

AN ACT

To amend sections 4506.09 and 4506.13 and to enact section 4508.031 of the Revised Code to make appropriations to support recovery from the COVID-19 pandemic.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 101.01. That sections 4506.09 and 4506.13 be amended and section 4508.031 of the Revised Code be enacted to read as follows:

Sec. 4506.09. (A) The registrar of motor vehicles, subject to approval by the director of public safety, shall adopt rules conforming with applicable standards adopted by the federal motor carrier safety administration as regulations under Pub. L. No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 31317. The rules shall establish requirements for the qualification and testing of persons applying for a commercial driver's license, which are in addition to other requirements established by this chapter. Except as provided in division (B) of this section, the highway patrol or any other employee of the department of public safety the registrar authorizes shall supervise and conduct the testing of persons applying for a commercial driver's license.

(B) The director may adopt rules, in accordance with Chapter 119. of the Revised Code and applicable requirements of the federal motor carrier safety administration, authorizing the skills test specified in this section to be administered by any person, by an agency of this or another state, or by an agency, department, or instrumentality of local government. Each party authorized under this division to administer the skills test may charge a maximum divisible fee of one hundred fifteen dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of not more than twenty-seven dollars for the pre-trip inspection portion of the test, not more than twenty-seven dollars for the off-road maneuvering portion of the test, and not more than sixty-one dollars for the on-road portion of the test. Each such party may require an appointment fee in the same manner provided in division (E)(2) of this section, except that the maximum amount such a party may require as an appointment fee is one hundred fifteen dollars. The skills test administered by another party under this division shall be the same as otherwise would be administered by this state. The other party shall enter into an agreement with the director that, without limitation, does all of the following:

(1) Allows the director or the director's representative and the federal motor carrier safety administration or its representative to conduct random examinations, inspections, and audits of the other party, whether covert or overt, without prior notice;

(2) Requires the director or the director's representative to conduct on-site inspections of the other party at least annually;

(3) Requires that all examiners of the other party meet the same qualification and training standards as examiners of the department of public safety, including criminal background checks, to the extent necessary to conduct skills tests in the manner required by 49 C.F.R. 383.110 through

383.135. In accordance with federal guidelines, any examiner employed on July 1, 2017, shall have a criminal background check conducted at least once, and any examiner hired after July 1, 2015, shall have a criminal background check conducted after the examiner is initially hired.

(4) Requires either that state employees take, at least annually and as though the employees were test applicants, the tests actually administered by the other party, that the director test a sample of drivers who were examined by the other party to compare the test results, or that state employees accompany a test applicant during an actual test;

(5) Unless the other party is a governmental entity, requires the other party to initiate and maintain a bond in an amount determined by the director to sufficiently pay for the retesting of drivers in the event that the other party or its skills test examiners are involved in fraudulent activities related to skills testing;

(6) Requires the other party to use only skills test examiners who have successfully completed a commercial driver's license examiner training course as prescribed by the director, and have been certified by the state as a commercial driver's license skills test examiner qualified to administer skills tests;

(7) Requires the other party to use designated road test routes that have been approved by the director;

(8) Requires the other party to submit a schedule of skills test appointments to the director not later than two business days prior to each skills test;

(9) Requires the other party to maintain copies of the following records at its principal place of business:

(a) The other party's commercial driver's license skills testing program certificate;

(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;

(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;

(d) A complete list of the test routes that have been approved by the director;

(e) A complete and accurate copy of each examiner's training record.

(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;

(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year;

(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.

(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.

(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:

(a) As authorized under 49 C.F.R. 383.3(c), the applicant operates a commercial motor vehicle for military purposes and is one of the following:

- (i) Active duty military personnel;
- (ii) A member of the military reserves;
- (iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;
- (iv) Active duty U.S. coast guard personnel.

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

- (i) The applicant has not had more than one license, excluding any military license.
- (ii) The applicant has not had any license suspended, revoked, or canceled.
- (iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.

(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation.

(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:

(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code;

(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate.

(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians.

(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of

scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee serves as the skills test fee. If the applicant schedules an appointment to take all portions of the skills test and fails to appear at the time and location specified for the appointment, the director shall not refund any portion of the appointment fee. If the applicant schedules an appointment to take all portions of the skills test and appears at the time and location specified for the appointment, but declines or is unable to take all portions of the skills test, the director shall not refund any portion of the appointment fee. If the applicant cancels a scheduled appointment forty-eight hours or more prior to the time of the appointment time, the applicant shall not forfeit the appointment fee.

