

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. H. B. No. 170**

**Representatives Bird, Richardson**

**Cosponsors: Representatives Manning, Click, Ingram, Miller, J., Carfagna, Edwards, Jones, O'Brien, Abrams, Brent, Brown, Callender, Carruthers, Crawley, Crossman, Cutrona, Dean, Fraizer, Galonski, Ghanbari, Ginter, Gross, Householder, Howse, John, Kelly, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Loychik, Miller, A., Miranda, Pavliga, Robinson, Russo, Seitz, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Sweeney, Troy, Weinstein, West, White, Young, T.**

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**A BILL**

To provide assistance to schools and other entities 1  
in response to the COVID-19 pandemic and to make 2  
an appropriation. 3

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

**Section 201.10.** All items in the sections of this act 4  
numbered in the 200s are hereby appropriated as designated out 5  
of any moneys in the state treasury to the credit of the 6  
designated fund. For all operating appropriations made in these 7  
sections, those in the first column are for fiscal year 2020 and 8  
those in the second column are for fiscal year 2021. The 9  
operating appropriations made in this act are in addition to any 10  
other operating appropriations made for the FY 2020-FY 2021 11  
biennium. 12

**Section 203.10.** 13

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	1	2	3	4	5
A	ADJ ADJUTANT GENERAL				
B	Dedicated Purpose Fund Group				
C	5CV1	745632	Coronavirus Relief - ADJ	\$0	\$8,000,000
D	TOTAL DPF Dedicated Purpose Fund Group			\$0	\$8,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0	\$8,000,000

**Section 213.10.**

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	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION				
B	Federal Fund Group				
C	3HQ0	200627	Governor Emergency Education Relief - EDU	\$0	\$19,052,785
D	3HQ0	200651	Emergency Assistance to Non-Public Schools	\$0	\$154,896,274
E	3HS0	200640	Federal Coronavirus School Relief	\$0	\$683,156,100
F	TOTAL FED Federal Fund Group			\$0	\$857,105,159
G	TOTAL ALL BUDGET FUND GROUPS			\$0	\$857,105,159

GOVERNOR EMERGENCY EDUCATION RELIEF - EDU 17

The foregoing appropriation item 200627, Governor 18  
 Emergency Education Relief - EDU, shall be used to distribute 19  
 funds to county boards of developmental disabilities serving 20  
 school-age students, educational service centers, and joint 21  
 vocational school districts according to a distribution 22  
 mechanism determined by the Department of Education. Funds shall 23  
 be used by recipients consistent with the allowable uses 24  
 enumerated for the Elementary and Secondary School Emergency 25  
 Relief Fund under the federal "Coronavirus Aid, Relief, and 26  
 Economic Security Act," Pub. L. No. 116-136, and the federal 27  
 "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260. 28

**Section 214.10.** 29

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	1	2	3	4	5
A			DOH DEPARTMENT OF HEALTH		
B			Federal Fund Group		
C	3HP0	440673	Public Health	\$0	\$173,000,000
			Emergency Response		
D			TOTAL FED Federal Fund Group	\$0	\$173,000,000
E			TOTAL ALL BUDGET FUND GROUPS	\$0	\$173,000,000

**Section 250.10.** Within the limits set forth in this act, 31  
 the Director of Budget and Management shall establish accounts 32  
 indicating the source and amount of funds for each appropriation 33

made in this act, and shall determine the form and manner in 34  
which appropriation accounts shall be maintained. Expenditures 35  
from operating appropriations contained in the sections of this 36  
act numbered in the 200s shall be accounted for as though made 37  
in H.B. 166 of the 133rd General Assembly. The operating 38  
appropriations made in these sections are subject to all 39  
provisions of H.B. 166 of the 133rd General Assembly that are 40  
generally applicable to such appropriations. 41

**Section 503.10.** 42

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND 43  
REAPPROPRIATIONS 44

Amounts equal to the unexpended, unencumbered portions of 45  
appropriations from the Governor's Emergency Education Relief 46  
Fund (Fund 3HQ0) at the end of fiscal year 2021 are hereby 47  
reappropriated for the same purpose in fiscal year 2022. 48

