



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. S.B. 2\*

128th General Assembly

(As Reported by S. Finance & Financial Institutions)

Sen. Carey

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## BILL SUMMARY

- Appropriates and earmarks certain money received by the state from the federal American Recovery and Reinvestment Act of 2009 (Economic Stimulus Act).
- Requires reporting certain information regarding projects receiving funds provided under the Economic Stimulus Act and appropriated by the bill.
- Requires parties under any contract using money appropriated under the bill to comply with all federal and state laws, including the Minority Business Enterprise Program, the Encouraging Diversity, Growth, and Equity Program, and the Buy Ohio Program.
- Declares an emergency.

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## CONTENT AND OPERATION

### Allocation of federal economic stimulus money

(Sections 1 through 11)

The bill specifies that certain money provided to Ohio by the American Recovery and Reinvestment Act of 2009 (Economic Stimulus Act) must be handled in the following manner, subject to the applicable requirements of the Economic Stimulus Act and this bill:

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\* This analysis was prepared before the report of the Senate Finance and Financial Institutions Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Payments for the Weatherization Assistance Program are appropriated to the Department of Development for the operation of the Home Weatherization Assistance Program.
- Payments for the State Energy Grant Program and for the Home Investment Partnership Program are appropriated to the Department of Development.
- Payments for the Community Development Block Grant Program are appropriated for the Program's purpose, subject to Controlling Board approval.
- Payments for Education Technology are appropriated to the Department of Education to assist school districts in implementing school technology plans and integrating technology into curricula and instruction practices. This money may also be used for ongoing professional development for teachers.
- Payments for clean air are appropriated to the Ohio Environmental Protection Agency (OEPA).
- Payments from the Clean Water State Revolving Fund under the Economic Stimulus Act are credited to the Water Pollution Control Loan Fund created under Ohio law and payments from the Drinking Water State Revolving Fund under the Economic Stimulus Act are credited to the Drinking Water Assistance Fund created under Ohio law.

Payments must be used and administered to provide financial assistance in any manner consistent with the requirements of the Economic Stimulus Act (for money credited to both funds), the federal Water Pollution Control Act (for money credited to the Water Pollution Control Loan Fund), or federal Safe Drinking Water Act (for money credited to the Drinking Water Assistance Fund).<sup>1</sup>

The bill allows the Director of Environmental Protection, in order to obtain federal payments for both of these purposes to impose

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<sup>1</sup> Money credited to these funds by the bill may be used for the purposes specified in the bill, notwithstanding current Ohio law. Under current law, the Water Pollution Control Loan Fund must be used for assisting in wastewater treatment, nonpoint source pollution management, and estuary conservation and management (R.C. 6111.036). Current law also requires the Drinking Water Assistance Fund to be used for protecting public health and complying with federal and state safe drinking water laws (R.C. 6109.22).

alternative public comment procedures for the draft intended use plan. Alternative procedures may be used for time frames for public notice and comment and for the frequency of public meetings, but the bill does not eliminate the requirement that public meetings and comment periods be held.<sup>2</sup>

- Payments for highway infrastructure are appropriated to the Department of Transportation (ODOT) for certain transportation expenses, with at least \$15 million allocated to each ODOT district.
- Payments for the Energy Efficiency and Conservation Block Grant are appropriated to the Ohio Air Quality Development Authority (OAQDA), and OAQDA must develop a plan for its distribution and submit it to the Controlling Board.
- Payments for the Energy Star Rebate Program are appropriated to the OAQDA for the program, which the bill creates to provide rebates to residential consumers for the purchase of residential energy products. The OAQDA must develop rules to administer the program and a plan for distributing funds. The plan must be submitted to the Controlling Board.
- Payments for the Leaking Underground Storage Trust Fund Program are appropriated to the Department of Commerce for carrying out the program.

## Reporting requirements

(Section 12)

The act requires that as soon as possible after a state agency approves a project using funds provided under the Economic Stimulus Act and appropriated by the bill, the state agency must cause to be posted on the state's web site providing information about the federal stimulus initiative ([www.recovery.ohio.gov](http://www.recovery.ohio.gov) or its successor) certain information about the approved project. The information must include the project name and description, the county where the project will be located, the program or sub-program that provided the funding, the project sponsor, the estimated time for the

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<sup>2</sup> Current law generally allows the Director to adopt rules in accordance with the Administrative Procedure Act to implement and administer the programs funded by moneys in the Water Pollution Control Loan Fund and the Drinking Water Assistance Fund (R.C. 6109.22 and 6111.036). Current rules require the Director to comply with certain procedural requirements when conducting hearings (*see* O.A.C. 3745-47).

project to begin and to be completed, the amount of stimulus moneys funding the project, and the project's total cost.

### **Contracting requirements**

(Section 13)

The bill provides that, in the award of any contract using money appropriated pursuant to the bill, the parties to the contract must comply with all applicable federal and state laws, including the requirements of the Minority Business Enterprise Program, the Encouraging Diversity, Growth, and Equity Program, and the Buy Ohio Program--all of which are created under current law.

### **Emergency clause**

(Section 16)

The bill takes effect immediately under its emergency clause.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	02-10-09
Reported, S. Finance & Financial Institutions	---

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