An applicant for a commercial driver's license who schedules an appointment to take one or more, but not all, portions of the skills test is required to pay an appointment fee equal to the costs of each test scheduled, as prescribed in division (E)(1) of this section, when scheduling such an appointment. If the applicant appears at the time and location specified for the appointment and takes all the portions of the skills test during that appointment that the applicant was scheduled to take, the appointment fee serves as the skills test fee. If the applicant schedules an appointment to take one or more, but not all, portions of the skills test and fails to appear at the time and location specified for the appointment, the director shall not refund any portion of the appointment fee. If the applicant schedules an appointment to take one or more, but not all, portions of the skills test and appears at the time and location specified for the appointment, but declines or is unable to take all portions of the skills test that the applicant was scheduled to take, the director shall not refund any portion of the appointment fee. If the applicant cancels a scheduled appointment forty-eight hours or more prior to the time of the appointment time, the applicant shall not forfeit the appointment fee.

(3) The department of public safety shall deposit all fees it collects under division (E) of this section in the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(F)(1) Unless an applicant for a commercial driver's license has successfully completed the training required under 49 C.F.R. 380, subpart F, the applicant is not eligible to do any of the following:

(a) Take the skills test required for initial issuance of a class A or a class B commercial driver's license;

(b) Take the skills test required for initial issuance of a passenger (P) or school bus (S) endorsement on the applicant's commercial driver's license;

(c) Take the knowledge test required for initial issuance of a hazardous materials (H) endorsement on the applicant's commercial driver's license.

Before an applicant takes the applicable skills or knowledge test, the registrar shall electronically verify, through the federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F.

(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following:

(a) A driver training school pursuant to section 4508.031 of the Revised Code;

(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry.

(G) A person who has successfully completed commercial driver's license training in this state but seeks a commercial driver's license in another state where the person is domiciled may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in this state takes a skills test in another state, this state shall accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements set forth in this chapter and rules adopted under this chapter, the registrar of motor vehicles or a deputy registrar shall issue a commercial driver's license to that person.

~~(G)~~(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B)(2),(3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification.

~~(H)~~(I) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant drive such a motor vehicle while under the supervision of an authorized state driver's license examiner or tester.

Sec. 4506.13. (A) The registrar of motor vehicles may authorize the highway patrol or any other employee of the department of public safety to issue an examiner's commercial examinations passed form to an applicant who has passed the required examinations. The examiner's commercial examinations passed form shall be used to indicate the examinations taken and passed by the commercial driver's license applicant.

(B)(1) Before issuing, renewing, transferring, or upgrading a commercial driver's license, the registrar of motor vehicles shall obtain information about the applicant's driving record, whether the applicant was previously issued a commercial driver's license in another state, or whether the applicant is disqualified from operating a commercial motor vehicle through the commercial driver's license information system, the applicant's state of licensure, and when available, the national driver register. In addition, the before initially issuing a class A or class B commercial driver's license, a passenger endorsement, a school bus endorsement, or a hazardous materials endorsement, the registrar shall verify that the applicant completed the training required under 49 C.F.R. 380, subpart F, through the federal motor carrier safety administration's training provider registry. The registrar also shall check the applicant's driver record to ensure that an applicant who self-certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code that the applicant's operation of a commercial motor vehicle is non-excepted interstate, is medically certified.

(2) The registrar shall not issue, renew, upgrade, or transfer the applicant's commercial driver's license if any of the following apply:

(a) The registrar obtains adverse information regarding the applicant's driving record.

(b) There is no information regarding the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code.

(c) The applicant's medical status is not certified, when required to be certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code.

(d) If required, the applicant did not successfully complete the training required by 49 C.F.R. 380, subpart F, as documented in the federal motor carrier safety administration's training provider registry.

(3) If the record check reveals information that the applicant claims is outdated, contested, or invalid, the registrar shall deny the application until the applicant can resolve the conflict.

(C) The registrar shall do all of the following:

(1) Within ten days after issuing a commercial driver's license, notify the commercial driver's license information system, when available, of that fact and provide all information required to ensure identification of the licensee. If the registrar is notified that driver has been issued a medical variance, the registrar shall indicate the existence of the medical variance on the commercial driver's license holder's commercial driver's license information system driver record.

