

As Reported by the Committee of Conference

124th General Assembly

Regular Session

2001-2002

Am. Sub. S. B. No. 242

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

A B I L L

To amend sections 126.02, 183.02, 183.04, 183.06, 1
183.12, 183.14, 183.20, 183.30, 1333.11, 2927.02, 2
5743.03, and 5743.99, to enact sections 183.34 and 3
183.35, and to repeal section 183.31 of the Revised 4
Code; to amend Section 32 of Am. Sub. H.B. 405 of 5
the 124th General Assembly; and to repeal Section 6
103.03 of Am. Sub. H.B. 94 of the 124th General 7
Assembly to modify the administration of tobacco 8
settlement funds, to modify the Unfair Cigarette 9
Sales Act relative to the determination of a 10
wholesaler's markup and a retailer's cost of doing 11
business, to prohibit the manufacture or sale of a 12
pack of cigarettes containing fewer than 20 or a 13
package of roll-your-own tobacco containing less 14
than 0.6 of an ounce, and to make operating and 15
capital appropriations for the biennium beginning 16
July 1, 2002, and ending June 30, 2004. 17

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

Section 1. That sections 126.02, 183.02, 183.04, 183.06, 18
183.12, 183.14, 183.20, 183.30, 1333.11, 2927.02, 5743.03, and 19
5743.99 be amended and sections 183.34 and 183.35 of the Revised 20

Code be enacted to read as follows: 21

Sec. 126.02. The director of budget and management shall 22
prepare and submit to the governor, biennially, not later than the 23
first day of January preceding the convening of the general 24
assembly, state budget estimates of revenues and expenditures for 25
each state fund and budget estimates for each state agency, except 26
such estimates as are required under section ~~126.22~~ 126.022 of the 27
Revised Code. The budget estimates for each state agency for which 28
direct appropriations are proposed shall include the following 29
details: 30

(A) Estimates of the operating budget; 31

(B) Estimates of the subsidy appropriations necessary, 32
delineated by a distinct subsidy program; 33

(C) Estimates for special purposes, delineated by a distinct 34
special purpose program; 35

(D) Estimates of appropriations necessary from each fund in 36
reasonable detail to allow for adequate planning and oversight of 37
programs and activities. 38

In the preparation of state revenue and expenditure 39
estimates, the director of budget and management shall, not later 40
than the fifteenth day of September in the year preceding the 41
first regular session of the general assembly, distribute to all 42
affected state agencies the forms necessary for the preparation of 43
budget requests, which shall be in the form prescribed by the 44
director in consultation with ~~the legislative budget office~~ of the 45
legislative service commission to procure information concerning 46
the revenues and expenditures for the preceding and current 47
bienniums, an estimate of the revenues and expenditures of the 48
current fiscal year, and an estimate of the revenues and proposed 49
expenditures for the respective agencies for the two succeeding 50

fiscal years for which appropriations have to be made. Each such 51
agency shall, not later than the first day of November, file with 52
the director its estimate of revenues and proposed expenditures 53
for the succeeding biennium. 54

Each such agency shall, not later than the first day of 55
December, file with the chairperson of the finance committees of 56
the senate and house of representatives and the legislative ~~budget~~ 57
office service commission a duplicate copy of such budget request. 58

The budget request shall be accompanied by a statement in 59
writing giving facts and explanation of reasons for the items 60
requested. The director and the legislative ~~budget office~~ service 61
commission may make further inquiry and investigation as to any 62
item desired. The director may approve, disapprove, or alter the 63
requests, excepting those for the legislative and judicial 64
branches of the state. The requests as revised by the director 65
constitute the state budget estimates of revenues and expenditures 66
which the director is required to submit to the governor. 67

Sec. 183.02. This section's references to years mean state 68
fiscal years. 69

All payments received by the state pursuant to the tobacco 70
master settlement agreement shall be deposited into the state 71
treasury to the credit of the tobacco master settlement agreement 72
fund, which is hereby created. All investment earnings of the fund 73
shall also be credited to the fund. Except as provided in division 74
(~~I~~)(K) of this section, payments and interest credited to the fund 75
shall be transferred by the director of budget and management as 76
follows: 77

(A)(1) Of the first payment credited to the tobacco master 78
settlement agreement fund in 2000 and the net amounts credited to 79
the fund annually from 2000 to 2006 and in 2012, the following 80
amount or percentage shall be transferred to the tobacco use 81

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	85
2000 (net amount credited)	70.30%	86
2001	62.84	87
2002	61.41	88
2003	63.24	89
2004	66.65	90
2005	66.24	91
2006	65.97	92
2012	56.01	93

(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 and Am. Sub.
S.B. No. 242 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 and Am. Sub. S.B. No. 242 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	114
2000 (net amount credited)	5.41%	115
2001	2.32	116

(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%	117
2000 (net amount credited)	8.73	118
2001	8.12	119
2002	9.18	120
2003	8.91	121
2004	7.84	122
2005	7.79	123
2006	7.76	124
2007	17.39	125
2008 through 2011	17.25	126

(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 and Am. Sub. S.B. No. 242 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 146
to the tobacco master settlement agreement fund in 2003 due to Am. 147
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 148
assembly. 149

(D)(1) The following percentages of the net amounts credited 150
to the tobacco master settlement agreement fund annually shall be 151
transferred to Ohio's public health priorities trust fund, created 152
in section 183.18 of the Revised Code: 153

YEAR	PERCENTAGE	
2000	5.41	154
2001	6.68	155
2002	6.79	156
2003	6.90	157
2004	7.82	158
2005	8.18	159
2006	8.56	160
2007	19.83	161
2008	19.66	162
2009	20.48	163
2010	21.30	164
2011	22.12	165
2012	10.47	166

(2) Of the net amounts credited to the tobacco master 168
settlement agreement fund in 2013, the director shall transfer to 169
~~the Ohio~~ Ohio's public health priorities trust fund the amount not 170
transferred to ~~the Ohio~~ Ohio's public health priorities trust fund 171
from the net amounts credited to the tobacco master settlement 172
agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. 173
S.B. No. 242 of the 124th general assembly. Of the net amounts 174
credited to the tobacco master settlement agreement fund in 2014, 175
the director shall transfer to ~~the Ohio~~ Ohio's public health 176
priorities trust fund the amount not transferred to ~~the Ohio~~ 177

Ohio's public health priorities trust fund from the net amounts 178
credited to the tobacco master settlement agreement fund in 2003 179
due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 180
124th general assembly. 181

(E) The following percentages of the net amounts credited to 182
the tobacco master settlement agreement fund annually shall be 183
transferred to the biomedical research and technology transfer 184
trust fund, created in section 183.19 of the Revised Code: 185

YEAR	PERCENTAGE	
2000	2.71	187
2001	14.03	188
2002	13.29	189
2003	12.73	190
2004	13.78	191
2005	14.31	192
2006	14.66	193
2007	49.57	194
2008 to 2011	45.06	195
2012	18.77	196

(F) Of the amounts credited to the tobacco master settlement 197
agreement fund annually, the following amounts shall be 198
transferred to the education facilities trust fund, created in 199
section 183.26 of the Revised Code: 200

YEAR	AMOUNT	
2000	\$133,062,504.95	202
2001	128,938,732.73	203
2002	185,804,475.78	204
2003	180,561,673.11	205
2004	122,778,219.49	206
2005	121,389,325.80	207
2006	120,463,396.67	208
2007	246,389,369.01	209

2008 to 2011	267,531,291.85	210
2012	110,954,545.28	211

(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	220
2014	33.36	221
2015 to 2025	40.90	222

