the Revised Code for 874  
fiscal years 2001 and 2002, which were credited to the General 875  
Revenue Fund, from the General Revenue Fund to the Southern Ohio 876  
Agricultural and Community Development Operating Expenses Fund 877  
(Fund 5M9). 878

**Section 12. TAX DEPARTMENT OF TAXATION** 879

Tobacco Master Settlement Agreement Fund Group				880
T87 110-402 Tobacco Settlement Enforcement	\$	210,980	\$ 219,179	881
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	210,980	\$ 219,179	882
TOTAL ALL BUDGET FUND GROUPS	\$	210,980	\$ 219,179	883

**Section 13. TUP TOBACCO USE PREVENTION AND CONTROL FOUNDATION** 885

Tobacco Master Settlement Agreement Fund Group				886
5M8 940-601 Operating Expenses	\$	833,000	\$ 1,212,000	887
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	833,000	\$ 1,212,000	888
				889
TOTAL ALL BUDGET FUND GROUPS	\$	833,000	\$ 1,212,000	890

INVESTMENT EARNINGS ON OPERATING EXPENSES FUND 891

On July 1, 2002, or as soon thereafter as possible, the 892  
Director of Budget and Management shall transfer the investment 893  
earnings that would have been credited to the Tobacco Use 894  
Prevention and Control Operating Expenses Fund (Fund 5M8) 895  
established in section 183.06 of the Revised Code for fiscal years 896  
2001 and 2002, which were instead credited to the General Revenue 897  
Fund, from the General Revenue Fund to the Tobacco Use Prevention 898  
and Control Operating Expenses Fund (Fund 5M8). 899

**Section 13.01.** During fiscal years 2003 and 2004, of the 900  
total amount of funding the Tobacco Use Prevention and Control 901  
Foundation provides during the year to other organizations for 902  
tobacco use prevention and cessation programs, the Foundation 903  
shall devote a percentage to programs for smokeless tobacco use 904  
prevention and cessation. The Foundation's Board of Trustees shall 905  
specify the percentage for a fiscal year before the year begins. 906  
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**Section 13.02.** If, during fiscal year 2003 or fiscal year 908  
2004, the Tobacco Use Prevention and Control Foundation spends 909  
money on a tobacco counter-marketing media campaign, the 910  
Foundation shall devote a percentage of the money so spent to a 911  
media campaign to reduce the use of smokeless tobacco. The 912  
Foundation's Board of Trustees shall specify the percentage for a 913  
fiscal year before the year begins. 914

**Section 14.** All items set forth in this section are hereby 915  
appropriated out of any moneys in the state treasury to the credit 916  
of the Education Facilities Trust Fund (Fund N87) that are not 917  
otherwise appropriated. 918

Appropriations

SFC SCHOOL FACILITIES COMMISSION 919

CAP-780 Classroom Facilities Assistance Program	\$	313,400,000	920
Total School Facilities Commission	\$	313,400,000	921
TOTAL Education Facilities Trust Fund	\$	313,400,000	922

**Section 14.01.** Section 14 of this act shall remain in full 924  
force and effect commencing on July 1, 2002, and terminating on 925  
June 30, 2004, for the purpose of drawing money from the state 926  
treasury in payment of liabilities lawfully incurred thereunder, 927  
and on June 30, 2004, and not before, the moneys appropriated 928  
thereby shall lapse into the funds from which they are severally 929  
appropriated. 930

The appropriations made in Section 14 of this act are subject 931  
to all provisions of the capital appropriations act governing the 932  
2002-2004 biennium that are generally applicable to such 933  
appropriations. Expenditures from appropriations contained in 934  
Section 14 shall be accounted for as though made in the capital 935  
appropriations act governing the 2002-2004 biennium. 936

**Section 15.** TRANSFER FROM TOBACCO MASTER SETTLEMENT AGREEMENT 937  
FUND TO CONTROLLING BOARD EMERGENCY PURPOSES FUND 938

