

**As Reported by the Senate Finance and Financial Institutions
Committee**

**128th General Assembly
Regular Session
2009-2010**

Sub. S. B. No. 2

Senator Carey

Cosponsors: Senators Miller, R., Wilson

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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 Development Block Grant program under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Community Development Block Grant Fund (Fund 3K80). The amounts deposited for the purposes of the Community Development Block Grant program are hereby appropriated, subject to the approval of the Controlling Board.

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

Appropriations

DEV Department of Development					29
Federal Special Revenue Fund Group					30
3080	195605	Federal Projects	\$ 0	\$ 276,553,000	31
3080	195618	Energy Federal Grants	\$ 0	\$ 122,604,000	32
3V10	195601	HOME Program	\$ 0	\$ 83,381,000	33
TOTAL FED		Federal Special Revenue	\$ 0	\$ 482,538,000	34
Fund Group					
TOTAL ALL BUDGET		FUND GROUPS	\$ 0	\$ 482,538,000	35

The foregoing appropriation item 195605, Federal Projects, shall be used to carry out the Home Weatherization Assistance Program, subject to any requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

The foregoing appropriation items 195618, Energy Federal Grants, 195697, Diesel Emissions Reduction Grants, and 195601, HOME Program, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

Section 3. (A) The federal payments made to the state for Education Technology under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited

to the credit of the Technology Literacy Transfer Fund (Fund 48
3S20). 49

(B) The item in this section is appropriated as designated 50
out of any moneys in the state treasury to the credit of Fund 3S20 51
that are not otherwise appropriated. 52

Appropriations

EDU DEPARTMENT OF EDUCATION 53

Federal Special Revenue Fund Group 54

3S20 200641 Education Technology \$ 0 \$ 23,902,000 55

TOTAL FED Federal Special Revenue \$ 0 \$ 23,902,000 56

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 23,902,000 57

(C) The foregoing appropriation item 200641, Education 58
Technology, shall be used to assist school districts in their 59
efforts to implement school technology plans and to assist school 60
districts with the integration of technology into curricula and 61
instruction practices and may be used to provide ongoing 62
professional development to teachers, subject to the requirements 63
of the American Recovery and Reinvestment Act of 2009 that apply 64
to the money appropriated. 65

Section 4. (A) The federal payments made to the state for 66
clean air under Title VII of Division A of the "American Recovery 67
and Reinvestment Act of 2009" shall be deposited to the credit of 68
the Clean Air Fund (Fund 4K20). 69

(B) The item in this section is appropriated as designated 70
out of any moneys in the state treasury to the credit of Fund 4K20 71
that are not otherwise appropriated. 72

Appropriations

EPA ENVIRONMENTAL PROTECTION AGENCY 73

State Special Revenue Fund Group 74

4K20 715648 Clean Air Non-Title V	\$	0	\$	1,700,000	75
TOTAL SSR State Special Revenue	\$	0	\$	1,700,000	76
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	1,700,000	77

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 from the Drinking Water State Revolving Fund pursuant to Title

VIII of the "American Recovery and Reinvestment Act of 2009" shall 105
be credited to the Drinking Water Assistance Fund created in 106
section 6109.22 of the Revised Code. Notwithstanding the 107
requirements of section 6109.22 of the Revised Code, money 108
credited to the fund under this section shall be used and 109
administered to provide financial assistance in any manner that is 110
consistent with the requirements of the "Safe Drinking Water Act" 111
or the "American Recovery and Reinvestment Act of 2009." 112

Notwithstanding the requirements of section 6109.22 of the 113
Revised Code, rules adopted under it and Chapter 3745-47 of the 114
Administrative Code, the Director of Environmental Protection, for 115
the purpose of obtaining federal payments pursuant to Title VIII 116
of the "American Recovery and Reinvestment Act of 2009," may 117
impose alternative public comment procedures for the draft 118
intended use plan, including alternative time frames for public 119
notice and comment and the frequency of public meetings. However, 120
nothing in this section eliminates the requirement that public 121
meetings and comment periods be held. 122

Section 7. Expenditures from the appropriations made in 123
Sections 2 and 3 of this act shall be accounted for as though made 124
in the relevant main operating appropriations act. The 125
appropriations made in this division are subject to all provisions 126
of the relevant main operating appropriations act that are 127
generally applicable to the appropriations. 128

Section 8. (A) The federal payments made to the state for 129
highway infrastructure under Title XII of Division A of the 130
American Recovery and Reinvestment Act of 2009 shall be deposited 131
to the credit of the Highway Operating Fund (Fund 7002), which is 132
created in section 5735.291 of the Revised Code. 133

(B) The item in this division is appropriated as designated 134

out of any moneys in the state treasury to the credit of Fund 7002 135
that are not otherwise appropriated. 136

Appropriations

DOT Department of Transportation	137
Highway Operating Fund Group	138
7002 772422 Highway Construction \$ 0 \$ 935,677,000	139
- Federal	
TOTAL HOF Highway Operating Fund \$ 0 \$ 935,677,000	140
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 935,677,000	141