(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	228
2001	6.01	229
2002	9.33	230
2003	8.22	231
2004	3.91	232
2005	3.48	233
2006	3.05	234
2007	13.21	235
2008	18.03	236
2009	17.21	237
2010	16.39	238
2011	15.57	239
2012	14.75	240

(I) In each year from 2003 to 2025, after the transfers made 241

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 oversight, administration, and enforcement fund created 245
in section 183.34 of the Revised Code such amount as the director 246
determines necessary to pay the costs incurred by the attorney 247
general in tobacco settlement oversight, administration, and 248
enforcement. 249

(J) In each year from 2003 to 2025, after the transfers made 250
under divisions (F) and (G) of this section but prior to the 251
transfers made under divisions (A) to (E) of this section, the 252
director of budget and management shall transfer to the tobacco 253
settlement enforcement fund created in section 183.35 of the 254
Revised Code such amount as the director determines necessary to 255
pay the costs incurred by the tax commissioner in the enforcement 256
of divisions (F) and (G) of section 5743.03 of the Revised Code. 257

(K) If in any year from 2001 to 2012 the payments and 258
interest credited to the tobacco master settlement agreement fund 259
during the year amount to less than the amounts required to be 260
transferred to the education facilities trust fund and the 261
education facilities endowment fund that year, the director of 262
budget and management shall make none of the transfers required by 263
divisions (A) to ~~(H)~~(J) of this section. 264

~~(J)~~(L) If in any year from 2000 to 2025 the payments credited 265
to the tobacco master settlement agreement fund during the year 266
exceed the following amounts, the director of budget and 267
management shall transfer the excess to the income tax reduction 268
fund, created in section 131.44 of the Revised Code: 269

YEAR	AMOUNT	
2000	\$443,892,767.51	271
2001	348,780,049.22	272
2002	418,783,038.09	273

2003	422,746,368.61	274
2004	352,827,184.57	275
2005	352,827,184.57	276
2006	352,827,184.57	277
2007	352,827,184.57	278
2008 to 2017	383,779,323.15	279
2018 to 2025	403,202,282.16	280

Sec. 183.04. There is hereby created the tobacco use 281
prevention and control foundation, the general management of which 282
is vested in a board of trustees of ~~twenty~~ twenty-four members as 283
follows: 284

(A) Eight members who are health professionals, health 285
researchers, or representatives of health organizations. Two of 286
these members shall be appointed by the governor, two by the 287
speaker of the house of representatives, one by the minority 288
leader of the house of representatives, two by the president of 289
the senate, and one by the minority leader of the senate. 290

(B) Two members, one of whom has experience in financial 291
planning and accounting and one of whom has experience in media 292
and mass marketing, who shall be appointed by the governor; 293

(C) One member, who shall be appointed by the governor from a 294
list of at least three individuals recommended by the American 295
cancer society; 296

(D) One member, who shall be appointed by the governor from a 297
list of at least three individuals recommended by the American 298
heart association; 299

(E) One member, who shall be appointed by the governor from a 300
list of at least three individuals recommended by the American 301
lung association; 302

(F) One member, who shall be appointed by the governor from a 303

list of at least three individuals recommended by the association 304
of hospitals and health systems; 305

(G) One member, who shall be appointed by the governor from a 306
list of at least three individuals recommended by the Ohio state 307
medical association; 308

(H) One member, who shall be appointed by the governor from a 309
list of at least three individuals recommended by the association 310
of Ohio health commissioners; 311

(I) One member, who shall be appointed by the governor from a 312
list of at least three individuals recommended by the Ohio dental 313
association; 314

(J) One nonvoting member, who shall be a member of the house 315
of representatives of the political party of which the speaker of 316
the house of representatives is a member and who shall be 317
appointed by the speaker; 318

(K) One nonvoting member, who shall be a member of the house 319
of representatives of the major political party of which the 320
speaker of the house of representatives is not a member and who 321
shall be appointed by the speaker; 322

(L) One nonvoting member, who shall be a member of the senate 323
of the political party of which the president of the senate is a 324
member and who shall be appointed by the president; 325

(M) One nonvoting member, who shall be a member of the senate 326
of the major political party of which the president of the senate 327
is not a member and who shall be appointed by the president; 328

(N) The director of health, executive director of the 329
commission on minority health, and attorney general, who shall 330
serve as ex officio members. 331

The appointments of the governor shall be with the advice and 332
consent of the senate. 333

Terms of office for the non-legislative members appointed by 334
the governor, president, speaker, and minority leaders shall be 335
for five years. The terms of legislative members shall be for the 336
biennial session of the general assembly in which they are 337
appointed. Each member shall hold office from the date of 338
appointment until the end of the term for which the member was 339
appointed. Any member appointed to fill a vacancy occurring prior 340
to the expiration of the term for which the member's predecessor 341
was appointed shall hold office for the remainder of that term. 342
Any member shall continue in office subsequent to the expiration 343
date of the member's term until the member's successor takes 344
office, or until a period of sixty days has elapsed, whichever 345
occurs first. A vacancy in an unexpired term shall be filled in 346
the same manner as the original appointment. The governor may 347
remove any non-legislative member for malfeasance, misfeasance, or 348
nonfeasance after a hearing in accordance with Chapter 119. of the 349
Revised Code. 350

The members of the board shall serve without compensation but 351
shall receive their reasonable and necessary expenses incurred in 352
the conduct of foundation business. 353

Sections 101.82 to 101.87 of the Revised Code do not apply to 354
the foundation. 355

Sec. 183.06. The board of trustees of the tobacco use 356
prevention and control foundation shall appoint and set the 357
compensation of an executive director and other employees needed 358
to carry out the duties of the foundation. Before entering upon 359
the discharge of the duties of office, the executive director 360
shall give a bond to the state, to be approved by the governor, 361
conditioned for the faithful performance of the duties of office. 362
The executive director and the other employees of the foundation 363
are state employees and serve in the unclassified service. 364

There is hereby created in the state treasury the tobacco use prevention and control operating expenses fund. The treasurer of state shall periodically pay into the fund, from the tobacco use prevention and control endowment fund created in section 183.08 of the Revised Code, amounts requested by the foundation to pay the compensation of 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.

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:

(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;

(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;

(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;

(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;

(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; 396
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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; 400
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(G) 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; 404
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(H) 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. 407
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The appointments of the governor shall be with the advice and consent of the senate. 410
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Terms of office for the members appointed by the governor 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 ~~such~~ member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed ~~by the governor~~ 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 ~~such~~ that term. Any member ~~appointed by the governor~~ shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The governor may remove any non-legislative member ~~appointed by the governor~~ for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. 412
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A vacancy on the board shall be filled in the same manner as the original appointment.

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

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

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

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.