Notwithstanding section 183.02 of the Revised Code, on July 939  
1, 2002, or as soon thereafter as possible, the Director of Budget 940  
and Management shall transfer \$368,301 in cash from the net amount 941  
credited to the Tobacco Master Settlement Agreement Fund (Fund 942  
087) to the Controlling Board Emergency Purposes Fund (Fund 5S4). 943  
The amount transferred is hereby appropriated. 944

The transfer made under this section shall be made after the 945  
transfers made under divisions (F) and (G) of section 183.02 of 946  
the Revised Code, but prior to the transfers made under divisions 947  
(A) to (E) and (I) and (J) of section 183.02 of the Revised Code. 948  
The amount transferred shall reimburse the Controlling Board 949  
Emergency Purposes Fund (Fund 5S4) for the amounts transferred to 950



the Attorney General and the Department of Taxation to pay for the 951  
expenses associated with the enforcement of the tobacco master 952  
settlement agreement in fiscal year 2002. 953

**Section 16.** That Section 32 of Am. Sub. H.B. 405 of the 124th 954  
General Assembly be amended to read as follows: 955

**"Sec. 32.** TRANSFER FROM THE TOBACCO MASTER SETTLEMENT 956  
AGREEMENT FUND TO THE GENERAL REVENUE FUND 957

(A) Notwithstanding section 183.02 of the Revised Code, on or 958  
before June 30, 2002, the Director of Budget and Management may 959  
transfer up to \$120,000,000 from the Tobacco Master Settlement 960  
Agreement Fund (Fund 087) to the General Revenue Fund. 961

Notwithstanding section 183.02 of the Revised Code, on or 962  
before June 30, 2003, the Director of Budget and Management may 963  
transfer up to \$120,000,000 from the Tobacco Master Settlement 964  
Agreement Fund (Fund 087) to the General Revenue Fund. 965

Of the tobacco revenue that is credited to the Tobacco Master 966  
Settlement Agreement Fund in fiscal year 2002 and in fiscal year 967  
2003, the share that is determined pursuant to section 183.02 of 968  
the Revised Code to be the amount to be transferred by the 969  
Director of Budget and Management from the Tobacco Master 970  
Settlement Agreement Fund to the Tobacco Use Prevention and 971  
Cessation Trust Fund shall be reduced by the amount that is 972  
transferred from the Tobacco Master Settlement Agreement Fund to 973  
the General Revenue Fund in accordance with this division. 974

(B) Notwithstanding section 183.02 of the Revised Code, on or 975  
before June 30, 2003, the Director of Budget and Management may 976  
make one or more transfers from the Tobacco Master Settlement 977  
Agreement Fund (Fund 087) to the General Revenue Fund that in 978  
total do not exceed ~~\$20,000,000~~ \$36,240,000. From the tobacco 979  
revenue that is credited to the Tobacco Master Settlement 980

Agreement Fund in fiscal years 2002 and 2003, the shares that are 981  
determined pursuant to section 183.02 of the Revised Code to be 982  
the amounts to be transferred by the Director of Budget and 983  
Management from the Tobacco Master Settlement Agreement Fund to 984  
the ~~various trust funds~~ Southern Ohio Agricultural and Community 985  
Development Trust Fund (Fund K87) and the Ohio's Public Health 986  
Priorities Trust Fund (Fund L87) shall be reduced in each fiscal 987  
year to provide the revenue for the transfers under this division 988  
in a manner to be determined in the tobacco revenue budget act for 989  
fiscal years 2003 and 2004, but such manner shall not provide for 990  
any reductions in the shares determined for the Education 991  
Facilities Trust Fund (Fund N87), Education Facilities Endowment 992  
Fund (Fund P87), Education Technology Trust Fund (Fund S87), and 993  
Biomedical Research and Technology Transfer Trust Fund (Fund M87). 994  
The Director of Budget and Management shall not make any transfers 995  
pursuant to this division until it is determined how the shares 996  
are to be reduced, except that the revenue by which the Ohio's 997  
Public Health Priorities Trust Fund (Fund L87) is reduced under 998  
this division shall not exceed \$3,900,000. 999

