



H.B. 391

126th General Assembly
(As Introduced)

Reps. Taylor, Allen, DeGeeter, Hughes, Mason, Willamowski, Woodard

BILL SUMMARY

- Authorizes an income tax "check-off" contribution system whereby taxpayers may contribute to the Prostate Cancer Cure Corporation through a tax refund offset or direct contribution facilitated through the personal income or commercial activity tax return.
- Continues the contribution system if the Prostate Cancer Cure Corporation ceases to exist, with the contributions to be granted to nonprofit organizations conducting prostate cancer research, disseminating relevant information, or advocating on behalf of relevant research and persons with the disease.

CONTENT AND OPERATION

Tax check-off for prostate cancer-related nonprofit corporation

(R.C. 1517.11, 1531.26, 3701.032, 5747.03, 5747.113, 5751.052, and 5751.082)

The bill authorizes taxpayers to contribute all or part of any personal income tax or commercial activity tax refund to a "Prostate Cancer Cure Fund," which the bill creates in the state treasury. Money in the fund would be used to make grants to the Prostate Cancer Cure Corporation (see below). The bill also authorizes taxpayers to contribute to the fund by adding a sum to their personal income or commercial activity tax payment when they file their tax returns, and authorizes the fund to accept contributions independently of the check-off and additional tax payments. Contributions by the tax check-off methods do not reduce the amount of tax due, and must be made in the amount of at least \$1. If a taxpayer adds an amount to the taxpayer's tax payment as a contribution but fails to pay the full amount of the contribution, the contribution is reduced accordingly.

The Director of Health is responsible for making grants from the Prostate Cancer Cure Fund to the Prostate Cancer Cure Corporation. If the Prostate Cancer Cure Corporation ceases to exist, the Director must make grants from the fund to one or more nonprofit organizations located in Ohio that conduct prostate cancer research, disseminate information about prostate cancer, or advocate on behalf of prostate cancer research and assistance for persons afflicted with prostate cancer.

The bill refers to the "Prostate Cancer Cure Corporation DBA [doing business as] The One In Six Foundation" as the recipient of grants made from the Prostate Cancer Cure Fund. According to the Secretary of State's records, the Prostate Cancer Cure Corporation is an Ohio-organized nonprofit corporation for which articles of incorporation were filed on May 5, 2005; the corporation registered "The 1 in 6 Foundation" trade name on May 12, 2005.

Currently, there are three income tax refund contributions or "check-offs": one for the benefit of the Natural Areas and Preserves Fund, one for the benefit of the Nongame and Endangered Wildlife Fund, and one for the benefit of the Military Injury Relief Fund.¹ The bill's prostate cancer cure check-off is presented to taxpayers in the same manner as those check-offs are presented: the Tax Commissioner provides a space on the income tax return and the commercial activity tax return and refund application in which a taxpayer can indicate that the taxpayer wishes to make a contribution to the Prostate Cancer Cure Corporation, and includes in the accompanying instructions a description of the purposes for which the Prostate Cancer Cure Fund was created and a description of how money contributed to the fund is used.

Report

The bill requires the Director of Health to submit a biennial report on the effectiveness of the prostate cancer cure check-off contribution system to the General Assembly in January of every odd-numbered year. The report must include information about the amount of money contributed to the Prostate Cancer Cure Fund through the tax check-off in each of the preceding five years, the amount of money contributed to the fund through additional tax payments in each of those years, the amount of money independently contributed to the fund in each of those years, and the amount of grants made from the fund in each of those years.

¹ *The Natural Areas and Preserves Fund and the Nongame and Endangered Wildlife Fund are administered by the Department of Natural Resources. The Military Injury Relief Fund is administered by the Department of Job and Family Services.*

Administrative expenses

The Department of Taxation currently is entitled to reimbursement for its costs of administering the tax check-offs. Reimbursement currently is paid in equal one-third shares from the Natural Areas and Preserves Fund, the Nongame and Endangered Wildlife Fund, and the Military Injury Relief Fund. The reimbursement may not exceed 2½% of the total amount contributed. Under the bill, the reimbursement is divided in equal one-fourth shares among the three previously authorized funds and the Prostate Cancer Cure Fund. The reimbursement would continue to be limited to 2½% of contributions.

Application date

Contributions with income tax returns may be made beginning with taxable years that begin in or after 2005. Contributions with commercial activity tax returns and refund applications may be made beginning in 2006.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-19-05	pp. 1738-1739

h0391-i-126.doc/kl