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
minority health, who shall serve as ex officio members;

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

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

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

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

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

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

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

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

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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; 487
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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; 491
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(G) 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; 495
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(H) 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. 498
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Before making their appointments of the non-legislative members, the governor, speaker, president, and minority leaders shall solicit, from the state's medical colleges, dental colleges, and medical research institutions, the national institutes of health, and other sources familiar with experts in the field of biomedical research and in commercializing the results of biomedical research, recommendations as to whom to appoint. 501
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The appointments of the governor shall be with the advice and consent of the senate. 508
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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 510
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was appointed shall hold office for the remainder of ~~such~~ that 518
term. Any member shall continue in office subsequent to the 519
expiration date of the member's term until the member's successor 520
takes office, or until a period of sixty days has elapsed, 521
whichever occurs first. A vacancy in an unexpired term shall be 522
filled in the same manner as the original appointment. The 523
governor may remove any non-legislative member for malfeasance, 524
misfeasance, or nonfeasance after a hearing in accordance with 525
Chapter 119. of the Revised Code. 526

The members of the commission shall serve without 527
compensation but shall receive their reasonable and necessary 528
expenses incurred in the conduct of commission business. 529

Sections 101.82 to 101.87 of the Revised Code do not apply to 530
the commission. 531

Sec. 183.30. (A) Except as provided in division (D) of this 532
section, no more than five per cent of the total expenditures of 533
the tobacco use prevention and control foundation in a fiscal year 534
shall be for administrative expenses of the foundation. 535

(B) Except as provided in division (D) of this section, no 536
more than five per cent of the total expenditures of the southern 537
Ohio agricultural and community development foundation in a fiscal 538
year shall be for administrative expenses of the foundation. 539

(C) Except as provided in division (D) of this section, no 540
more than five per cent of the total expenditures of the 541
biomedical research and technology transfer commission in a fiscal 542
year shall be for administrative expenses of the commission. 543

(D) This section's five per cent limitation on administrative 544
expenses does not apply ~~in to any~~ in to any fiscal years ~~2001 and 2002,~~ 545
~~provided the foundation or commission seeking to spend more than~~ 546
~~five per cent has submitted a spending plan to~~ year for which the 547
controlling board ~~and the controlling board has approved the~~ 548

approves a spending plan that the foundation or commission submits 549
to the board. 550

Sec. 183.34. There is hereby created in the state treasury 551
the tobacco settlement oversight, administration, and enforcement 552
fund, to which shall be credited amounts transferred under 553
division (I) of section 183.02 of the Revised Code. The attorney 554
general shall use the fund to pay costs incurred in the oversight, 555
administration, and enforcement of the tobacco master settlement 556
agreement. 557

Sec. 183.35. There is hereby created in the state treasury 558
the tobacco settlement enforcement fund, to which shall be 559
credited amounts transferred under division (J) of section 183.02 560
of the Revised Code. The tax commissioner shall use the fund to 561
pay costs incurred in the enforcement of divisions (F) and (G) of 562
section 5743.03 of the Revised Code. 563

Sec. 1333.11. As used in sections 1333.11 to 1333.21 of the 564
Revised Code: 565

(A) "Cost to the retailer" means the invoice cost of 566
cigarettes to the retailer, or the replacement cost of cigarettes 567
to the retailer within thirty days prior to the date of sale, in 568
the quantity last purchased, whichever is lower, less all trade 569
discounts except customary discounts for cash, to which shall be 570
added the cost of doing business by the retailer as evidenced by 571
the standards and the methods of accounting regularly employed by 572
the retailer in the retailer's allocation of overhead costs and 573
expenses, paid or incurred. "Cost to the retailer" must include, 574
without limitation, labor, including salaries of executives and 575
officers, rent, depreciation, selling costs, maintenance of 576
equipment, delivery costs, all types of licenses, insurance, 577
advertising, and taxes, exclusive of county cigarette taxes paid 578

or payable on the cigarettes. Where the sale to the retailer is on 579
a cash and carry basis, the cartage to the retail outlet, if 580
performed or paid for by the retailer, shall be added to the 581
invoice cost of the cigarettes to the retailer. In the absence of 582
proof of a lesser or higher cost by the retailer, the cartage cost 583
shall be three-fourths of one per cent of the invoice cost of the 584
cigarettes to the retailer, not including the amount added thereto 585
by the wholesaler for the face value of state and county cigarette 586
tax stamps affixed to each package of cigarettes. 587

(B) In the absence of proof of a lesser or higher cost of 588
doing business by the retailer making the sale, the cost of doing 589
business to the retailer shall be ~~six~~ eight per cent of the 590
invoice cost of the cigarettes to the retailer exclusive of the 591
face value of county cigarette taxes paid on the cigarettes or of 592
the replacement cost of the cigarettes to the retailer within 593
thirty days prior to the date of sale in the quantity last 594
purchased exclusive of the face value of county cigarette taxes 595
paid on the cigarettes, whichever is lower, less all trade 596
discounts except customary discounts for cash. 597

(C) "Cost to the wholesaler" means the invoice cost of the 598
cigarettes to the wholesaler, or the replacement cost of the 599
cigarettes to the wholesaler within thirty days prior to the date 600
of sale, in the quantity last purchased, whichever is lower, less 601
all trade discounts except customary discounts for cash, to which 602
shall be added a wholesaler's markup to cover in part the cost of 603
doing business, which wholesaler's markup, in the absence of proof 604
of a lesser or higher cost of doing business by the wholesaler as 605
evidenced by the standards and methods of accounting regularly 606
employed by the wholesaler in the wholesaler's allocation of 607
overhead costs and expenses, paid or incurred, including without 608
limitation, labor, salaries of executives and officers, rent, 609
depreciation, selling costs, maintenance of equipment, delivery, 610

delivery costs, all types of licenses, taxes, insurance, and
advertising, shall be ~~two~~ three and five-tenths per cent of ~~said~~
such invoice cost of the cigarettes to the wholesaler, to which
shall be added the full face value of state and county cigarette
tax stamps affixed by the wholesaler to each package of
cigarettes, or of the replacement cost of the cigarettes to the
wholesaler within thirty days prior to the date of sale in the
quantity last purchased, whichever is lower, less all trade
discounts except customary discounts for cash. Where the sale by
the wholesaler to the retailer is on a cash and carry basis, the
wholesaler may, in the absence of proof of a lesser or higher
cost, allow to the retailer an amount not to exceed three-fourths
of one per cent of the "cost to the wholesaler" excluding the
amount added thereto for the face value of state and county
cigarette tax stamps affixed to each package of cigarettes.

(D) Any person licensed to sell cigarettes as both a
wholesaler and a retailer, who does sell cigarettes at retail,
shall, in determining "cost to the retailer", first compute "cost
to the wholesaler" as provided in division (C) of this section;
~~said that~~ "cost to the wholesaler" shall then be used in lieu of
the lower of either invoice cost or replacement cost less all
trade discounts except customary discounts for cash in computing
"cost to the retailer" as provided in divisions (A) and (B) of
this section.

(E) In all advertisements, offers for sale, or sales
involving two or more items at a combined price and in all
advertisements, offers for sale, or sales involving the giving of
any concession of any kind, whether it be coupons or otherwise,
the retailer's or wholesaler's selling price shall not be below
the "cost to the retailer" or the "cost to wholesaler",
respectively, of all articles, products, commodities, and
concessions included in such transactions.

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(F)(1) "Sell at retail," "sales at retail," and "retail sales" include any transfer of title to tangible personal property for a valuable consideration made, in the ordinary course of trade or usual prosecution of the seller's business, to the purchaser for consumption or use.

(2) "Sell at wholesale," "sales at wholesale," and "wholesale sales" include any such transfer of title to tangible personal property for the purpose of resale.

(G) "Retailer" includes any person who is permitted to sell cigarettes at retail within this state under section 5743.15 of the Revised Code.

(H) "Wholesaler" includes any person who is permitted to sell cigarettes at wholesale within this state under ~~said~~ that section.

(I) "Person" includes individuals, corporations, partnerships, associations, joint-stock companies, business trusts, unincorporated organizations, receivers, or trustees.

(J) "County cigarette taxes" means the taxes levied under section 5743.024 or 5743.026 of the Revised Code.

Sec. 2927.02. (A) As used in this section and section 2927.021 of the Revised Code:

(1) "Child" has the same meaning as in section 2151.011 of the Revised Code.

