

**As Passed by the Senate**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Am. Sub. S. B. No. 2**

**Senator Carey**

**Cosponsors: Senators Miller, R., Wilson, Cates, Gibbs, Goodman, Niehaus,  
Schaffer, Seitz, Turner, Gillmor, Patton, Miller, D., Stewart, Cafaro, Smith,  
Schiavoni, Fedor, Hughes, Morano**

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**A B I L L**

To provide for the distribution of moneys received by 1  
the state from the federal American Recovery and 2  
Reinvestment Act of 2009 by making appropriations 3  
and to declare an emergency. 4

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

**Section 1.** For all appropriations made in this act, those in 5  
the first column are for fiscal year 2008 and those in the second 6  
column are for fiscal year 2009. The appropriations made in this 7  
act are in addition to any other appropriations made for fiscal 8  
years 2008 and 2009. 9

**Section 2.** (A) The federal payments made to the state for the 10  
Weatherization Assistance Program and the State Energy Grant 11  
Program under Title IV of Division A of the American Recovery and 12  
Reinvestment Act of 2009 shall be deposited to the credit of the 13  
Federal Special Revenue Fund (Fund 3080). 14

(B) The federal payments made to the state for the Home 15  
Investment Partnerships Program under Title XII of Division A of 16  
the American Recovery and Reinvestment Act of 2009 shall be 17

deposited to the credit of the HOME Program Fund (Fund 3V10). 18

(C) The federal payments made to the state for the Community 19  
Development Block Grant program under Title XII of Division A of 20  
the American Recovery and Reinvestment Act of 2009 shall be 21  
deposited to the credit of the Community Development Block Grant 22  
Fund (Fund 3K80). The amounts deposited for the purposes of the 23  
Community Development Block Grant program are hereby appropriated, 24  
subject to the approval of the Controlling Board. 25

(D) The items in this division are appropriated as designated 26  
out of any moneys in the state treasury to the credit of their 27  
respective funds that are not otherwise appropriated. 28

Appropriations

DEV Department of Development 29

Federal Special Revenue Fund Group 30

3080 195605	Federal Projects	\$	0	\$	276,553,000	31
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3080 195618	Energy Federal Grants	\$	0	\$	122,604,000	32
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3V10 195601	HOME Program	\$	0	\$	83,381,000	33
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TOTAL FED	Federal Special Revenue	\$	0	\$	482,538,000	34
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Fund Group

TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	482,538,000	35
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The foregoing appropriation item 195605, Federal Projects, 36  
shall be used to carry out the Home Weatherization Assistance 37  
Program, subject to any requirements of the American Recovery and 38  
Reinvestment Act of 2009 that apply to the money appropriated. 39

The foregoing appropriation items 195618, Energy Federal 40  
Grants and 195601, HOME Program, shall be used in accordance with 41  
the requirements of the American Recovery and Reinvestment Act of 42  
2009 that apply to the money appropriated. 43

**Section 3.** (A) The federal payments made to the state for 44  
Education Technology under Title VIII of Division A of the 45

American Recovery and Reinvestment Act of 2009 shall be deposited 46  
to the credit of the Technology Literacy Transfer Fund (Fund 47  
3S20). 48

(B) The item in this section is appropriated as designated 49  
out of any moneys in the state treasury to the credit of Fund 3S20 50  
that are not otherwise appropriated. 51

Appropriations

EDU DEPARTMENT OF EDUCATION 52

Federal Special Revenue Fund Group 53

3S20 200641 Education Technology	\$	0	\$	23,902,000	54
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TOTAL FED Federal Special Revenue	\$	0	\$	23,902,000	55
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	23,902,000	56
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(C) The foregoing appropriation item 200641, Education 57  
Technology, shall be used to assist school districts in their 58  
efforts to implement school technology plans and to assist school 59  
districts with the integration of technology into curricula and 60  
instruction practices and may be used to provide ongoing 61  
professional development to teachers, subject to the requirements 62  
of the American Recovery and Reinvestment Act of 2009 that apply 63  
to the money appropriated. 64

**Section 4.** (A) The federal payments made to the state for 65  
clean air under Title VII of Division A of the "American Recovery 66  
and Reinvestment Act of 2009" shall be deposited to the credit of 67  
the Clean Air Fund (Fund 4K20). 68

(B) The item in this section is appropriated as designated 69  
out of any moneys in the state treasury to the credit of Fund 4K20 70  
that are not otherwise appropriated. 71

Appropriations

EPA ENVIRONMENTAL PROTECTION AGENCY 72

State Special Revenue Fund Group				73
4K20 715648 Clean Air Non-Title V	\$	0	\$ 1,700,000	74
TOTAL SSR State Special Revenue	\$	0	\$ 1,700,000	75
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 1,700,000	76

The foregoing appropriation item 715648, Clean Air Non-Title V, shall be used in accordance with the requirements of the "American Recovery and Reinvestment Act of 2009" that apply to the money appropriated.