Of the foregoing appropriation item 772422, Highway 142
Construction - Federal, not less than \$15,000,000 shall be 143
allocated to each district of the Department of Transportation. 144

TRANSFER OF APPROPRIATIONS 145

The Director of Budget and Management may approve written 146
requests from the Director of Transportation for the transfer of 147
appropriations between appropriation items 771412, Planning and 148
Research - Federal, 772422, Highway Construction - Federal, 149
772424, Highway Construction - Other, 775452, Public 150
Transportation - Federal, 776462, Grade Crossing - Federal, and 151
777472, Airport Improvements - Federal, based upon the 152
requirements of the American Recovery and Reinvestment Act of 2009 153
that apply to the money appropriated. The transfers shall be 154
reported to the Controlling Board at its next regularly scheduled 155
meeting. 156

(C) Expenditures from appropriations made in this section 157
shall be accounted for as though made in Am. Sub. H.B. 67 of the 158
127th General Assembly. However, law contained in the relevant 159
operating appropriations act that is generally applicable to the 160
appropriations made in that act also is generally applicable to 161
the appropriations made in Sections 3 and 4 of this act. 162

Section 9. The federal payments made to the state for the 163
Energy Efficiency and Conservation Block Grant under Title IV of 164
Division A of the American Recovery and Reinvestment Act of 2009 165
shall be deposited to the credit of the Green Block Grant Fund 166
(Fund 3CZ0) which is created for use by the Air Quality 167
Development Authority, subject to the federal requirements that 168
apply to the money appropriated. The amounts deposited under this 169
section are hereby appropriated. All investment earnings of Fund 170
3CZ0 shall be credited to the fund. 171

The Air Quality Development Authority shall develop a plan 172
for the distribution of the funds received under this section and 173
shall submit that plan to the Controlling Board. 174

Section 10. There is hereby created the Energy Star Rebate 175
Program to provide rebates to residential consumers for the 176
purchase of residential Energy products. The federal payments made 177
to the state for the Energy Star Rebate Program under Title IV of 178
Division A of the American Recovery and Reinvestment Act of 2009 179
shall be deposited to the credit of the Energy Star Rebate Fund 180
(Fund 3A30), which is created for use by the Air Quality 181
Development Authority to fund the program. The amounts deposited 182
into Fund 3A30 are hereby appropriated. All investment earnings of 183
Fund 3A30 shall be credited to the fund. 184

The Air Quality Development Authority shall develop rules for 185
the administration of the program and a plan for the distribution 186
of funds received under this section. The plan shall be submitted 187
to the Controlling Board. 188

Section 11. The federal payments made to the state for the 189
Leaking Underground Storage Tank Trust Fund Program under Title 190
VII of Division A of the American Recovery and Reinvestment Act of 191
2009 shall be deposited to the credit of the Federal Special 192

Revenue Fund (Fund 3480) used by the Department of Commerce. The 193
amounts deposited under this section are hereby appropriated for 194
use to carry out the program, subject to any requirements of the 195
American Recovery and Reinvestment Act of 2009 that apply to the 196
money appropriated. 197

Section 12. As soon as possible after a state agency approves 198
a project that uses funds provided under the American Recovery and 199
Reinvestment Act of 2009 and appropriated by this act, the 200
applicable state agency shall cause to be posted on the state's 201
web site providing information about the federal stimulus 202
initiative, located at www.recovery.ohio.gov or its successor web 203
site, information about the approved project, including but not 204
limited to a project name and description, the county where the 205
project will be located, the program or sub-program that provided 206
the funding, the project sponsor, the estimated time for the 207
project to begin, the estimated time for the project to be 208
completed, the amount of stimulus moneys funding the project, and 209
the project's total cost. 210

Section 13. In the award of any contract using money 211
appropriated pursuant to this act, the parties to the contract 212
shall comply with all applicable federal and state laws, including 213
the requirements of the Minority Business Enterprise Program, the 214
Encouraging Diversity, Growth, and Equity Program, and the Buy 215
Ohio Program. 216

Section 14. Any unexpended, unencumbered amounts remaining in 217
all appropriation items made in this act at the end of fiscal year 218
2009 are reappropriated for the same purpose in fiscal year 2010. 219
The reappropriations shall be reported to the Controlling Board. 220

Section 15. Within the limits set forth in this act, the 221

Director of Budget and Management shall establish accounts 222
indicating the source and amount of funds for each appropriation 223
made in this act, and shall determine the form and manner in which 224
appropriation accounts shall be maintained. 225

Section 16. This act is hereby declared to be an emergency 226
measure necessary for the immediate preservation of the public 227
peace, health, and safety. The reason for such necessity is to 228
allocate the moneys provided by the American Recovery and 229
Reinvestment Act of 2009 expeditiously pursuant to applicable 230
federal requirements and thereby to increase employment and job 231
security in Ohio. Therefore, this act shall go into immediate 232
effect. 233