(2) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(3) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, or papers used to roll cigarettes.

(4) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen years of age or older.

(5) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.

(6) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, or papers used to roll cigarettes to any child;

(2) Give away, sell, or distribute cigarettes, other tobacco products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cigarettes, other tobacco products, or papers used to roll cigarettes for that child;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less

than six-tenths of one ounce of tobacco; 703

(5) Sell cigarettes in a smaller quantity than that placed in 704
the pack or other container by the manufacturer. 705

(C) No person shall sell or offer to sell cigarettes or other 706
tobacco products by or from a vending machine, except in the 707
following locations: 708

(1) An area within a factory, business, office, or other 709
place not open to the general public; 710

(2) An area to which children are not generally permitted 711
access; 712

(3) Any other place not identified in division (C)(1) or (2) 713
of this section, upon all of the following conditions: 714

(a) The vending machine is located within the immediate 715
vicinity, plain view, and control of the person who owns or 716
operates the place, or an employee of that person, so that all 717
cigarettes and other tobacco product purchases from the vending 718
machine will be readily observed by the person who owns or 719
operates the place or an employee of that person. For the purpose 720
of this section, a vending machine located in any unmonitored 721
area, including an unmonitored coatroom, restroom, hallway, or 722
outer waiting area, shall not be considered located within the 723
immediate vicinity, plain view, and control of the person who owns 724
or operates the place, or an employee of that person. 725
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(b) The vending machine is inaccessible to the public when 727
the place is closed. 728
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(D) The following are affirmative defenses to a charge under 730
division (B)(1) of this section: 731

(1) The child was accompanied by a parent, spouse who is 732

eighteen years of age or older, or legal guardian of the child. 733

(2) The person who gave, sold, or distributed cigarettes, 734
other tobacco products, or papers used to roll cigarettes to a 735
child under division (B)(1) of this section is a parent, spouse 736
who is eighteen years of age or older, or legal guardian of the 737
child. 738

(E) It is not a violation of division (B)(1) or (2) of this 739
section for a person to give or otherwise distribute to a child 740
cigarettes, other tobacco products, or papers used to roll 741
cigarettes while the child is participating in a research protocol 742
if all of the following apply: 743

(1) The parent, guardian, or legal custodian of the child has 744
consented in writing to the child participating in the research 745
protocol. 746

(2) An institutional human subjects protection review board, 747
or an equivalent entity, has approved the research protocol. 748

(3) The child is participating in the research protocol at 749
the facility or location specified in the research protocol. 750

(F)(1) Whoever violates division (B)(1) ~~or~~, (2), (4), or (5) 751
or (C) of this section is guilty of illegal distribution of 752
cigarettes or other tobacco products, a misdemeanor of the fourth 753
degree. If the offender previously has been convicted of a 754
violation of division (B)(1) ~~or~~, (2), (4), or (5) or (C) of this 755
section, illegal distribution of cigarettes or other tobacco 756
products is a misdemeanor of the third degree. 757

(2) Whoever violates division (B)(3) of this section is 758
guilty of permitting children to use cigarettes or other tobacco 759
products, a misdemeanor of the fourth degree. If the offender 760
previously has been convicted of a violation of division (B)(3) of 761
this section, permitting children to use cigarettes or other 762
tobacco products is a misdemeanor of the third degree. 763

(G) Any cigarettes, other tobacco products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a child in violation of this section and that are used, possessed, purchased, or received by a child in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under sections 2933.42 and 2933.43 of the Revised Code.

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.

(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 5743.026 of the Revised Code prior to the delivery thereof to any

person in the county in which the tax is levied, so affix such 796
stamps and cancel same by writing or stamping across the face 797
thereof the number assigned to such retail dealer by the 798
commissioner for that purpose. 799

(C) Whenever any cigarettes are found in the place of 800
business of any retail dealer without proper tax stamps affixed 801
thereto and canceled, it is presumed that such cigarettes are kept 802
therein in violation of sections 5743.01 to 5743.20 of the Revised 803
Code. 804

(D) Each wholesale dealer and each retail dealer who 805
purchases cigarettes without proper tax stamps affixed thereto 806
shall, on or before the thirty-first day of the month following 807
the close of each semiannual period, which period shall end on the 808
thirtieth day of June and the thirty-first day of December of each 809
year, make and file a return of the preceding semiannual period, 810
on such form as is prescribed by the tax commissioner, showing the 811
dealer's entire purchases and sales of cigarettes and stamps or 812
impressions for such semiannual period and accurate inventories as 813
of the beginning and end of each semiannual period of cigarettes, 814
stamped or unstamped; cigarette tax stamps affixed or unaffixed 815
and unused meter impressions; and such other information as the 816
commissioner finds necessary to the proper administration of 817
sections 5743.01 to 5743.20 of the Revised Code. The commissioner 818
may extend the time for making and filing returns and may remit 819
all or any part of amounts of penalties ~~which~~ that may become due 820
under sections 5743.01 to 5743.20 of the Revised Code. The 821
wholesale or retail dealer shall deliver the return together with 822
a remittance of the tax deficiency reported thereon to the 823
treasurer of state. The treasurer of state shall stamp or 824
otherwise mark on the return the date it was received and shall 825
also show thereon by stamp or otherwise a payment or nonpayment of 826
the deficiency shown by the return. Thereafter, the treasurer of 827

state shall immediately transmit all returns filed under this 828
section to the commissioner. ~~Any~~ 829

(E) Any wholesale or retail dealer who fails to file a return 830
under this section and the rules of the commissioner, other than a 831
report required pursuant to division (F) of this section, may be 832
required, for each day the dealer so fails, to forfeit and pay 833
into the state treasury the sum of one dollar as revenue arising 834
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 835
Code and such sum may be collected by assessment in the manner 836
provided in section 5743.081 of the Revised Code. If the 837
commissioner finds it necessary in order to insure the payment of 838
the tax imposed by sections 5743.01 to 5743.20 of the Revised 839
Code, the commissioner may require returns and payments to be made 840
other than semiannually. The returns shall be signed by the 841
wholesale or retail dealer or an authorized agent thereof. 842

(F) Each person required to file a tax return under section 843
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 844
the commissioner the quantity of all cigarettes and roll-your-own 845
cigarette tobacco sold in Ohio for each brand not covered by the 846
tobacco master settlement agreement for which the person is liable 847
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 848
the Revised Code. 849

As used in this division, "tobacco master settlement 850
agreement" has the same meaning as in section 183.01 of the 851
Revised Code. 852

(G) The report required by division (F) of this section shall 853
be made on a form prescribed by the commissioner and shall be 854
filed not later than the last day of each month for the previous 855
month, except that if the commissioner determines that the 856
quantity reported by a person does not warrant monthly reporting, 857
the commissioner may authorize reporting at less frequent 858
intervals. The commissioner may assess a penalty of not more than 859

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

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(F)(G) In addition to any other penalty imposed upon a person 890
convicted of a violation of section 5743.112 or 5743.60 of the 891
Revised Code who was the operator of a motor vehicle used in the 892
violation, the registrar of motor vehicles shall suspend any 893
driver's or commercial driver's license issued to the offender 894
pursuant to the order and determination of the trial judge of any 895
court of record as provided in section 4507.16 of the Revised 896
Code. 897

Section 2. That existing sections 126.02, 183.02, 183.04, 898
183.06, 183.12, 183.14, 183.20, 183.30, 1333.11, 2927.02, 5743.03, 899
and 5743.99 and section 183.31 of the Revised Code are hereby 900
repealed. 901