(2) For those drivers self-certifying under division (A)(1)(a)(i) of section 4506.10 of the Revised Code as non-expected interstate, post the applicant's medical status as certified or non-certified on the applicant's commercial driver's license information system driver record upon receiving a valid original or copy of the medical examiner's certificate;

(3) Post the driver's self-certification type as set forth in division (A)(1) of section 4506.10 of the Revised Code;

(4) Post information from the medical examiner's certificate, if applicable, on the commercial driver's license holder's commercial driver's license information system driver record within ten calendar days of receipt of the medical examiner's certificate;

(5) Retain the original or a copy of the commercial driver's license holder's medical certificate for a minimum of three years after the date the certificate was issued;

(6) Post and maintain as part of the commercial driver's license information system driver record all convictions, disqualifications, and other licensing actions for violations of any state or municipal ordinances related to motor vehicle traffic control, other than parking violations for all persons who hold a commercial driver's license or operate a motor vehicle for which a commercial driver's license is required;

(7) Post an applicant's status of medically non-certified on the applicant's commercial driver's license information system driver record and downgrade the applicant's commercial driver's license in accordance with division (D) of this section if either of the following applies:

(a) The commercial driver's license holder fails to provide the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code.

(b) The commercial driver's license holder self-certifying under division (A)(1)(a)(i) of section 4506.10 of the Revised Code as non-expected interstate fails to provide the registrar with a current medical examiner's certificate.

(8) Mark the commercial driver's license information system driver record as non-certified for any commercial driver's license holder who has not self-certified under division (A)(1) of section 4506.10 of the Revised Code by January 30, 2014 and initiate the commercial driver's license commercial driver's license downgrade procedures described in division (D) of this section;

(9) Within ten days after a commercial driver's license holder's medical certification status

expires or a medical variance expires or is rescinded, update the person's medical certification status to non-certified;

(10) Within ten calendar days after receiving information from the federal motor carrier safety administration regarding issuance or renewal of a medical variance for a driver, update the driver's commercial driver's license information system driver record to include the medical variance information provided by the federal motor carrier safety administration.

(D) If a driver's medical certification or medical variance expires or the federal motor carrier safety administration notifies the registrar that a medical variance was removed or rescinded, the registrar shall do the following:

(1) Send notice to the commercial driver's license holder of the holder's medically not certified status. The notice shall inform the driver that the driver's commercial driver's license privileges will be removed unless the driver resolves the medical certification or medical variance defect by submitting a current medical certificate or medical variance, as applicable, or changing the driver's self-certification under division (A)(1) of section 4506.10 of the Revised Code to driving only in excepted interstate or excepted intrastate commerce within sixty days.

(2) Sixty days after the change to a medically not certified status, if the commercial driver's license holder has not resolved the medical certification or medical variance defect as described in division (D)(1) of this section, the registrar shall change the person's commercial driver's license status to reflect no commercial driver's license privileges and shall send the person a second notice informing the person that the commercial driver's license privilege has been removed from the driver's license.

(E) To the extent permitted by federal and state law, the registrar shall provide records from the commercial driver's license information system regarding a commercial driver's license holder or commercial motor vehicle operator to the following individuals and entities or their authorized agents within ten days of the receipt of conviction or disqualification information concerning the holder or operator from another state or within ten days of the date of conviction or disqualification of the holder or operator if it occurred in this state, as applicable:

(1) Other states;

(2) The secretary of the United States department of transportation;

(3) The commercial driver's license holder or commercial motor vehicle operator referenced in the records;

(4) A motor carrier that is a current or prospective employer of the commercial driver's license holder or commercial motor vehicle operator referenced in the records.

Sec. 4508.031. A licensed driver training school shall comply with the requirements of 49 C.F.R. 380, subpart F and all applicable appendices, if the school provides commercial driver's license education courses that train drivers in the operation of commercial trucks, commercial cars, buses, and commercial tractors, trailers, and semitrailers.

SECTION 101.02. That existing sections 4506.09 and 4506.13 of the Revised Code are hereby repealed.

SECTION 201.10. AMERICAN RESCUE PLAN ACT APPROPRIATIONS

All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium.

SECTION 207.10.

	1	2	3	4	5
A	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				
B	Federal Fund Group				
C	3A40	653654	Medicaid Services	\$142,000,000	\$0
D	TOTAL FED Federal Fund Group			\$142,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$142,000,000	\$0

SECTION 207.20. ALLOCATIONS FROM ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE

Of the foregoing appropriation item 653654, Medicaid Services, due to the continuation of the enhanced federal medical assistance percentage enacted in Section 6008 of the "Families First Coronavirus Response Act," Pub. L. No. 116-127, \$100,000,000 may be used to make payments for Medicaid services in fiscal year 2022.