**Section 5.** The federal payments that are made to the state from the Clean Water State Revolving Fund pursuant to Title VIII of the "American Recovery and Reinvestment Act of 2009" shall be credited to the Water Pollution Control Loan Fund created in section 6111.036 of the Revised Code. Notwithstanding the requirements of section 6111.036 of the Revised Code, money credited to the fund under this section shall be used and administered to provide financial assistance in any manner that is consistent with the requirements of the "Federal Water Pollution Control Act" or the "American Recovery and Reinvestment Act of 2009."

Notwithstanding the requirements of section 6111.036 of the Revised Code, rules adopted under it and Chapter 3745-47 of the Administrative Code, the Director of Environmental Protection, for the purpose of obtaining federal payments pursuant to Title VIII of the "American Recovery and Reinvestment Act of 2009," may impose alternative public comment procedures for the draft intended use plan, including alternative time frames for public notice and comment and the frequency of public meetings. However, nothing in this section eliminates the requirement that public meetings and comment periods be held.

**Section 6.** The federal payments that are made to the state 102  
from the Drinking Water State Revolving Fund pursuant to Title 103  
VIII of the "American Recovery and Reinvestment Act of 2009" shall 104  
be credited to the Drinking Water Assistance Fund created in 105  
section 6109.22 of the Revised Code. Notwithstanding the 106  
requirements of section 6109.22 of the Revised Code, money 107  
credited to the fund under this section shall be used and 108  
administered to provide financial assistance in any manner that is 109  
consistent with the requirements of the "Safe Drinking Water Act" 110  
or the "American Recovery and Reinvestment Act of 2009." 111

Notwithstanding the requirements of section 6109.22 of the 112  
Revised Code, rules adopted under it and Chapter 3745-47 of the 113  
Administrative Code, the Director of Environmental Protection, for 114  
the purpose of obtaining federal payments pursuant to Title VIII 115  
of the "American Recovery and Reinvestment Act of 2009," may 116  
impose alternative public comment procedures for the draft 117  
intended use plan, including alternative time frames for public 118  
notice and comment and the frequency of public meetings. However, 119  
nothing in this section eliminates the requirement that public 120  
meetings and comment periods be held. 121

**Section 7.** Expenditures from the appropriations made in 122  
Sections 2 and 3 of this act shall be accounted for as though made 123  
in the relevant main operating appropriations act. The 124  
appropriations made in this division are subject to all provisions 125  
of the relevant main operating appropriations act that are 126  
generally applicable to the appropriations. 127

**Section 8.** (A) The federal payments made to the state for 128  
highway infrastructure under Title XII of Division A of the 129  
American Recovery and Reinvestment Act of 2009 shall be deposited 130  
to the credit of the Highway Operating Fund (Fund 7002), which is 131

created in section 5735.291 of the Revised Code. 132

(B) The item in this division is appropriated as designated 133  
out of any moneys in the state treasury to the credit of Fund 7002 134  
that are not otherwise appropriated. 135

Appropriations

DOT Department of Transportation 136

Highway Operating Fund Group 137

7002 772422 Highway Construction \$ 0 \$ 935,677,000 138

- Federal

TOTAL HOF Highway Operating Fund \$ 0 \$ 935,677,000 139

Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 935,677,000 140

Of the foregoing appropriation item 772422, Highway 141  
Construction - Federal, not less than \$15,000,000 shall be 142  
allocated to each district of the Department of Transportation. 143

TRANSFER OF APPROPRIATIONS 144

The Director of Budget and Management may approve written 145  
requests from the Director of Transportation for the transfer of 146  
appropriations between appropriation items 771412, Planning and 147  
Research - Federal, 772422, Highway Construction - Federal, 148  
772424, Highway Construction - Other, 775452, Public 149  
Transportation - Federal, 776462, Grade Crossing - Federal, and 150  
777472, Airport Improvements - Federal, based upon the 151  
requirements of the American Recovery and Reinvestment Act of 2009 152  
that apply to the money appropriated. The transfers shall be 153  
reported to the Controlling Board at its next regularly scheduled 154  
meeting. 155