Section 3. All items in Sections 4 to 13 of this act are 902
hereby appropriated as designated out of any moneys in the state 903
treasury to the credit of the designated fund that are not 904
otherwise appropriated. For all appropriations made in this 905
section, those in the first column are for fiscal year 2003 and 906
those in the second column are for fiscal year 2004. 907

Section 4. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 908
SERVICES 909
Tobacco Master Settlement Agreement Fund Group 910
L87 038-403 Urban Minority \$ 500,000 \$ 500,000 911
Alcoholism and Drug
Abuse Outreach
Programs
L87 038-405 Juvenile Offender \$ 3,000,000 \$ 3,000,000 912
Aftercare Program
TOTAL TSF Tobacco Master Settlement \$ 3,500,000 \$ 3,500,000 913
Agreement Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 3,500,000 \$ 3,500,000 914

Section 5. AGO ATTORNEY GENERAL	916
Tobacco Master Settlement Agreement Fund Group	917
J87 055-635 Law Enforcement \$ 6,200,000 \$ 1,000,000	918
Technology, Training, and Facility Enhancements	
U87 055-402 Tobacco Settlement \$ 529,958 \$ 551,516	919
Oversight, Administration, and Enforcement	
TOTAL TSF Tobacco Master Settlement \$ 6,729,958 \$ 1,551,516	920
Agreement Fund Group	
TOTAL ALL BUDGET FUND GROUPS \$ 6,729,958 \$ 1,551,516	921
 LAW ENFORCEMENT IMPROVEMENTS TRUST FUND	922
 The foregoing appropriation item 055-635, Law Enforcement	923
Technology, Training, and Facility Enhancements shall be used in	924
accordance with section 183.10 of the Revised Code.	925
Notwithstanding anything to the contrary contained in sections	926
9.33 to 9.332 and Chapters 123. and 153. of the Revised Code, the	927
Office of the Attorney General may negotiate, enter into, and	928
administer a contract that combines both the design and	929
construction elements into one contract for the Ohio Peace Officer	930
Training Academy Outdoor Training Facility and Improvements	931
project, which is funded from appropriation item 055-635, Law	932
Enforcement Technology, Training, and Facility Enhancements.	933
 Section 6. DOH DEPARTMENT OF HEALTH	934
Tobacco Master Settlement Agreement Fund Group	935
L87 440-404 Minority Health Care \$ 350,000 \$ 350,000	936
Data Development	
L87 440-409 Tuberculocis \$ 450,000 \$ 450,000	937

	Prevention and Treatment					
L87 440-410	Hepatitis C Prevention and Intervention	\$	425,000	\$	425,000	938
L87 440-411	Dental Care Programs for Minority and Low-Income Populations	\$	300,000	\$	300,000	939
L87 440-412	Emergency Medications and Oxygen for Low-Income Seniors	\$	557,105	\$	561,421	940
L87 440-414	Uncompensated Care	\$	3,500,000	\$	3,500,000	941
L87 440-420	Childhood Lead WIC Pilot	\$	50,000	\$	50,000	942
L87 440-421	Infant Mortality Reduction Initiative	\$	219,000	\$	266,000	943
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	5,851,105	\$	5,902,421	944 945 946
TOTAL ALL BUDGET FUND GROUPS		\$	5,851,105	\$	5,902,421	947
	Section 7. MIH COMMISSION ON MINORITY HEALTH					949
	Tobacco Master Settlement Agreement Fund Group					950
L87 149-402	Minority Health and Academic Partnership Grants	\$	1,055,000	\$	1,090,000	951
L87 149-403	Training and Capacity Building	\$	100,000	\$	100,000	952
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	1,155,000	\$	1,190,000	953
TOTAL ALL BUDGET FUND GROUPS		\$	1,155,000	\$	1,190,000	954
	Section 8. DHS DEPARTMENT OF PUBLIC SAFETY					956
	Tobacco Master Settlement Agreement Fund Group					957

L87 767-406 Under-Age Tobacco Use	\$	636,000	\$	636,000	958
Enforcement					
TOTAL TSF Tobacco Master Settlement Agreement Fund	\$	636,000	\$	636,000	959
TOTAL ALL BUDGET FUND GROUPS	\$	636,000	\$	636,000	960

Section 9. BOR BOARD OF REGENTS 962

Tobacco Master Settlement Agreement Fund Group					963
M87 235-405 Biomedical Research	\$	25,500,000	\$	25,500,000	964
and Technology					
Transfer Commission					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	25,500,000	\$	25,500,000	967
TOTAL ALL BUDGET FUND GROUPS	\$	25,500,000	\$	25,500,000	968

Section 10. NET SCHOOLNET COMMISSION 970

Tobacco Master Settlement Agreement Fund Group					971
S87 228-602 Education Technology	\$	16,500,000	\$	16,500,000	972
Trust Fund					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	16,500,000	\$	16,500,000	975
TOTAL ALL BUDGET FUND GROUPS	\$	16,500,000	\$	16,500,000	976

EDUCATION TECHNOLOGY TRUST FUND 977

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 985
for RISE Learning Solutions, and \$200,000 in fiscal year 2003 986
shall be used for the Stark County School Teacher Technical 987
Training Center. The remaining amount for grants shall be made to 988
school districts. 989

The JASON Project shall provide funding for statewide access 990
and a seventy-five per cent subsidy for statewide licensing of 991
JASON content for 90,000 middle school students statewide, and 992
professional development for teachers participating in the JASON 993
Project. 994

It is the intent of the General Assembly that the SchoolNet 995
Commission, in conjunction with RISE Learning Solutions, shall 996
develop a program that may be conducted in conjunction with 997
state-supported technology programs, including, but not limited 998
to, SchoolNet Commission appropriation item 228-406, Technical and 999
Instructional Professional Development, and appropriation item 1000
228-539, Education Technology, and that shall be designed to 1001
educate preschool staff members and providers on developmentally 1002
appropriate teaching methods, behavior guidance, and literacy and 1003
to involve parents more closely in the education and development 1004
of their children. The program shall include an interactive 1005
instructional component, delivered using satellite television, 1006
Internet, and with facilitation, and shall be distributed to 1007
program participants using the established satellite receiver 1008
dishes on public schools, Head Start centers, and childcare 1009
centers at up to 100 locations throughout the state. The 1010
interactive instructional component of the program shall be 1011
developed to enhance the professional development, training, and 1012
performance of preschool staff members, the education and 1013
care-giving skills of the parents of preschool children, and the 1014
preparation of preschool-age children for learning. 1015

The program shall utilize the grant to continue a 1016

direct-service component that shall include at least three 1017
teleconferences that may be distributed by Ohio-based public 1018
television utilizing satellite or microwave technology in a manner 1019
designed to promote interactive communications between the program 1020
participants located at subsites within the Ohio Educational 1021
Broadcast Network or as determined by the commission. Program 1022
participants shall communicate with trainers and participants at 1023
other program sites through telecommunications and facsimile and 1024
on-line computer technology. As much as possible, the 1025
direct-service component shall utilize systems currently available 1026
in state-supported technology programs and conduct the component 1027
in a manner that promotes innovative, interactive communications 1028
between program participants at all the sites. Parent support 1029
groups and teacher training sessions shall supplement the 1030
teleconferences and shall occur on a local basis. 1031

RISE Learning Solutions may subcontract components of the 1032
program. 1033

Individuals eligible to participate in the program include 1034
those children, their parents, custodians, or guardians, and 1035
preschool staff members who are eligible to participate in a 1036
preschool program as defined in division (A) of section 3301.52 1037
and section 5104.02 of the Revised Code. 1038