(C) Notwithstanding section 183.02 of the Revised Code, if 1000  
the revenue that is credited to the Tobacco Master Settlement 1001  
Agreement Fund (Fund 087) in fiscal year 2002 is between 1002  
\$364,000,000 and \$418,783,038.09, on July 15, 2002, or as soon 1003  
thereafter as possible, the Director of Budget and Management 1004  
shall transfer 42.52 per cent of the amount in excess of 1005  
\$364,000,000 but not in excess of \$418,783,038.09 to the Ohio's 1006  
Public Health Priorities Trust Fund (Fund L87) and 57.48 per cent 1007  
of the amount in excess of \$364,000,000 but not in excess of 1008  
\$418,783,038.09 to the Southern Ohio Agricultural and Community 1009  
Development Trust Fund (Fund K87). 1010

(D) Notwithstanding section 183.02 of the Revised Code, if 1011  
the revenue that is credited to the Tobacco Master Settlement 1012

Agreement Fund (Fund 087) in fiscal year 2003 is between 1013  
\$372,700,000 and \$422,746,368.61, on July 15, 2003, or as soon 1014  
thereafter as possible, the Director of Budget and Management 1015  
shall transfer 43.64 per cent of the amount in excess of 1016  
\$372,700,000 but not in excess of \$422,746,368.61 to the Ohio's 1017  
Public Health Priorities Trust Fund (Fund L87) and 56.36 per cent 1018  
of the amount in excess of \$372,700,000 but not in excess of 1019  
\$422,746,368.61 to the Southern Ohio Agricultural and Community 1020  
Development Trust Fund (Fund K87). 1021

(E) If the state receives any payments of moneys from an 1022  
escrow account that has been established by a tobacco company that 1023  
is participating in the master settlement agreement while that 1024  
company is disputing a portion of its calculated payment, the 1025  
Director of Budget and Management shall transfer the moneys 1026  
received according to the percentages contained in division (C) of 1027  
this section for fiscal year 2002 and division (D) of this section 1028  
for fiscal year 2003. 1029

(F) The amounts transferred to the Ohio's Public Health 1030  
Priorities Trust Fund (Fund L87) pursuant to divisions (C), (D), 1031  
and (E) of this section shall not exceed a total of \$3.9 million. 1032

(G)(1) If any amounts are transferred from the Tobacco Master 1033  
Settlement Agreement Fund (Fund 087) to the Ohio's Public Health 1034  
Priorities Trust Fund (Fund L87) pursuant to divisions (C), (D), 1035  
and (E) of this section, the amounts transferred shall be used to 1036  
increase the appropriation authority in appropriation item 1037  
440-414, Uncompensated Care, by up to \$225,000 per year in fiscal 1038  
years 2003 and 2004 and in appropriation item 440-411, Dental Care 1039  
Programs for Minority and Low-Income Populations, by up to 1040  
\$120,000 per year in fiscal years 2003 and 2004. The increase to 1041  
appropriation item 440-414, Uncompensated Care, shall be used to 1042  
establish new dental clinics or expand existing dental clinics. 1043

(2) If any amounts are transferred to the Ohio's Public 1044

Health Priorities Trust Fund, the Director of Health shall 1045  
determine which appropriation item outlined in division (G)(1) of 1046  
this section will have its appropriation authority increased. The 1047  
Director of Health may elect to have the appropriation authority 1048  
in both appropriation items increased. Any funds transferred 1049  
pursuant to divisions (C), (D), and (E) of this section are hereby 1050  
appropriated. 1051

(H) Any payment credited to the Tobacco Master Settlement 1052  
Agreement Fund (Fund 087) that exceeds \$418,783,038.09 in fiscal 1053  
year 2002 or exceeds \$422,746,368.61 in fiscal year 2003 shall be 1054  
transferred pursuant to division (L) of section 183.02 of the 1055  
Revised Code." 1056

**Section 17.** That existing Section 32 of Am. Sub. H.B. 405 of 1057  
the 124th General Assembly is hereby repealed. 1058