SECTION 207.30. ALLOCATIONS FROM ICF/IID RELIEF PAYMENTS

Of the foregoing appropriation item 653654, Medicaid Services, \$42,000,000 may be used to make relief payments in fiscal year 2022 to non-state intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) providing ICF/IID services, as those terms are defined in section 5124.01 of the Revised Code. The payments shall be made through a process established by the Medicaid Director. An ICF/IID shall use the payments exclusively for direct care staff compensation, which may include staff retention bonus payments, overtime pay and shift differential payments, staff recruitment payments, and new hire incentive payments as described in Section 220.70 of this act.

SECTION 209.10.

	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION				
B	Federal Fund Group				
C	3HQ0	200627	Governor Emergency Education Relief - EDU	\$33,803,196	\$0
D	3HQ0	200651	Emergency Assistance to Non-Public Schools	\$155,190,488	\$0
E	3HS0	200640	Federal Coronavirus School Relief	\$2,288,901,788	\$0
F	3HZ0	200641	ARP - Homeless Children and Youth	\$7,327,165	\$0
G	TOTAL FED Federal Fund Group			\$2,485,222,637	\$0
H	TOTAL ALL BUDGET FUND GROUPS			\$2,485,222,637	\$0

SECTION 209.20. GOVERNOR EMERGENCY EDUCATION RELIEF - EDU

(A) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, \$20,746,066 in fiscal year 2022 shall be used to distribute grants to county boards of developmental disabilities serving school-age students, educational service centers, and joint vocational school districts according to a distribution mechanism determined by the Department of Education.

(B) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, up to \$9,057,130 in fiscal year 2022 shall be used for the establishment or expansion of school-based health centers at public schools. The Department of Education shall consult with the Department of Health in the development of the program.

(C) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, up to \$2,000,000 in fiscal year 2022 shall be distributed to the National Aviation Hall of Fame to support educational programming.

(D) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, up to \$500,000 in fiscal year 2022 shall be distributed to the Ohio State School for the Blind.

(E) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, up to \$500,000 in fiscal year 2022 shall be distributed to the Ohio School for the Deaf.

(F) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, up to \$500,000 in fiscal year 2022 shall be distributed to the Department of Youth Services.

(G) Of the foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, up to \$500,000 in fiscal year 2022 shall be distributed to the Department of Rehabilitation and

Correction.

(H) The funds distributed pursuant to division (A) and divisions (D) to (G) of this section shall be used by recipients for any of the allowable uses enumerated for the Elementary and Secondary School Emergency Relief Fund under Title III, Sec. 313(d) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

(I) The foregoing appropriation item 200627, Governor Emergency Education Relief – EDU, shall be supported using the Governor's Emergency Education Relief Fund authorized under Title III, Sec. 312(a)(1) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

SECTION 209.30. FEDERAL CORONAVIRUS SCHOOL RELIEF

(A) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$6,500,000 in fiscal year 2022 shall be distributed to the Management Council of the Ohio Education Computer Network to increase the bandwidth of the middle mile connections to the state broadband backbone managed by the Ohio Technology Consortium. These funds shall support information technology centers established under section 3301.075 of the Revised Code and select urban school districts that connect to the state broadband backbone directly rather than through an information technology center. The Department of Education shall support the set-aside in division (A) of this section using the funds for emergency needs authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

(B) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$92,243,663 in fiscal year 2022 shall be used to distribute grants to city, local, and exempted village school districts, community schools, and STEM schools according to a distribution mechanism determined by the Department of Education. The Department shall determine the distribution by first determining the per-pupil funding each district or school received under Title III, Sec. 313(c) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and Title II, Sec. 2001(d) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2. The Department shall award funds to districts and schools to equalize per-pupil funding up to a minimum amount.

The funds distributed pursuant to division (B) of this section shall be used by recipients for any of the allowable uses enumerated for the Elementary and Secondary School Emergency Relief Fund under Title III, Sec. 313(d) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, or Title II, Sec. 2001(e)(2) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

The Department of Education shall support the set-aside in division (B) of this section using the funds for emergency needs authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 and Title II, Sec. 2001(f)(4) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

(C)(1) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$15,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support student wellness and success initiatives, including, but not limited to, mental health, prevention education, suicide prevention, trauma informed practices, and other initiatives supporting non-academic barriers to student success. The Department of Education shall consult with and may provide funds to the Department of Mental Health and Addiction Services to support this

work.

(2) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$11,000,000 in fiscal year 2022 shall be used to support family and community liaisons at educational service centers and the Ohio Statewide Family Engagement Center.

(3) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$5,200,000 in fiscal year 2022 shall be used by the Department of Education, in partnership with the Department of Higher Education, to increase the number of candidates admitted to educator licensure programs and address shortages of educators across the state.