The components of the program, including two that shall be 1039
developed in support of teacher proficiency in teaching reading to 1040
prekindergarten and kindergarten to third grade students, at the 1041
direction of the Department of Education, may include: two 1042
three-hour broadcast seminars from a central up-link station, 1043
distributed in up to 88 counties; high production-value video 1044
sought in various locations; and direct interactive adult learning 1045
activities. These two components shall include development of 1046
workbooks and involve at least three small, group-facilitated 1047
follow-up discussion workshops and development and distribution of 1048

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				1080	
5M9 945-601 Operating Expenses	\$	416,000	\$	435,000	1081
K87 945-602 Southern Ohio	\$	15,835,000	\$	16,610,000	1082
Agricultural and Community Development Foundation					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	16,251,000	\$	17,045,000	1083 1084 1085
TOTAL ALL BUDGET FUND GROUPS	\$	16,251,000	\$	17,045,000	1086

INVESTMENT EARNINGS ON OPERATING EXPENSES FUND 1087

On July 1, 2002, or as soon thereafter as possible, the 1088
Director of Budget and Management shall transfer the investment 1089
earnings that would have been credited to the Southern Ohio 1090
Agricultural and Community Development Operating Expenses Fund 1091
(Fund 5M9) established in section 183.14 of the Revised Code for 1092
fiscal years 2001 and 2002, which were credited to the General 1093
Revenue Fund, from the General Revenue Fund to the Southern Ohio 1094
Agricultural and Community Development Operating Expenses Fund 1095
(Fund 5M9). 1096

Section 11.01. 1097

INDEMNIFICATION PAYMENTS 1098

(A) Notwithstanding sections 183.11 to 183.17 of the Revised 1099
Code, indemnification payments shall be made from the Southern 1100
Ohio Agricultural and Community Development Foundation Endowment 1101
Fund as required by this section. The total amount of payments 1102
made under this section in fiscal years 2003 and 2004 shall be 1103
limited to the amount of revenue the Southern Ohio Agricultural 1104
and Community Development Foundation Endowment Fund receives from 1105
the Southern Ohio Agricultural and Community Development Trust 1106
Fund (Fund K87) in each fiscal year, respectively, less 1107

administrative costs associated with making the indemnification 1108
payments. The Southern Ohio Agricultural and Community Development 1109
Foundation shall do all of the following: 1110

(1) Identify quota owners, growers, producers, and tenant 1111
farmers engaged in the production of burley tobacco who are 1112
eligible for indemnification for losses under this section; 1113

(2) Determine the method and formula to calculate the 1114
indemnification due to each eligible candidate; 1115

(3) Calculate the indemnification due to each eligible 1116
candidate; 1117

(4) Make an indemnification payment for production losses to 1118
each eligible candidate. 1119

(B) Indemnification payments shall be limited to candidates 1120
in the part of the state where burley tobacco has traditionally 1121
been grown. 1122

Section 12. TAX DEPARTMENT OF TAXATION 1123

Tobacco Master Settlement Agreement Fund Group 1124

T87 110-402 Tobacco Settlement \$ 210,980 \$ 219,179 1125

Enforcement

TOTAL TSF Tobacco Master Settlement \$ 210,980 \$ 219,179 1126

Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 210,980 \$ 219,179 1127

Section 13. TUP TOBACCO USE PREVENTION AND CONTROL FOUNDATION 1129

Tobacco Master Settlement Agreement Fund Group 1130
1131

5M8 940-601 Operating Expenses \$ 833,000 \$ 1,212,000 1132

TOTAL TSF Tobacco Master Settlement \$ 833,000 \$ 1,212,000 1133

Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 833,000 \$ 1,212,000 1134

INVESTMENT EARNINGS ON OPERATING EXPENSES FUND 1135

On July 1, 2002, or as soon thereafter as possible, the 1136
Director of Budget and Management shall transfer the investment 1137
earnings that would have been credited to the Tobacco Use 1138
Prevention and Control Operating Expenses Fund (Fund 5M8) 1139
established in section 183.06 of the Revised Code for fiscal years 1140
2001 and 2002, which were instead credited to the General Revenue 1141
Fund, from the General Revenue Fund to the Tobacco Use Prevention 1142
and Control Operating Expenses Fund (Fund 5M8). 1143

Section 13.01. During fiscal years 2003 and 2004, of the 1144
total amount of funding the Tobacco Use Prevention and Control 1145
Foundation provides during the year to other organizations for 1146
tobacco use prevention and cessation programs, the Foundation 1147
shall devote a percentage to programs for smokeless tobacco use 1148
prevention and cessation. The Foundation's Board of Trustees shall 1149
specify the percentage for a fiscal year before the year begins. 1150

1151

Section 13.02. If, during fiscal year 2003 or fiscal year 1152
2004, the Tobacco Use Prevention and Control Foundation spends 1153
money on a tobacco counter-marketing media campaign, the 1154
Foundation shall devote a percentage of the money so spent to a 1155
media campaign to reduce the use of smokeless tobacco. The 1156
Foundation's Board of Trustees shall specify the percentage for a 1157
fiscal year before the year begins. 1158

Section 14. All items set forth in this section are hereby 1159
appropriated out of any moneys in the state treasury to the credit 1160
of the Education Facilities Trust Fund (Fund N87) that are not 1161
otherwise appropriated. 1162

Appropriations

SFC SCHOOL FACILITIES COMMISSION 1163

CAP-780 Classroom Facilities Assistance Program	\$	148,400,000	1164
Total School Facilities Commission	\$	148,400,000	1165
TOTAL Education Facilities Trust Fund	\$	148,400,000	1166

Section 14.01. Section 14 of this act shall remain in full 1168
force and effect commencing on July 1, 2002, and terminating on 1169
June 30, 2004, for the purpose of drawing money from the state 1170
treasury in payment of liabilities lawfully incurred thereunder, 1171
and on June 30, 2004, and not before, the moneys appropriated 1172
thereby shall lapse into the funds from which they are severally 1173
appropriated. 1174

The appropriations made in Section 14 of this act are subject 1175
to all provisions of the capital appropriations act governing the 1176
2002-2004 biennium that are generally applicable to such 1177
appropriations. Expenditures from appropriations contained in 1178
Section 14 shall be accounted for as though made in the capital 1179
appropriations act governing the 2002-2004 biennium. 1180

By September 30, 2002, the Director of the School Facilities 1181
Commission shall cancel \$180,000,000 in outstanding encumbrances 1182
against appropriation items CAP-780, Classroom Facilities 1183
Assistance Program, in Fund N87 and CAP-784, Exceptional Needs 1184
Program, in Fund N87 and reestablish them in appropriation item 1185
CAP-770, School Building Program Assistance, in Fund 032 and 1186
CAP-779, Exceptional Needs, in Fund 032. 1187

Section 15. TRANSFER FROM TOBACCO MASTER SETTLEMENT AGREEMENT 1188
FUND TO CONTROLLING BOARD EMERGENCY PURPOSES FUND 1189

Notwithstanding section 183.02 of the Revised Code, on July 1190
1, 2002, or as soon thereafter as possible, the Director of Budget 1191
and Management shall transfer \$368,301 in cash from the net amount 1192
credited to the Tobacco Master Settlement Agreement Fund (Fund 1193
087) to the Controlling Board Emergency Purposes Fund (Fund 5S4). 1194

