

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 321

Senator Carey

—

A BILL

To amend sections 183.04, 183.05, 183.30, 3702.72, 1
3702.73, and 3702.81 of the Revised Code, to amend 2
Section 312.27 of Am. Sub. H.B. 66 of the 126th 3
General Assembly, and to amend Section 203.09 of 4
Am. Sub. H.B. 66 of the 126th General Assembly, as 5
subsequently amended, to provide for the 6
distribution of money received by the state 7
pursuant to the Tobacco Master Settlement 8
Agreement by making operating appropriations for 9
the biennium beginning July 1, 2006, and ending 10
June 30, 2008, and to provide authorization and 11
conditions for the operation of state programs. 12

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

Section 101.01. That sections 183.04, 183.05, 183.30, 13
3702.72, 3702.73, and 3702.81 of the Revised Code be amended to 14
read as follows: 15

Sec. 183.04. There is hereby created the tobacco use 16
prevention and control foundation, the general management of which 17
is vested in a board of trustees of ~~twenty-four~~ twenty-three 18
members as follows: 19

(A) Eight members who are health professionals, health 20

researchers, or representatives of health organizations. Two of 21
these members shall be appointed by the governor, two by the 22
speaker of the house of representatives, one by the minority 23
leader of the house of representatives, two by the president of 24
the senate, and one by the minority leader of the senate. 25

(B) Two members, one of whom has experience in financial 26
planning and accounting and one of whom has experience in media 27
and mass marketing, who shall be appointed by the governor; 28

(C) One member, who shall be appointed by the governor from a 29
list of at least three individuals recommended by the American 30
cancer society; 31

(D) One member, who shall be appointed by the governor from a 32
list of at least three individuals recommended by the American 33
heart association; 34

(E) One member, who shall be appointed by the governor from a 35
list of at least three individuals recommended by the American 36
lung association; 37

(F) One member, who shall be appointed by the governor from a 38
list of at least three individuals recommended by the association 39
of hospitals and health systems; 40

(G) One member, who shall be appointed by the governor from a 41
list of at least three individuals recommended by the Ohio state 42
medical association; 43

(H) One member, who shall be appointed by the governor from a 44
list of at least three individuals recommended by the association 45
of Ohio health commissioners; 46

(I) One member, who shall be appointed by the governor from a 47
list of at least three individuals recommended by the Ohio dental 48
association; 49

(J) One nonvoting member, who shall be a member of the house 50

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, and the executive director of the
commission on minority health, or the executive director's
designee, ~~and the 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
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. A vacancy in an unexpired term shall be filled in
the same manner as the original appointment. The governor may
remove any non-legislative member for malfeasance, misfeasance, or
nonfeasance after a hearing in accordance with Chapter 119. of the
Revised Code.

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

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

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Sec. 183.05. The board of trustees of the tobacco use
prevention and control foundation shall select a chairperson from
among its members and shall meet once during each quarter or at
such other times as the board decides. A majority of the voting
members of the board constitutes a quorum, and no action shall be
taken without the affirmative vote of a majority of the ~~members~~
quorum.

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

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

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(C) Except as provided in division (D) of this section, no
more than five per cent of the total ~~expenditures made from~~
disbursements, encumbrances, and obligations of the biomedical

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research and technology transfer trust fund ~~by the third frontier~~ 112
~~commission~~ in a fiscal year shall be for administrative expenses 113
relating to the administration of the ~~commission trust fund by the~~ 114
third frontier commission in the same fiscal year. 115

(D) This section's five per cent limitation on administrative 116
expenses does not apply to any fiscal year for which the 117
controlling board approves a spending plan that the foundation or 118
commission submits to the board. 119

Sec. 3702.72. (A) A primary care physician who ~~has not~~ 120
~~received national health service corps tuition or student loan~~ 121
~~repayment assistance~~ will not have an outstanding obligation for 122
medical service to the federal government, a state, or other 123
entity at the time of participation in the physician loan 124
repayment program and meets one of the following requirements may 125
apply for participation in the physician loan repayment program: 126