Amounts equal to the unexpended, unencumbered portions of 49  
appropriations from the Governor's Emergency Education Relief 50  
Fund (Fund 3HQ0) at the end of fiscal year 2022 are hereby 51  
reappropriated for the same purpose in fiscal year 2023. 52

CARES ACT SCHOOL RELIEF FUND REAPPROPRIATIONS 53

Amounts equal to the unexpended, unencumbered portions of 54  
appropriations from the CARES Act School Relief Fund (Fund 3HS0) 55  
at the end of fiscal year 2021 are hereby reappropriated for the 56  
same purpose in fiscal year 2022. 57

Amounts equal to the unexpended, unencumbered portions of 58  
appropriations from the CARES Act School Relief Fund (Fund 3HS0) 59  
at the end of fiscal year 2022 are hereby reappropriated for the 60  
same purpose in fiscal year 2023. 61

PUBLIC HEALTH EMERGENCY RESPONSE FUND REAPPROPRIATIONS 62

Amounts equal to the unexpended, unencumbered portions of 63  
appropriations from the Public Health Emergency Response Fund 64  
(Fund 3HP0) at the end of fiscal year 2021 are hereby 65  
reappropriated for the same purpose in fiscal year 2022. 66

Amounts equal to the unexpended, unencumbered portions of 67  
appropriations from the Public Health Emergency Response Fund 68  
(Fund 3HP0) at the end of fiscal year 2022 are hereby 69  
reappropriated for the same purpose in fiscal year 2023. 70

**Section 733.10.** (A) (1) The Department of Education shall 71  
first obtain approval from the Controlling Board prior to the 72  
expenditure or encumbrance of the funds appropriated in 73  
appropriation items 200627 and 200651 under Section 213.10 of 74  
this act and any other federal funds the Department receives 75  
from the Governor's Emergency Education Relief Fund under the 76  
federal "Coronavirus Aid, Relief, and Economic Security Act," 77  
Pub. L. No. 116-136, the federal "Consolidated Appropriations 78  
Act, 2021," Pub. L. No. 116-260, and the federal "American 79  
Rescue Plan Act of 2021," Pub. L. No. 117-2. 80

(2) The Department shall first obtain approval from the 81  
Controlling Board prior to the expenditure or encumbrance of the 82  
funds appropriated in appropriation item 200640 under Section 83  
213.10 of this act and any other federal funds the Department 84  
receives from the Elementary and Secondary School Emergency 85  
Relief Fund under the federal "Coronavirus Aid, Relief, and 86  
Economic Security Act," Pub. L. No. 116-136, the federal 87  
"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, 88  
and the federal "American Rescue Plan Act of 2021," Pub. L. No. 89  
117-2, for the following purposes: 90

(a) Emergency needs determined by the Department as 91  
authorized under Division B, Title VIII, Sec. 18003(e) of the 92  
federal "Coronavirus Aid, Relief, and Economic Security Act," 93  
Pub. L. No. 116-136; 94

(b) Emergency needs determined by the Department as 95  
authorized under Title III, Sec. 313(e) of the federal 96  
"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260; 97

(c) The spending authorized under Title II, Sec. 2001(f) 98  
(1)-(3) of the federal "American Rescue Plan Act of 2021," Pub. 99  
L. No. 117-2. 100

(B) The Department shall not spend funds it receives under 101  
the federal "American Rescue Plan Act of 2021," Pub. L. No. 117- 102  
2, for emergency needs determined by the Department as 103  
authorized under Title II, Sec. 2001(f) (4) of that act. 104

**Section 733.20.** The Auditor of State may audit spending by 105  
the Department of Education and each school district of the 106  
amounts appropriated under Section 213.10 of this act and any 107  
other funds the Department received from the federal 108  
"Coronavirus Aid, Relief, and Economic Security Act," Pub. L. 109  
No. 116-136, and the federal "Consolidated Appropriations Act, 110  
2021," Pub. L. No. 116-260. If the Auditor chooses to audit the 111  
spending described in this section, the Auditor shall identify 112  
common usages and best utilization of those funds. 113

**Section 812.20.** Sections 201.10, 203.10, 213.10, 214.10, 114  
250.10, and 503.10 of this act are exempt from the referendum 115  
under Ohio Constitution, Article II, section 1d and therefore 116  
take effect immediately when this act becomes law. 117