(4) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$5,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support evidenced-based strategies to increase attendance and decrease chronic absenteeism in partnership with the Stay in the Game Network.

(5) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$3,000,000 in fiscal year 2022 shall be distributed to the Management Council of the Ohio Education Computer Network to support school districts, schools, students, and families with internet connectivity, device barriers, and other supports for remote, hybrid, and in-person education experiences.

(6) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$3,000,000 in fiscal year 2022 shall be distributed to the Literacy Lab for its Leading Men Fellowship to support a mentoring program and provide increased support for literacy programming in high needs preschool programs.

(7) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$2,691,079 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support activities related to college and career readiness, graduation attainment, graduation pathways, student access to graduation pathways, and Ohio high school redesign.

(8) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$2,000,000 in fiscal year 2022 shall be used by the Department of Education to pilot pre-kindergarten to postsecondary regional partnerships connecting education and the workforce. The Department shall distribute grants to support regional collaboration pilot programs among early learning, primary and secondary school, postsecondary institution, and workforce partners that align educational resources with regional in-demand jobs and workforce skills. A portion of this set-aside shall be used to support career development opportunities.

(9) The Department of Education shall support the set-asides in division (C) of this section using the funds for emergency needs authorized under Title II, Sec. 2001(f)(4) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

(D)(1) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$70,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support learning loss and academic recovery efforts. These funds shall be used to support initiatives allowed under Title II, Sec. 2001(f)(1) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, in at least the following areas: literacy, dyslexia, STEM, mathematics, personalized learning, professional learning, digital resources, remote learning supports, English learners, and high-quality instructional materials.

(2) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$30,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to pilot the use of instructional materials and programs focused on addressing learning loss with school districts and schools across the state. In awarding grants or contracts, the Department shall ensure programs cover different academic subjects and grade bands.

(3) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$17,900,000 in fiscal year 2022 shall be distributed to the Boys and Girls Clubs Ohio Alliance. These funds shall be used to support the establishment and expansion of Boys and Girls Clubs in Ohio cities not already served by Boys and Girls Clubs to support before- and after-school programming. These funds shall also be used to support academic programs to address learning loss.

(4) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$11,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support school improvement in the lowest performing school districts and schools.

(5) Of the foregoing appropriation item 200640, up to \$8,000,000 in fiscal year 2022 shall be used by the Department of Education, in partnership with the Department of Developmental Disabilities, to support the LearningAid Ohio initiative to provide tutoring and supports for students with disabilities.

(6) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$7,500,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts for learning recovery data supports. A portion of the funds shall be used by the Department to support pandemic-related assessment tools that provide quick results for school districts and schools and related pandemic data supports. The funds shall be used to collect and analyze data to inform intervention and instruction.

(7) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$4,000,000 in fiscal year 2022 shall be distributed to the Center of Science and Industry (COSI) to support the Ohio Distance Learning Initiative.

(8) The Department of Education shall support the set-asides in division (D) of this section using the state activity funds authorized under Title II, Sec. 2001(f)(1) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

(9) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, an amount shall be available in fiscal year 2022 to disburse any remaining state activity funds required under Title II, Sec. 2001(f)(1) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2. Any such remaining funds shall be used by the Department of Education to support learning recovery initiatives at educational service centers. Educational service centers shall use these funds to support regional and statewide initiatives identified following the review of extended learning plans submitted by client school districts. The Department may require a portion of the funds to be used to support statewide initiatives related to learning loss.

(E) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, \$44,752,435 in fiscal year 2022 shall be used by the Department of Education to administer a grant program to support summer enrichment activities in a manner determined by the Superintendent of Public Instruction. Priority shall be given to non-profit organizations with partnerships with school districts and schools. The Department of Education shall support the set-aside in division (E) of this

section using the state activity funds authorized under Title II, Sec. 2001(f)(2) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

(F) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, \$44,752,435 in fiscal year 2022 shall be used by the Department of Education to administer a grant program to support comprehensive afterschool programs in a manner determined by the Superintendent of Public Instruction. Priority shall be given to non-profit organizations with partnerships with school districts and schools. The Department of Education shall support the set-aside in division (F) of this section using the state activity funds authorized under Title II, Sec. 2001(f)(3) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

SECTION 209.40. ARP - HOMELESS CHILDREN AND YOUTH FUND REAPPROPRIATION

On July 1, 2022, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriations from the ARP - Homeless Children and Youth Fund (Fund 3HZ0) at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The Director of Budget and Management may approve up to the amount certified. The approved amount is hereby reappropriated for the same purpose in fiscal year 2023.