(C) Expenditures from appropriations made in this section 156  
shall be accounted for as though made in Am. Sub. H.B. 67 of the 157  
127th General Assembly. However, law contained in the relevant 158

operating appropriations act that is generally applicable to the 159  
appropriations made in that act also is generally applicable to 160  
the appropriations made in Sections 3 and 4 of this act. 161

**Section 9.** The federal payments made to the state for the 162  
Energy Efficiency and Conservation Block Grant under Title IV of 163  
Division A of the American Recovery and Reinvestment Act of 2009 164  
shall be deposited to the credit of the Green Block Grant Fund 165  
(Fund 3CZ0) which is created for use by the Air Quality 166  
Development Authority, subject to the federal requirements that 167  
apply to the money appropriated. The amounts deposited under this 168  
section are hereby appropriated. All investment earnings of Fund 169  
3CZ0 shall be credited to the fund. 170

The Air Quality Development Authority shall develop a plan 171  
for the distribution of the funds received under this section and 172  
shall submit that plan to the Controlling Board. 173

**Section 10.** There is hereby created the Energy Star Rebate 174  
Program to provide rebates to residential consumers for the 175  
purchase of residential Energy products. The federal payments made 176  
to the state for the Energy Star Rebate Program under Title IV of 177  
Division A of the American Recovery and Reinvestment Act of 2009 178  
shall be deposited to the credit of the Energy Star Rebate Fund 179  
(Fund 3A30), which is created for use by the Air Quality 180  
Development Authority to fund the program. The amounts deposited 181  
into Fund 3A30 are hereby appropriated. All investment earnings of 182  
Fund 3A30 shall be credited to the fund. 183

The Air Quality Development Authority shall develop rules for 184  
the administration of the program and a plan for the distribution 185  
of funds received under this section. The plan shall be submitted 186  
to the Controlling Board. 187

**Section 11.** The federal payments made to the state for the 188

Leaking Underground Storage Tank Trust Fund Program under Title 189  
VII of Division A of the American Recovery and Reinvestment Act of 190  
2009 shall be deposited to the credit of the Federal Special 191  
Revenue Fund (Fund 3480) used by the Department of Commerce. The 192  
amounts deposited under this section are hereby appropriated for 193  
use to carry out the program, subject to any requirements of the 194  
American Recovery and Reinvestment Act of 2009 that apply to the 195  
money appropriated. 196

**Section 12.** As soon as possible after a state agency approves 197  
a project that uses funds provided under the American Recovery and 198  
Reinvestment Act of 2009 and appropriated by this act, the 199  
applicable state agency shall cause to be posted on the state's 200  
web site providing information about the federal stimulus 201  
initiative, located at [www.recovery.ohio.gov](http://www.recovery.ohio.gov) or its successor web 202  
site, information about the approved project, including but not 203  
limited to a project name and description, the county where the 204  
project will be located, the program or sub-program that provided 205  
the funding, the project sponsor, the estimated time for the 206  
project to begin, the estimated time for the project to be 207  
completed, the amount of stimulus moneys funding the project, and 208  
the project's total cost. 209

**Section 13.** In the award of any contract using money 210  
appropriated pursuant to this act, the parties to the contract 211  
shall comply with all applicable federal and state laws, including 212  
the requirements of the Minority Business Enterprise Program, the 213  
Encouraging Diversity, Growth, and Equity Program, and the Buy 214  
Ohio Program. 215

**Section 14.** Any unexpended, unencumbered amounts remaining in 216  
all appropriation items made in this act at the end of fiscal year 217  
2009 are reappropriated for the same purpose in fiscal year 2010. 218



The reappropriations shall be reported to the Controlling Board. 219

**Section 15.** Within the limits set forth in this act, the 220  
Director of Budget and Management shall establish accounts 221  
indicating the source and amount of funds for each appropriation 222  
made in this act, and shall determine the form and manner in which 223  
appropriation accounts shall be maintained. 224

**Section 16.** This act is hereby declared to be an emergency 225  
measure necessary for the immediate preservation of the public 226  
peace, health, and safety. The reason for such necessity is to 227  
allocate the moneys provided by the American Recovery and 228  
Reinvestment Act of 2009 expeditiously pursuant to applicable 229  
federal requirements and thereby to increase employment and job 230  
security in Ohio. Therefore, this act shall go into immediate 231  
effect. 232