**Section 18. INFORMATION ON PRESCRIPTION DRUG ASSISTANCE** 1059

The Department of Aging shall develop a program that creates 1060  
a toll-free phone number to provide information on prescription 1061  
drug assistance that is available in Ohio. The Department of Aging 1062  
shall seek private funding in addition to any state funds used for 1063  
this program. The Department of Aging shall not disburse funds for 1064  
the program until after the department submits a request to the 1065  
Controlling Board outlining the planned use of the funds, and the 1066  
Controlling Board approves the request. 1067

**Section 19. PERSONAL SERVICE EXPENSES** 1068

Unless otherwise prohibited by law, each appropriation in 1069  
this act from which personal service expenses are paid shall bear 1070  
the employer's share of public employees' retirement, workers' 1071  
compensation, disabled workers' relief, and all group insurance 1072  
programs; the costs of centralized accounting, centralized payroll 1073

processing, and related personnel reports and services; the cost 1074  
of the Office of Collective Bargaining; the cost of the Personnel 1075  
Board of Review; the cost of the Employee Assistance Program; the 1076  
cost of the Equal Opportunity Center; the costs of interagency 1077  
information management infrastructure; and the cost of 1078  
administering the state employee merit system as required by 1079  
section 124.07 of the Revised Code. Such costs shall be determined 1080  
in conformity with appropriate sections of law and paid in 1081  
accordance with procedures specified by the Office of Budget and 1082  
Management. 1083

**Section 20.** That Section 103.03 of Am. Sub. H.B. 94 of the 1084  
124th General Assembly is hereby repealed. 1085

**Section 21.** Except as otherwise specifically provided in this 1086  
act, the codified and uncodified sections of law contained in this 1087  
act, and the items of law of which the codified and uncodified 1088  
sections of law contained in this act are composed, are subject to 1089  
the referendum. Therefore, under Ohio Constitution, Article II, 1090  
Section 1c and section 1.471 of the Revised Code, the codified and 1091  
uncodified sections of law contained in this act, and the items of 1092  
law of which the codified and uncodified sections of law contained 1093  
in this act are composed, take effect on the ninety-first day 1094  
after this act is filed with the Secretary of State. If, however, 1095  
a referendum petition is filed against any such codified or 1096  
uncodified section of law contained in this act, or against any 1097  
item of law of which any such codified or uncodified section of 1098  
law contained in this act is composed, the codified or uncodified 1099  
section of law, or item of law, unless rejected at the referendum, 1100  
takes effect at the earliest time permitted by law. 1101

**Section 22.** Sections 3 to 13 and 15 to 25 of this act are not 1102  
1103

subject to the referendum. Therefore, under Ohio Constitution, 1104  
Article II, Section 1d and section 1.471 of the Revised Code, 1105  
Sections 3 to 13 and 15 to 24 of this act go into immediate effect 1106  
when this act becomes law. 1107

**Section 23.** Sections 183.02, 183.06, 183.14, 183.30, 183.34, 1108  
and 183.35 of the Revised Code as amended or enacted by this act, 1109  
and the items of law of which such sections as amended or enacted 1110  
by this act are composed, are not subject to the referendum. 1111  
Therefore, under Ohio Constitution, Article II, Section 1d and 1112  
section 1.471 of the Revised Code, such sections as amended or 1113  
enacted by this act, and the items of law of which such sections 1114  
as amended or enacted by this act are composed, go into immediate 1115  
effect when this act becomes law. 1116

**Section 24.** The repeal by this act of section 183.31 of the 1117  
Revised Code is not subject to the referendum. Therefore, under 1118  
Ohio Constitution, Article II, Section 1d and section 1.71 of the 1119  
Revised Code, the repeal goes into immediate effect when this act 1120  
becomes law. 1121

**Section 25.** The repeal of Section 103.03 of Am. Sub. H.B. 94 1122  
of the 124th General Assembly is not subject to the referendum. 1123  
Therefore, under Ohio Constitution, Article II, Section 1d and 1124  
section 1.471 of the Revised Code, the repeal of Section 103.03 is 1125  
entitled to go into immediate effect when this act becomes law. 1126  
However, the repeal of Section 103.03 of Am. Sub. H.B. 94 of the 1127  
124th General Assembly takes effect on July 1, 2002, or the day 1128  
this act becomes law, whichever is later. 1129