SECTION 209.50. ARP - STUDENTS WITH DISABILITIES FUND REAPPROPRIATION

On July 1, 2022, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriations from the ARP - Students with Disabilities Fund (Fund 3IA0) at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The Director of Budget and Management may approve up to the amount certified. The approved amount is hereby reappropriated for the same purpose in fiscal year 2023.

SECTION 209.60. NEGATIVE FUND BALANCE DUE TO DELAY IN ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS REIMBURSEMENTS

Notwithstanding any provision of law to the contrary, a school district, community school, or STEM school may have a deficit in the special revenue fund established to receive funds from the Elementary and Secondary School Emergency Relief Fund under the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136, the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal year 2021 or fiscal year 2022, when that deficit resulted from a temporary delay in the Department of Education's ability to process claims for reimbursement.

SECTION 211.10.

	1	2	3	4	5
A	DOH DEPARTMENT OF HEALTH				
B	Federal Fund Group				
C	3GN0	440683	ARPA - Crisis Response Workforce	\$32,000,000	\$0
D	3HP0	440673	Public Health Emergency Response	\$8,476,274	\$0
E	3HP0	440684	ARPA - Disease Intervention Workforce	\$12,643,140	\$0
F	3HP0	440685	ELC Nursing Home & Long-Term Care Strike Teams	\$10,958,150	\$0
G	3HP0	440686	ELC Strengthening HAI/AR Grant	\$5,676,540	\$0
H	3HP0	440688	Detect and Mitigate COVID-19 - Confinement Facilities	\$13,090,000	\$0
I	3HP0	440689	SHIP - Testing and Mitigation Grant	\$8,268,032	\$0
J	TOTAL FED Federal Fund Group			\$91,112,136	\$0
K	TOTAL ALL BUDGET FUND GROUPS			\$91,112,136	\$0

SECTION 213.10.

	1	2	3	4	5
A	JFS DEPARTMENT OF JOB AND FAMILY SERVICES				
B	Federal Fund Group				
C	3H70	600617	Child Care Federal	\$28,000,000	\$0
D	3H70	600661	Child Care ARPA Supplement	\$639,000,000	\$0

B	Federal Fund Group			
C	3HQ0 235509	GEER - Higher Education Initiatives	\$4,000,000	\$0
D	TOTAL FED	Federal Fund Group	\$4,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS		\$4,000,000	\$0

GEER - HIGHER EDUCATION INITIATIVES

The foregoing appropriation item 235509, GEER - Higher Education Initiatives, shall be distributed to the Foundation for Appalachian Ohio. The Foundation for Appalachian Ohio, in consultation with the Department of Higher Education, shall use these funds to implement an educational assistance program that will support the recruitment and retention of the K-12 educator workforce in the Appalachian region of Ohio in response to the COVID-19 pandemic. The educational assistance program may include student loan repayments and scholarships to support the educator workforce, which shall include, but is not limited to, educators, counselors, mental health professionals, and school-based health professionals. The foregoing appropriation item 235509, GEER - Higher Education Initiatives, shall be supported using the Governor's Emergency Education Relief Fund authorized under Title III, Sec. 312(a)(1) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

SECTION 220.10.

	1	2	3	4	5
A	MCD DEPARTMENT OF MEDICAID				
B	Dedicated Purpose Fund Group				
C	5HC8	651698	MCD Home and Community Based Services	\$158,700,000	\$0
D	TOTAL DPF	Dedicated Purpose Fund Group		\$158,700,000	\$0
E	Federal Fund Group				
F	3HC8	651699	MCD Home and Community Based Services - Federal	\$370,300,000	\$0

G	TOTAL FED Federal Fund Group	\$370,300,000	\$0
H	TOTAL ALL BUDGET FUND GROUPS	\$529,000,000	\$0

SECTION 220.20. HOME AND COMMUNITY-BASED SERVICES APPROPRIATIONS - STATE

The Director of Budget and Management may authorize additional expenditures in appropriation items 651698, MCD Home and Community Based Services, 653698, DDD Home and Community Based Services, 652698, MHA Home and Community Based Services, 655698, JFS Home and Community Based Services, and 656698, AGE Home and Community Based Services, as long as the additional expenditures are offset by equal expenditure reductions in another of these appropriation items. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the United States Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are hereby appropriated.