(1) The primary care physician is enrolled in the final year 127
of an accredited program required for board certification in a 128
primary care specialty. 129

(2) The primary care physician is enrolled in the final year 130
of a fellowship program in a primary care specialty. 131

(3) The primary care physician ~~has been engaged in the~~ 132
~~practice of medicine and surgery or osteopathic medicine and~~ 133
~~surgery in this state for not more than three years prior to~~ 134
~~submitting the application~~ holds a valid certificate to practice 135
medicine and surgery or osteopathic medicine and surgery issued 136
under Chapter 4731. of the Revised Code. 137

(B) An application for participation in the physician loan 138
repayment program shall be submitted to the director of health on 139
a form that the director shall prescribe. The information required 140
to be submitted with an application includes the following: 141

(1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number;

(2) The applicant's primary care specialty;

(3) The medical school or osteopathic medical school the applicant attended, the dates of attendance, and verification of attendance;

(4) The facility or institution where the applicant's medical residency program was completed or is being performed, and, if completed, the date of completion;

(5) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;

(6) Verification of the applicant's authorization under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(7) Verification of the applicant's United States citizenship or status as a legal alien.

Sec. 3702.73. If the general assembly has appropriated funds for the physician loan repayment program, the director of health shall approve an applicant for participation in the program if the director finds that, in accordance with the priorities established under section 3702.77 of the Revised Code, the applicant is eligible for participation in the program and the applicant's primary care specialty is needed in a health resource shortage area.

Upon approval, the director shall notify and enter into discussions with the applicant. The object of the discussions is to facilitate the recruitment of the applicant to a site within a health resource shortage area at which, according to the priorities established under section 3702.77 of the Revised Code,

the applicant's primary care specialty is most needed. The 172
~~director may pay the costs incurred by the applicant and the~~ 173
~~applicant's spouse for travel, meals, and lodging in making one~~ 174
~~visit to one health resource shortage area. The director may also~~ 175
~~refer an applicant to the Ohio primary care association, inc., for~~ 176
~~assistance in being recruited to a site within a health resource~~ 177
~~shortage area at which the applicant will agree to be placed.~~ 178

If the director and applicant agree on the applicant's 179
placement at a particular site within a health resource shortage 180
area, the applicant shall prepare, sign, and deliver to the 181
director a letter of intent agreeing to that placement. 182

Sec. 3702.81. There is hereby created the physician loan 183
repayment advisory board. The board shall consist of eleven 184
members as follows: 185

(A) The following six members appointed by the governor: a 186
representative of the department of health, a representative of 187
the Ohio academy of family practice, a representative of the board 188
of regents, a representative of the Ohio ~~primary care~~ association 189
of community health centers, inc., a representative of the Ohio 190
state medical association, and a representative of the Ohio 191
osteopathic association; 192

(B) Two members of the house of representatives, one from 193
each political party, appointed by the speaker of the house of 194
representatives; 195

(C) Two members of the senate, one from each political party, 196
appointed by the president of the senate. 197

Of the initial appointments made by the governor, three shall 198
be for terms ending June 30, 1994, and four shall be for terms 199
ending June 30, 1995. Of the initial appointments made by the 200
speaker of the house of representatives, one shall be for a term 201

ending June 30, 1994, and one shall be for a term ending June 30, 202
1995. Of the initial appointments made by the president of the 203
senate, one shall be for a term ending June 30, 1994, and one 204
shall be for a term ending June 30, 1995. Thereafter, terms of 205
office shall be two years, commencing on the first day of July and 206
ending on the thirtieth day of June. Each member shall hold office 207
from the date of appointment until the end of the term for which 208
the member was appointed, except that a legislative member ceases 209
to be a member of the board upon ceasing to be a member of the 210
general assembly. 211

Vacancies shall be filled in the manner prescribed for the 212
original appointment. A member appointed to fill a vacancy 213
occurring prior to the expiration of the term for which the 214
member's predecessor was appointed shall hold office for the 215
remainder of that term. A member shall continue in office 216
subsequent to the expiration of the member's term until a 217
successor takes office or until sixty days have elapsed, whichever 218
occurs first. No person shall be appointed to the board for more 219
than two consecutive terms. 220