The amount transferred is hereby appropriated. 1195

The transfer made under this section shall be made after the 1196
transfers made under divisions (F) and (G) of section 183.02 of 1197
the Revised Code, but prior to the transfers made under divisions 1198
(A) to (E) and (I) and (J) of section 183.02 of the Revised Code. 1199
The amount transferred shall reimburse the Controlling Board 1200
Emergency Purposes Fund (Fund 5S4) for the amounts transferred to 1201
the Attorney General and the Department of Taxation to pay for the 1202
expenses associated with the enforcement of the tobacco master 1203
settlement agreement in fiscal year 2002. 1204

Section 16. That Section 32 of Am. Sub. H.B. 405 of the 124th 1205
General Assembly be amended to read as follows: 1206

"Sec. 32. TRANSFER FROM THE TOBACCO MASTER SETTLEMENT 1207
AGREEMENT FUND TO THE GENERAL REVENUE FUND 1208

(A) Notwithstanding section 183.02 of the Revised Code, on or 1209
before June 30, 2002, the Director of Budget and Management may 1210
transfer up to \$120,000,000 from the Tobacco Master Settlement 1211
Agreement Fund (Fund 087) to the General Revenue Fund. 1212

Notwithstanding section 183.02 of the Revised Code, on or 1213
before June 30, 2003, the Director of Budget and Management may 1214
transfer up to \$120,000,000 from the Tobacco Master Settlement 1215
Agreement Fund (Fund 087) to the General Revenue Fund. 1216

Of the tobacco revenue that is credited to the Tobacco Master 1217
Settlement Agreement Fund in fiscal year 2002 and in fiscal year 1218
2003, the share that is determined pursuant to section 183.02 of 1219
the Revised Code to be the amount to be transferred by the 1220
Director of Budget and Management from the Tobacco Master 1221
Settlement Agreement Fund to the Tobacco Use Prevention and 1222
Cessation Trust Fund shall be reduced by the amount that is 1223
transferred from the Tobacco Master Settlement Agreement Fund to 1224

the General Revenue Fund in accordance with this division. 1225

(B) Notwithstanding section 183.02 of the Revised Code, ~~on or~~ 1226
~~before June 30, 2003, the Director of Budget and Management may~~ 1227
~~make one or more transfers and in addition to any amounts that~~ 1228
~~have been authorized for transfer from the Tobacco Master~~ 1229
~~Settlement Agreement Fund (Fund 087) to the General Revenue Fund~~ 1230
~~that in total do not exceed \$20,000,000. From in fiscal years 2002~~ 1231
~~and 2003, there is hereby appropriated in fiscal years 2002 and~~ 1232
~~2003 an amount to be determined by the Director of Budget and~~ 1233
~~Management from the Tobacco Master Settlement Agreement Fund (Fund~~ 1234
~~087) to appropriation item 001-602, GRF Revenue Supplement, for~~ 1235
~~the purpose of overcoming the current shortfall of revenues to the~~ 1236
~~General Revenue Fund. The sum of the appropriations for fiscal~~ 1237
~~years 2002 and 2003 pursuant to this division shall not exceed~~ 1238
~~\$3,900,000. The Director shall make disbursements, using an~~ 1239
~~intrastate transfer voucher, from the foregoing appropriation to~~ 1240
~~the General Revenue Fund.~~ 1241

Of the tobacco revenue that is credited to the Tobacco Master 1242
Settlement Agreement Fund in fiscal years 2002 and 2003, the 1243
~~shares share~~ that ~~are~~ is determined pursuant to section 183.02 of 1244
the Revised Code to be the ~~amounts~~ amount to be transferred by the 1245
Director of Budget and Management from the Tobacco Master 1246
Settlement Agreement Fund to the ~~various trust funds~~ Ohio's Public 1247
Health Priorities Trust Fund (Fund L87) shall be reduced ~~in each~~ 1248
~~fiscal year to provide the revenue for the transfers under this~~ 1249
~~division in a manner to be determined in the tobacco revenue~~ 1250
~~budget act for fiscal years 2003 and 2004, but such manner shall~~ 1251
~~not provide for any reductions in the shares determined for the~~ 1252
~~Education Facilities Trust Fund (Fund N87), Education Facilities~~ 1253
~~Endowment Fund (Fund P87), Education Technology Trust Fund (Fund~~ 1254
~~S87), and Biomedical Research and Technology Transfer Trust Fund~~ 1255
~~(Fund M87). The Director of Budget and Management shall not make~~ 1256

~~any transfers pursuant to this division until it is determined how~~ 1257
~~the shares are to be reduced by the amount that is appropriated~~ 1258
~~from the Tobacco Master Settlement Agreement Fund to appropriation~~ 1259
~~item 001-602, GRF Revenue Supplement, in accordance with this~~ 1260
~~division.~~ 1261

(C) The Director of Budget and Management shall compare the 1262
amount of revenue that is credited to the Tobacco Master 1263
Settlement Agreement Fund (Fund 087) in fiscal year 2002 in excess 1264
of \$364,000,000 but not in excess of \$418,783,038.09 to the amount 1265
the state receives in fiscal year 2002 from an escrow account that 1266
has been established by a tobacco company that is participating in 1267
the master settlement agreement while that company is disputing a 1268
portion of its calculated payment. Of the amounts compared, the 1269
Director of Budget and Management shall distribute, in accordance 1270
with division (D) of this section, whichever amount is greater. If 1271
the compared amounts are equal, the Director of Budget and 1272
Management shall distribute an amount equal to one of the amounts 1273
compared. 1274

(D)(1) Notwithstanding section 183.02 of the Revised Code, on 1275
July 1, 2002, or as soon thereafter as possible, the Director of 1276
Budget and Management shall do the following: 1277

(a) Transfer the first \$3,900,000 of the amount determined to 1278
be greater under division (C) of this section to the Ohio's Public 1279
Health Priorities Trust Fund (Fund L87); 1280

(b) Transfer any amount in excess of \$3,900,000 that is to be 1281
distributed pursuant to division (C) of this section to the 1282
Southern Ohio Agricultural and Community Development Trust Fund 1283
(Fund K87). 1284

(2) Any funds transferred to the Ohio's Public Health 1285
Priorities Trust Fund pursuant to division (D)(1)(a) of this 1286
section are hereby appropriated in accordance with division (H) of 1287
this section. Any funds transferred to the Southern Ohio 1288

Agricultural and Community Development Trust Fund pursuant to 1289
division (D)(1)(b) of this section are hereby appropriated to 1290
appropriation item 945-602, Southern Ohio Agricultural and 1291
Community Development Foundation. 1292

(E) The Director of Budget and Management shall compare the 1293
amount of revenue that is credited to the Tobacco Master 1294
Settlement Agreement Fund (Fund 087) in fiscal year 2003 in excess 1295
of \$372,700,000 but not in excess of \$422,746,368.61 to the amount 1296
the state receives in fiscal year 2003 from an escrow account that 1297
has been established by a tobacco company that is participating in 1298
the master settlement agreement while that company is disputing a 1299
portion of its calculated payment. Of the amounts compared, the 1300
Director of Budget and Management shall distribute, in accordance 1301
with division (F) of this section, whichever amount is greater. If 1302
the compared amounts are equal, the Director of Budget and 1303
Management shall distribute an amount equal to one of the amounts 1304
compared. 1305

(F)(1) Notwithstanding section 183.02 of the Revised Code, on 1306
July 1, 2003, or as soon thereafter as possible, the Director of 1307
Budget and Management shall do as follows: 1308