SECTION 220.30. HOME AND COMMUNITY BASED APPROPRIATIONS - FEDERAL

The Director of Budget and Management may authorize additional expenditures in appropriation items 651699, MCD Home and Community Based Services - Federal, 653699, DDD Home and Community Based Services - Federal, 652699, MHA Home and Community Based Services - Federal, 655699, JFS Home and Community Based Services - Federal, and 656699, AGE Home and Community Based Services - Federal. If additional expenditures are authorized in any of these appropriation items, the Director of Budget and Management shall make appropriation adjustments in any of the other items as necessary. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the United States Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are hereby appropriated.

SECTION 220.40. MEDICAID ALLOCATIONS FROM ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE

(A) A portion of the enhanced federal medical assistance percentage, enacted as a result of the COVID-19 pandemic, in Section 6008 of the "Families First Coronavirus Response Act," Pub. L. No. 116-127, shall be used to fund the following provider relief allocations from appropriation item 651525, Medicaid Health Care Services, in fiscal year 2022:

(1) \$300,000,000 shall be used for nursing facilities, as defined in section 5165.01 of the Revised Code.

(2) \$33,000,000 shall be used for residential care facilities, as defined in section 3721.01 of the Revised Code.

(3) \$23,000,000 shall be used for hospice care programs, as defined in section 3712.01 of the Revised Code.

(4) \$124,000,000 shall be used for providers from critical access hospitals, rural hospitals, or distressed hospitals as determined by the Medicaid Director.

(B) The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, and the federal share of appropriation item 651525, Medicaid Health Care Services, as long as the additional expenditures are offset by equal expenditure reductions in the other appropriation item. Any additional expenditures are hereby appropriated.

(C) Notwithstanding Section 333.205 of H.B. 110 of the 134th General Assembly, utilization of appropriations in appropriation item 651689, Medicaid Health & Human Services, is hereby authorized.

(D) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 651689, Medicaid Health & Human Services, at the end of fiscal year 2022 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2023.

SECTION 220.50. PROVIDER RELIEF PAYMENTS

(A) The Medicaid Director may make relief payments to the following Medicaid home and community-based services providers, as authorized under the "American Rescue Plan Act of 2021," Pub. L. No. 117-2:

- (1) Developmental disabilities providers;
- (2) Long-term services and supports providers;
- (3) Behavioral health services providers;
- (4) Home and community-based services-related providers.

(B) The Medicaid Director may make provider relief payments to the following Medicaid providers:

- (1) Critical access hospitals, rural hospitals, and distressed hospitals, as determined by the Director;
- (2) Residential care facilities, as defined in section 3721.01 of the Revised Code;
- (3) Hospice care programs, as defined in section 3712.01 of the Revised Code.

(C) The Medicaid Director may adopt rules under section 5160.02 of the Revised Code as necessary to implement payment under this section.

SECTION 220.60. NURSING FACILITY WORKFORCE INCENTIVE PAYMENTS

Notwithstanding section 5164.48 of the Revised Code, the Medicaid Director may make payments to nursing facilities, as defined in section 5165.01 of the Revised Code, that are in good standing, in the manner and for the purposes described in this section. Nursing facilities shall use the payments received pursuant to this section exclusively for direct care staff compensation, which may include staff retention bonus payments, overtime pay and shift differential payments, staff recruitment costs, and new hire incentive payments.

(A) All funds distributed under this section shall be in addition to the nursing facility

Medicaid day payment rate set forth in Chapter 5165. of the Revised Code or any Medicaid payment rates determined under Chapter 5164. of the Revised Code.

(B) No funds under this section shall be paid to any of the following:

- (1) Contract workers;
- (2) Staff supplied through or by staffing agencies;
- (3) Facility administrators;
- (4) Facility executive staff;
- (5) Facility owners.

(C) The Medicaid Director may recover any funds that are used for any purpose other than as specified in this section.

(D) Any nursing facility that receives funds under this section that sells any of its business or bed licenses on or before June 30, 2023, shall reimburse the state, from the proceeds of the sale, the funds distributed under this section.

(E) The Medicaid Director may adopt rules under section 5160.02 of the Revised Code as necessary to define terms and adopt procedures and other provisions necessary to implement this section.

SECTION 220.70. ICF/IID WORKFORCE INCENTIVE PAYMENTS

Notwithstanding section 5164.48 of the Revised Code, the Medicaid Director may make payments to non-state intermediate care facilities for individuals with intellectual disabilities (ICFs/IID), as defined in section 5124.01 of the Revised Code, that are Medicaid providers in good standing. An ICF/IID shall use the payments exclusively for direct care staff compensation, which may include staff retention bonus payments, overtime pay and shift differential payments, staff recruitment costs, and new hire incentive payments.