The governor, speaker, or president may remove a member for 221
whom the governor, speaker, or president was the appointing 222
authority, for misfeasance, malfeasance, or willful neglect of 223
duty. 224

The governor shall designate a member of the board to serve 225
as chairperson of the board. 226

The board shall meet at least once annually. The chairperson 227
shall call special meetings as needed or upon the request of six 228
members. 229

Six members of the board constitute a quorum to transact and 230
vote on all business coming before the board. 231

Members of the board shall serve without compensation, ~~but~~ 232

~~shall be reimbursed for reasonable and necessary expenses incurred~~ 233
~~in the discharge of their duties.~~ 234

The department of health shall provide the board with staff 235
assistance as requested by the board. 236

Section 101.02. That existing sections 183.04, 183.05, 237
183.30, 3702.72, 3702.73, and 3702.81 of the Revised Code are 238
hereby repealed. 239

Section 201.10. All items in Sections 203.10 to 205.10 of 240
this act are hereby appropriated as designated out of any moneys 241
in the state treasury to the credit of the designated fund that 242
are not otherwise appropriated. For all appropriations made in 243
these sections, those in the first column are for fiscal year 2007 244
and those in the second column are for fiscal year 2008. 245

Section 203.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 246
SERVICES 247

Tobacco Master Settlement Agreement Fund Group 248

L87 038-403 Urban Minority \$ 500,000 \$ 500,000 249

Alcoholism and Drug
Abuse Outreach
Programs

L87 038-405 Juvenile Offender \$ 3,000,000 \$ 3,000,000 250

Aftercare Program

TOTAL TSF Tobacco Master Settlement \$ 3,500,000 \$ 3,500,000 251

Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,500,000 \$ 3,500,000 252

Section 203.20. AGO ATTORNEY GENERAL 254

Tobacco Master Settlement Agreement Fund Group 255

J87 055-635 Law Enforcement \$ 620,000 \$ 0 256

Technology, Training,

	and Facility				
	Enhancements				
U87 055-402	Tobacco Settlement	\$	673,797	\$	723,797
	Oversight,				257
	Administration, and				
	Enforcement				
TOTAL TSF Tobacco Master Settlement		\$	1,293,797	\$	723,797
Agreement Fund Group					258
TOTAL ALL BUDGET FUND GROUPS		\$	1,293,797	\$	723,797
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Section 203.30. DEV DEPARTMENT OF DEVELOPMENT					261
Tobacco Master Settlement Agreement Fund Group					262
M87 195-435	Biomedical Research	\$	27,502,244	\$	21,416,437
	and Technology				263
	Transfer				
TOTAL TSF Tobacco Master Settlement		\$	27,502,244	\$	21,416,437
Agreement Fund Group					264
TOTAL ALL BUDGET FUND GROUPS		\$	27,502,244	\$	21,416,437
					265
Section 203.40. ETC ETECH OHIO					267
Tobacco Master Settlement Agreement Fund Group					268
S87 935-602	Education Technology	\$	4,350,000	\$	4,350,000
	Trust Fund				269
TOTAL TSF Tobacco Master					270
Settlement Agreement Fund					271
Group		\$	4,350,000	\$	4,350,000
TOTAL ALL BUDGET FUND GROUPS		\$	4,350,000	\$	4,350,000
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SCHOOLNET PLUS					274
The eTech Ohio Commission shall distribute SchoolNet Plus					275
Grants to qualifying school districts in fiscal year 2007 and					276
fiscal year 2008 to establish and equip at least one interactive					277
computer workstation for each five children enrolled in the eighth					278

grade as reported by the school district pursuant to division (A) 279
of section 3317.03 of the Revised Code. 280

Districts in the first two quartiles of wealth will receive 281
up to \$128 per pupil for students in the targeted grade to 282
purchase classroom computers. Districts in the third and fourth 283
quartiles will receive up to \$82 per pupil in the targeted grade. 284
If a district has met the state's goal of one computer to every 285
five students in the targeted grade, the district may use the 286
funds provided through SchoolNet Plus to purchase computers for 287
successive grades or to fulfill educational technology needs in 288
other grades as specified in the district's technology plan. 289