(a) If the Ohio's Public Health Priorities Trust Fund (Fund 1309
L87) received a transfer of \$3,900,000 pursuant to division (D) of 1310
this section, transfer the amount determined to be greater under 1311
division (E) of this section to the Southern Ohio Agricultural and 1312
Community Development Trust Fund (Fund K87). 1313

(b) If the Ohio's Public Health Priorities Trust Fund 1314
received less than \$3,900,000 under division (D) of this section, 1315
transfer to the Ohio's Public Health Priorities Trust Fund up to 1316
the difference between the amount transferred pursuant to division 1317
(D) of this section and \$3,900,000. 1318

(c) Transfer any amount in excess of the amount needed to 1319
bring the total amount transferred to Ohio's Public Health 1320

<u>Priorities Trust Fund up to \$3,900,000 to the Southern Ohio</u>	1321
<u>Agricultural and Community Development Trust Fund (K87).</u>	1322
<u>(2) Any funds transferred to the Ohio's Public Health</u>	1323
<u>Priorities Trust Fund pursuant to division (F)(1)(b) of this</u>	1324
<u>section are hereby appropriated in accordance with division (H) of</u>	1325
<u>this section. Any funds transferred to the Southern Ohio</u>	1326
<u>Agricultural and Community Development Trust Fund pursuant to</u>	1327
<u>division (F)(1)(a) or (c) of this section are hereby appropriated</u>	1328
<u>to appropriation item 945-602, Southern Ohio Agricultural and</u>	1329
<u>Community Development Foundation.</u>	1330
<u>(G) The amounts transferred to the Ohio's Public Health</u>	1331
<u>Priorities Trust Fund (Fund L87) pursuant to divisions (D) and (F)</u>	1332
<u>of this section shall not exceed a total of \$3.9 million.</u>	1333
<u>(H)(1) If any amounts are transferred from the Tobacco Master</u>	1334
<u>Settlement Agreement Fund (Fund 087) to the Ohio's Public Health</u>	1335
<u>Priorities Trust Fund (Fund L87) pursuant to divisions (D) and (F)</u>	1336
<u>of this section, the amounts transferred shall be used to increase</u>	1337
<u>the appropriation authority in appropriation item 440-414,</u>	1338
<u>Uncompensated Care, by up to \$225,000 per year in fiscal years</u>	1339
<u>2003 and 2004 and in appropriation item 440-411, Dental Care</u>	1340
<u>Programs for Minority and Low-Income Populations, by up to</u>	1341
<u>\$120,000 per year in fiscal years 2003 and 2004. The increase to</u>	1342
<u>appropriation item 440-414, Uncompensated Care, shall be used to</u>	1343
<u>establish new dental clinics or expand existing dental clinics.</u>	1344
<u>(2) If any amounts are transferred to the Ohio's Public</u>	1345
<u>Health Priorities Trust Fund, the Director of Health shall</u>	1346
<u>determine which appropriation item outlined in division (H)(1) of</u>	1347
<u>this section will have its appropriation authority increased. The</u>	1348
<u>Director of Health may elect to have the appropriation authority</u>	1349
<u>in both appropriation items increased.</u>	1350
<u>(I) Any payment credited to the Tobacco Master Settlement</u>	1351

Agreement Fund (Fund 087) that exceeds \$418,783,038.09 in fiscal 1352
year 2002 or exceeds \$422,746,368.61 in fiscal year 2003 shall be 1353
transferred pursuant to division (L) of section 183.02 of the 1354
Revised Code." 1355

Section 17. That existing Section 32 of Am. Sub. H.B. 405 of 1356
the 124th General Assembly is hereby repealed. 1357

Section 18. INFORMATION ON PRESCRIPTION DRUG ASSISTANCE 1358

The Department of Aging shall develop a program that creates 1359
a toll-free phone number to provide information on prescription 1360
drug assistance that is available in Ohio. The Department of Aging 1361
shall seek private funding in addition to any state funds used for 1362
this program. The Department of Aging shall not disburse funds for 1363
the program until after the department submits a request to the 1364
Controlling Board outlining the planned use of the funds, and the 1365
Controlling Board approves the request. 1366

Section 19. PERSONAL SERVICE EXPENSES 1367

Unless otherwise prohibited by law, each appropriation in 1368
this act from which personal service expenses are paid shall bear 1369
the employer's share of public employees' retirement, workers' 1370
compensation, disabled workers' relief, and all group insurance 1371
programs; the costs of centralized accounting, centralized payroll 1372
processing, and related personnel reports and services; the cost 1373
of the Office of Collective Bargaining; the cost of the Personnel 1374
Board of Review; the cost of the Employee Assistance Program; the 1375
cost of the Equal Opportunity Center; the costs of interagency 1376
information management infrastructure; and the cost of 1377
administering the state employee merit system as required by 1378
section 124.07 of the Revised Code. Such costs shall be determined 1379
in conformity with appropriate sections of law and paid in 1380

accordance with procedures specified by the Office of Budget and Management. 1381
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Section 20. That Section 103.03 of Am. Sub. H.B. 94 of the 124th General Assembly is hereby repealed. 1383
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Section 21. Except as otherwise specifically provided in this act, the codified and uncodified sections of law contained in this act, and the items of law of which the codified and uncodified sections of law contained in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified and uncodified sections of law contained in this act, and the items of law of which the codified and uncodified sections of law contained in this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified or uncodified section of law contained in this act, or against any item of law of which any such codified or uncodified section of law contained in this act is composed, the codified or uncodified section of law, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law. 1385
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Section 22. Sections 3 to 13 and 15 to 26 of this act are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, Sections 3 to 13 and 15 to 26 of this act go into immediate effect when this act becomes law. 1401
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Section 23. Sections 183.02, 183.06, 183.14, 183.30, 183.34, and 183.35 of the Revised Code as amended or enacted by this act, and the items of law of which such sections as amended or enacted 1407
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by this act are composed, are not subject to the referendum. 1410
Therefore, under Ohio Constitution, Article II, Section 1d and 1411
section 1.471 of the Revised Code, such sections as amended or 1412
enacted by this act, and the items of law of which such sections 1413
as amended or enacted by this act are composed, go into immediate 1414
effect when this act becomes law. 1415

Section 24. Section 1333.11 of the Revised Code, as amended 1416
by this act, and the items of law of which section 1333.11 of the 1417
Revised Code, as amended by this act, are composed, are not 1418
subject to the referendum. Therefore, under Ohio Constitution, 1419
Article II, Section 1d and section 1.471 of the Revised Code, 1420
section 1333.11 of the Revised Code, as amended by this act, and 1421
the items of law of which section 1333.11 of the Revised Code, as 1422
amended by this act, are composed, go into immediate effect when 1423
this act becomes law. However, section 1333.11 of the Revised 1424
Code, as amended by this act, shall take effect on July 1, 2002. 1425

Section 25. The repeal by this act of section 183.31 of the 1426
Revised Code is not subject to the referendum. Therefore, under 1427
Ohio Constitution, Article II, Section 1d and section 1.71 of the 1428
Revised Code, the repeal goes into immediate effect when this act 1429
becomes law. 1430

Section 26. The repeal of Section 103.03 of Am. Sub. H.B. 94 1431
of the 124th General Assembly is not subject to the referendum. 1432
Therefore, under Ohio Constitution, Article II, Section 1d and 1433
section 1.471 of the Revised Code, the repeal of Section 103.03 is 1434
entitled to go into immediate effect when this act becomes law. 1435
However, the repeal of Section 103.03 of Am. Sub. H.B. 94 of the 1436
124th General Assembly takes effect on July 1, 2002, or the day 1437
this act becomes law, whichever is later. 1438