(A) All funds distributed under this section are in addition to the ICF/IID rates set forth in Chapter 5124. of the Revised Code or any Medicaid payment rates determined under Chapter 5164. of the Revised Code.

(B) No funds under this section shall be paid to any of the following:

- (1) Contract workers;
- (2) Staff supplied by or through a staffing agency;
- (3) ICF/IID administrators;
- (4) ICF/IID executive staff;
- (5) ICF/IID owners.

(C) The Medicaid Director may recover any funds that are used for any purpose other than as specified in this section.

(D) The Medicaid Director may adopt rules under section 5160.02 of the Revised Code as necessary to define terms and adopt procedures and other provisions necessary to implement this section.

SECTION 220.80. HOSPITAL WORKFORCE INCENTIVE PAYMENTS

For the purposes described in this section and notwithstanding section 5164.48 of the Revised

Code, the Medicaid Director may make payments to hospitals that are Medicaid providers, as defined in section 5164.01 of the Revised Code, and are general, acute-care hospitals in good standing classified by the Department of Medicaid as a critical access hospital, rural hospital, or distressed hospital. A hospital shall use the payments exclusively for direct care staff compensation, which may include staff retention bonus payments, overtime pay and shift differential payments, staff recruitment costs, and new hire incentive payments.

(A) All funds distributed under this section are in addition to the Medicaid payment rates set forth in Chapter 5164. of the Revised Code.

(B) No funds under this section shall be paid to any of the following:

- (1) Contract workers;
- (2) Staff supplied by or through a staffing agency;
- (3) Hospital administrators;
- (4) Hospital executive staff;
- (5) Hospital owners.

(C) The Medicaid Director may recover any funds that are used for any purpose other than as specified in this section.

(D) The Medicaid Director may adopt rules under section 5160.02 of the Revised Code as necessary to define terms, identify eligible hospitals, and adopt procedures and other provisions necessary to implement this section.

SECTION 221.10. OFFICE OF BUDGET AND MANAGEMENT CORONAVIRUS RELIEF FUND APPROPRIATION

Any unexpended or unencumbered cash in the State Coronavirus Relief Fund (Fund 5CV1) is hereby appropriated for fiscal year 2022 to appropriation item 042621, COVID Response Costs-Multiple Agencies, for expenses incurred on or after March 1, 2020, in response to the coronavirus pandemic. This includes cash that had been previously appropriated or distributed but returned to Fund 5CV1.

The Director of Budget and Management may transfer these appropriations to new or existing appropriation items within Fund 5CV1 for expenditures incurred on or after March 1, 2020. The Director of Budget and Management shall report all transfers made under this section to the Controlling Board by June 30, 2022.

SECTION 223.10. DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES MENTAL HEALTH BLOCK GRANT

On July 1, 2022, or as soon as possible thereafter, the Director of Mental Health and Addiction Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriation item 336614, Mental Health Block Grant, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The Director of Budget and Management may approve up to the amount certified. The amount approved is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2023.

SUBSTANCE ABUSE BLOCK GRANT

On July 1, 2022, or as soon as possible thereafter, the Director of Mental Health and Addiction Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriation item 336618, Substance Abuse Block Grant, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The Director of Budget and Management may approve up to the amount certified. The amount approved is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2023.

SECTION 233.10. REAPPROPRIATIONS

Amounts equal to the unexpended, unencumbered balances of the foregoing appropriations contained in the sections of this act prefixed with numbers in the 200s at the end of fiscal year 2022 are hereby reappropriated to the respective appropriation items in fiscal year 2023 for the same purposes.

SECTION 234.10. (A) As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

(B) When using funds distributed under this act, or under any future appropriation of federal coronavirus relief moneys, for the purchase of personal protective equipment, a funding recipient shall purchase only products that are either of the following:

- (1) Approved by the National Institute for Occupational Safety and Health;
- (2) Authorized for use by the United States Food and Drug Administration, including under emergency use authorization.

SECTION 235.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in H.B. 110 of the 134th General Assembly. The operating appropriations made in this act are subject to all provisions of H.B. 110 of the 134th General Assembly that are generally applicable to such appropriations.

SECTION 751.10. In an effort to strengthen the state's workforce and child care infrastructure, encourage Ohioans to return to full-time employment, and expand child care options for families, the requirement of division (C)(1) of section 5104.31 of the Revised Code is suspended through December 31, 2022.

SECTION 806.10. SEVERABILITY

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the

invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item or application.

SECTION 812.10. Sections of this act prefixed with numbers in the 200s and 700s are exempt from the referendum under Ohio Constitution, Article II, Section 1d and therefore take effect immediately when this act becomes law.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____