Section 203.50. DOH DEPARTMENT OF HEALTH 290

Tobacco Master Settlement Agreement Fund Group 291

L87 440-404	Minority Health Care	\$	350,000	\$	350,000	292
	Data Development					
L87 440-409	Tuberculosis	\$	450,000	\$	450,000	293
	Prevention and					
	Treatment					
L87 440-410	Hepatitis C Prevention	\$	425,000	\$	425,000	294
	and Intervention					
L87 440-411	Dental Care Programs	\$	420,000	\$	420,000	295
	for Minority and					
	Low-Income Populations					
L87 440-412	Emergency Medications	\$	850,000	\$	850,000	296
	and Oxygen for					
	Low-Income Seniors					
L87 440-414	Uncompensated Care	\$	3,855,050	\$	3,855,050	297
L87 440-420	Childhood Lead WIC	\$	500,000	\$	500,000	298
L87 440-421	Infant Mortality	\$	266,000	\$	266,000	299
	Reduction Initiative					
L87 440-432	Prevnar Vaccines	\$	4,700,000	\$	4,700,000	300

TOTAL TSF Tobacco Master Settlement Agreement Fund Group				301
				302
	\$	11,816,050	\$	11,816,050
TOTAL ALL BUDGET FUND GROUPS	\$	11,816,050	\$	11,816,050
Section 203.60. MIH COMMISSION ON MINORITY HEALTH				306
Tobacco Master Settlement Agreement Fund Group				307
L87 149-402 Minority Health and Academic Partnership Grants	\$	1,090,000	\$	1,090,000
L87 149-403 Training and Capacity Building	\$	100,000	\$	100,000
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,190,000	\$	1,190,000
TOTAL ALL BUDGET FUND GROUPS	\$	1,190,000	\$	1,190,000
Section 203.70. DHS DEPARTMENT OF PUBLIC SAFETY				313
Tobacco Master Settlement Agreement Fund Group				314
L87 767-406 Under-Age Tobacco Use Enforcement	\$	610,560	\$	610,560
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	610,560	\$	610,560
TOTAL ALL BUDGET FUND GROUPS	\$	610,560	\$	610,560
Section 203.80. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION				319
Tobacco Master Settlement Agreement Fund Group				321
5M9 945-601 Operating Expenses	\$	456,942	\$	475,220
K87 945-602 Southern Ohio Agricultural and Community Development Foundation	\$	13,150,375	\$	7,513,251
TOTAL TSF Tobacco Master				324

Settlement Agreement Fund				325	
Group	\$	13,607,317	\$	7,988,471	326
TOTAL ALL BUDGET FUND GROUPS	\$	13,607,317	\$	7,988,471	327

Section 203.90. TAX DEPARTMENT OF TAXATION 329

Tobacco Master Settlement Agreement Fund Group				330	
T87 110-402 Tobacco Settlement	\$	328,034	\$	328,034	331
Enforcement					
TOTAL TSF Tobacco Master Settlement	\$	328,034	\$	328,034	332
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	328,034	\$	328,034	333

Section 205.10. TUP TOBACCO USE PREVENTION AND CONTROL 335

FOUNDATION				336	
Tobacco Master Settlement Agreement Fund Group				337	
5M8 940-601 Operating Expenses	\$	1,659,091	\$	1,717,159	338
TOTAL TSF Tobacco Master Settlement	\$	1,659,091	\$	1,717,159	339
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,659,091	\$	1,717,159	340

Section 207.10. All items set forth in this section are 342

hereby appropriated out of any moneys in the state treasury to the	343
credit of the Education Facilities Trust Fund (Fund N87) that are	344
not otherwise appropriated.	345

Appropriations

SFC SCHOOL FACILITIES COMMISSION 346

CAP-780 Classroom Facilities Assistance Program	\$	648,500,000		347
Total School Facilities Commission	\$	648,500,000		348
TOTAL Education Facilities Trust Fund	\$	648,500,000		349

Section 207.13. Section 207.10 of this act shall remain in 351

full force and effect commencing on July 1, 2006, and terminating	352
on June 30, 2008, for the purpose of drawing money from the state	353

treasury in payment of liabilities lawfully incurred thereunder, 354
and on June 30, 2008, and not before, the moneys appropriated 355
thereby shall lapse into the funds from which they are severally 356
appropriated. 357

The appropriations made in Section 207.10 of this act are 358
subject to all provisions of the capital appropriations act 359
governing the 2006-2008 biennium that are generally applicable to 360
such appropriations. Expenditures from appropriations contained in 361
Section 207.10 of this act shall be accounted for as though made 362
in the capital appropriations act governing the 2006-2008 363
biennium. 364

Section 209.10. All items set forth in this section are 365
hereby appropriated in fiscal year 2007 for emergency repairs to 366
Ohio Historical Society sites out of any moneys in the state 367
treasury to the credit of the Cultural and Sports Facilities 368
Building Fund (Fund 030) that are not otherwise appropriated: 369

AFC CULTURAL FACILITIES COMMISSION			370
CAP-745	Historic Sites and Museums	\$ 400,000	371
	Total Cultural Facilities Commission	\$ 400,000	372
	Total Cultural and Sports Facilities Building Fund	\$ 400,000	373

Section 209.11. The Treasurer of State is hereby authorized 375
to issue and sell, in accordance with Section 20 of Article VII, 376
Ohio Constitution, and pursuant to sections 151.01 and 151.40 of 377
the Revised Code, original obligations in an aggregate principal 378
amount not to exceed \$400,000, in addition to the original 379
issuance of obligations heretofore authorized by prior acts of the 380
General Assembly. These authorized obligations shall be issued and 381
sold from time to time, subject to applicable constitutional and 382
statutory limitations, as needed to ensure sufficient moneys to 383
the credit of the Cultural and Sports Facilities Building Fund 384

(Fund 030) to pay costs associated with emergency repairs to Ohio Historical Society sites. 385
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Section 303.03. PERSONAL SERVICE EXPENSES 387

Unless otherwise prohibited by law, each appropriation in 388
this act from which personal service expenses are paid shall bear 389
the employer's share of public employees' retirement, workers' 390
compensation, disabled workers' relief, and all group insurance 391
programs; the costs of centralized accounting, centralized payroll 392
processing, and related personnel reports and services; the cost 393
of the Office of Collective Bargaining; the cost of the Personnel 394
Board of Review; the cost of the Employee Assistance Program; the 395
cost of the Equal Opportunity Center; the costs of interagency 396
information management infrastructure; and the cost of 397
administering the state employee merit system as required by 398
section 124.07 of the Revised Code. Such costs shall be determined 399
in conformity with appropriate sections of law and paid in 400
accordance with procedures specified by the Office of Budget and 401
Management. 402

Section 303.06. REISSUANCE OF VOIDED WARRANTS 403

In order to provide funds for the reissuance of voided 404
warrants pursuant to section 117.47 of the Revised Code, there is 405
hereby appropriated, out of moneys in the state treasury from the 406
fund credited as provided in section 117.47 of the Revised Code, 407
that amount sufficient to pay such warrants when approved by the 408
Office of Budget and Management. 409

**Section 303.09. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 410
BALANCES OF OPERATING APPROPRIATIONS** 411

An unexpended balance of an operating appropriation or 412
reappropriation that a state agency lawfully encumbered prior to 413

the close of a fiscal year is reappropriated on the first day of 414
July of the following fiscal year from the fund from which it was 415
originally appropriated or reappropriated for the following period 416
and shall remain available only for the purpose of discharging the 417
encumbrance. 418

(A) For an encumbrance for personal services, maintenance, 419
equipment, or items for resale, other than an encumbrance for an 420
item of special order manufacture not available on term contract 421
or in the open market or for reclamation of land or oil and gas 422
wells, for a period of not more than five months from the end of 423
the fiscal year; 424

(B) For an encumbrance for an item of special order 425
manufacture not available on term contract or in the open market, 426
for a period of not more than five months from the end of the 427
fiscal year or, with the written approval of the Director of 428
Budget and Management, for a period of not more than twelve months 429
from the end of the fiscal year; 430

(C) For an encumbrance for reclamation of land or oil and gas 431
wells, for a period ending when the encumbered appropriation is 432
expended or for a period of two years, whichever is less; 433

(D) For an encumbrance for any other expense, for such period 434
as the Director of Budget and Management approves, provided such 435
period does not exceed two years. 436

Any operating appropriations for which unexpended balances 437
are reappropriated beyond a five-month period from the end of the 438
fiscal year pursuant to division (B) of this section shall be 439
reported to the Controlling Board by the Director of Budget and 440
Management by the thirty-first day of December of each year. The 441
report on each such item shall include the item, the cost of the 442
item, and the name of the vendor. This report to the Controlling 443
Board shall be updated on a quarterly basis for encumbrances 444

remaining open. 445

Upon the expiration of the reappropriation period set out in 446
division (A), (B), (C), or (D) of this section, a reappropriation 447
made pursuant to this section lapses, and the Director of Budget 448
and Management shall cancel the encumbrance of the unexpended 449
reappropriation not later than the end of the weekend following 450
the expiration of the reappropriation period. 451

Notwithstanding the preceding paragraph, with the approval of 452
the Director of Budget and Management, an unexpended balance of an 453
encumbrance that was reappropriated on the first day of July 454
pursuant to this section for a period specified in division (C) or 455
(D) of this section and that remains encumbered at the close of 456
the fiscal biennium is hereby reappropriated pursuant to this 457
section on the first day of July of the following fiscal biennium 458
from the fund from which it was originally appropriated or 459
reappropriated for the applicable period specified in division (C) 460
or (D) of this section and shall remain available only for the 461
purpose of discharging the encumbrance. 462

If the Controlling Board approved a purchase, that approval 463
remains in effect as long as the appropriation used to make that 464
purchase remains encumbered. 465

Section 403.05. That Section 312.27 of Am. Sub. H.B. 66 of 466
the 126th General Assembly be amended to read as follows: 467

Sec. 312.27. TRANSFERS TO THE EDUCATION FACILITIES TRUST FUND 468

Notwithstanding section 183.02 of the Revised Code, after all 469
transfers from the Tobacco Master Settlement Agreement Fund (Fund 470
087) to various other funds of cash that would have otherwise been 471
transferred to the Tobacco Use Prevention and Cessation Trust Fund 472
(Fund H87) in fiscal year 2006 have been made, the Director of 473
Budget and Management shall transfer the remaining balance of the 474

funds that would otherwise be transferred to the Tobacco Use 475
Prevention and Cessation Trust Fund in fiscal year 2006 to the 476
Education Facilities Trust Fund (Fund N87). 477

Notwithstanding section 183.02 of the Revised Code and 478
division (B)(3) of Section 206.27 of Am. Sub. H.B. 66 of the 126th 479
General Assembly, after all transfers from the Tobacco Master 480
Settlement Agreement Fund (Fund 087) to various other funds of 481
cash that would have otherwise been transferred to the Tobacco Use 482
Prevention and Cessation Trust Fund (Fund H87) in fiscal year 2007 483
have been made, the Director of Budget and Management shall 484
transfer the remaining balance of the funds that would otherwise 485
be transferred to the Tobacco Use Prevention and Cessation Trust 486
Fund in fiscal year 2007 to the Education Facilities Trust Fund 487
(Fund N87). 488

Section 403.06. That existing Section 312.27 of Am. Sub. H.B. 489
66 of the 126th General Assembly is hereby repealed. 490

Section 403.11. That Section 203.09 of Am. Sub. H.B. 66 of 491
the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 492
126th General Assembly, be amended to read as follows: 493

Sec. 203.09. ADJ ADJUTANT GENERAL 494

General Revenue Fund 495

GRF 745-401 Ohio Military Reserve \$ 15,188 \$ 15,188 496

GRF 745-404 Air National Guard \$ 1,939,762 \$ ~~1,939,762~~ 497

2,081,717

GRF 745-407 National Guard \$ 1,400,000 \$ 1,400,000 498

Benefits

GRF 745-409 Central Administration \$ 3,949,590 \$ ~~3,949,590~~ 499

4,171,926

GRF 745-499 Army National Guard \$ 4,086,222 \$ ~~4,086,222~~ 500

				<u>4,721,931</u>		
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	501
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	11,493,735	\$	11,493,735	502
					<u>12,493,735</u>	
General Services Fund Group						503
534 745-612	Armory Improvements	\$	534,304	\$	534,304	504
536 745-620	Camp Perry/Buckeye Inn	\$	1,094,970	\$	1,094,970	505
	Operations					
537 745-604	Ohio National Guard	\$	219,826	\$	219,826	506
	Facility Maintenance					
TOTAL GSF	General Services Fund	\$	1,849,100	\$	1,849,100	507
Group						
Federal Special Revenue Fund Group						508
3E8 745-628	Air National Guard	\$	12,174,760	\$	12,174,760	509
	Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	510
	Operations					
341 745-615	Air National Guard	\$	2,424,740	\$	2,424,740	511
	Base Security					
342 745-616	Army National Guard	\$	8,686,893	\$	8,686,893	512
	Agreement					
TOTAL FED	Federal Special Revenue	\$	23,311,393	\$	23,311,393	513
Fund Group						
State Special Revenue Fund Group						514
5DN 745-618	Service Medal	\$	1,500	\$	0	515
	Production					
5U8 745-613	Community Match	\$	90,000	\$	91,800	516
	Armories					
528 745-605	Marksmanship	\$	126,078	\$	128,600	517
	Activities					
TOTAL SSR	State Special Revenue	\$	217,578	\$	220,400	518

(Fund 5DN) in fiscal year 2006.

547

Section 403.12. That existing Section 203.09 of Am. Sub. H.B. 548
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 549
of the 126th General Assembly, is hereby repealed. 550

Section 503.03. The items of law of which the sections of law 551
contained in this act are composed, and their applications, are 552
independent and severable. If any item of law that constitutes the 553
whole or part of a section of law contained in this act, or if any 554
application of any item of law that constitutes the whole or part 555
of a section of law contained in this act, is held invalid, the 556
invalidity does not affect other items of law or applications of 557
items of law that can be given effect without the invalid item of 558
law or application. 559

Section 506.03. An item of law that composes the whole or 560
part of a section of law contained in this act that makes, or that 561
provides for funding of, an appropriation or reappropriation of 562
money has no effect after June 30, 2008, unless its context 563
clearly indicates otherwise. 564

Section 509.03. Except as otherwise specifically provided in 565
this act, the amendment or enactment of the sections of law 566
contained in this act, and the items of law of which the 567
amendments or enactments are composed, are not subject to the 568
referendum. Therefore, under Ohio Constitution, Article II, 569
Section 1d and section 1.471 of the Revised Code, the amendments 570
or enactments, and the items of law of which the amendments or 571
enactments are composed, go into immediate effect when this act 572
becomes law. 573

Section 512.03. The amendment or enactment by this act of the 574
sections of law listed in this section, and the items of law of 575

which the amendments or enactments are composed, are subject to 576
the referendum. Therefore, under Ohio Constitution, Article II, 577
Section 1c and section 1.471 of the Revised Code, the amendments 578
or enactments, and the items of law of which the amendments or 579
enactments are composed, take effect on the ninety-first day after 580
this act is filed with the Secretary of State. If, however, a 581
referendum petition is filed against any such amendment or 582
enactment, or against any item of law of which any such amendment 583
or enactment is composed, the amendment or enactment, or item, 584
unless rejected at the referendum, takes effect at the earliest 585
time permitted by law. 586

Sections 183.04, 183.05, 183.30, 3702.72, 3702.73, and 587
3702.81 of the Revised Code. 588