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Representative Carfagna

Cosponsors: Representatives Brenner, Hill, LaTourette, Lipps, Seitz, Smith, R., Thompson, Lepore-Hagan, Cera, Green, Rogers, Scherer, Anielski, Antonio, Arndt, Barnes, Bocchieri, Boggs, Boyd, Brown, Clyde, Craig, Edwards, Faber, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hambley, Householder, Howse, Johnson, Kick, Leland, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Reineke, Rezabek, Ryan, Schaffer, Sheehy, Stein, Strahorn, Sweeney, West

A BILL

To amend sections 133.13 and 727.01 and to enact 1
sections 122.09, 122.091, 122.092, 122.093, 2
122.094, 122.095, 122.096, 122.097, 122.098, 3
122.099, 122.0910, 122.0911, 122.0912, 122.0913, 4
122.0914, 122.0915, 122.0916, 122.0917, 5
122.0918, 122.0920, 122.0921, 122.0923, 6
122.0927, 122.0929, 303.251, and 505.881 of the 7
Revised Code to establish the residential 8
broadband expansion program within the 9
Development Services Agency to award matching 10
grants for last mile broadband expansion in 11
municipal corporations and townships and to make 12
an appropriation. 13

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

Section 1. That sections 133.13 and 727.01 be amended and 14
sections 122.09, 122.091, 122.092, 122.093, 122.094, 122.095, 15

122.096, 122.097, 122.098, 122.099, 122.0910, 122.0911, 16
122.0912, 122.0913, 122.0914, 122.0915, 122.0916, 122.0917, 17
122.0918, 122.0920, 122.0921, 122.0923, 122.0927, 122.0929, 18
303.251, and 505.881 of the Revised Code be enacted to read as 19
follows: 20

Sec. 122.09. As used in sections 122.09 to 122.0929 of the 21
Revised Code: 22

(A) "Broadband funding gap" means the difference between 23
the total amount of money a broadband provider calculates is 24
necessary to construct the last mile of a specific broadband 25
network and the total amount of money that the provider has 26
determined is the maximum amount of money that is cost effective 27
for the provider to invest in last mile construction for that 28
network. 29

(B) (1) "Broadband provider" means one of the following: 30

(a) A video service provider as defined in section 1332.21 31
of the Revised Code; 32

(b) A provider that is capable of providing broadband 33
service and is one of the following: 34

(i) A telecommunications service provider; 35

(ii) A satellite broadcasting service provider; 36

(iii) A wireless service provider as defined in section 37
4927.01 of the Revised Code. 38

(2) "Broadband provider" does not include a governmental 39
or quasi-governmental entity. 40

(C) "Broadband service" means high-speed internet access 41
service capable of providing a minimum download speed of ten 42

megabits per second and a minimum upload speed of one megabit 43
per second. 44

(D) "Eligible area" means a residential area within the 45
boundaries of a municipal corporation or township that is 46
without access to broadband service. An eligible area excludes 47
any area that has received, or is designated to receive, funds 48
through any other state or federally funded grant programs 49
designed specifically to encourage broadband deployment. 50

(E) "Last mile" means the last portion of a physical 51
broadband network that connects an eligible area to the broader 52
network used to provide broadband service. "Last mile" includes 53
other network infrastructure needed within the eligible area to 54
provide broadband service to end users in the eligible area. 55

(F) "Project sponsor" means a municipal corporation or 56
township that is applying for, or participating in, the 57
residential broadband expansion program established under 58
sections 122.091 to 122.0929 of the Revised Code in order to 59
provide broadband service to an eligible area. 60

(G) "Satellite broadcasting service" has the same meaning 61
as in section 5739.01 of the Revised Code. 62

(H) "Telecommunications service" has the same meaning as 63
in section 1332.21 of the Revised Code. 64

Sec. 122.091. The director of development services shall 65
establish a residential broadband expansion program to provide 66
funds to assist with residential broadband service expansion 67
projects in eligible areas. Subject to the availability of funds 68
authorized for this purpose, the development services agency 69
shall provide grants to project sponsors that apply under the 70
program to meet broadband funding gaps. 71

Sec. 122.092. A project sponsor may apply for funds under 72
the residential broadband expansion program established under 73
sections 122.091 to 122.095 of the Revised Code for the purpose 74
of providing broadband service to eligible areas within the 75
municipal corporation or township. 76

Sec. 122.093. (A) Each fiscal year, the development 77
services agency shall fund applications for residential 78
broadband expansion projects until program funds for that fiscal 79
year are no longer available. Except as provided in rules 80
adopted by the director, funding for applications shall be 81
provided on a first-come, first-served basis in an amount that 82
is equal to one-third of the total amount of the broadband 83
funding gap for each project. The cumulative total of the grants 84
for a biennium shall not exceed two million dollars. 85

(B) Any application pending at the end of the fiscal year 86
shall be deemed denied, but may be refiled in a subsequent 87
fiscal year provided that all information in the application is 88
still current or has been updated. 89

Sec. 122.094. (A) Each fiscal year, the director of 90
development services shall accept applications from project 91
sponsors that are requesting funding under the residential 92
broadband expansion program established under sections 122.091 93
to 122.095 of the Revised Code. To apply for a grant, a project 94
sponsor shall submit an application to the director on a form 95
prescribed by the director. The director shall review 96
applications in the order that they are received and shall 97
approve each complete application within sixty days after 98
receiving it. 99

(B) If an application is incomplete, the director shall 100
notify the application's project sponsor. The notification shall 101

list what information is incomplete and shall describe the 102
procedure for refiling a completed application. If an 103
application is completed and refiled not later than thirty days 104
after the date of the notification, the director shall review 105
the application as provided in section 122.093 of the Revised 106
Code. The director shall deny an incomplete application if the 107
project sponsor fails to complete and refile it within the 108
thirty-day period. 109

Sec. 122.095. A residential broadband expansion program 110
application shall include, at a minimum, the following 111
information: 112

(A) The location and description of the residential 113
broadband expansion project; 114

(B) The project sponsor's determination that the location 115
of the project qualifies as an eligible area; 116

(C) The amount of the broadband funding gap and the amount 117
of state funds requested; 118

(D) A copy of the ordinance or resolution enacted or 119
adopted under section 122.0914 of the Revised Code by the 120
legislative authority of the project sponsor; 121

(E) If county funds are used to meet the requirements of 122
division (A) (2) of section 122.096 of the Revised Code, a copy 123
of the resolution or memorandum of understanding adopted under 124
section 122.0916 of the Revised Code by the board of county 125
commissioners of the county in which the project is located; 126

(F) A copy of the agreement between the project sponsor 127
and a broadband provider, or a written acknowledgment of the 128
agreement, that confirms the provider's commitment to construct 129
the broadband infrastructure in the eligible area of the project 130

in exchange for payment of the total amount of the broadband 131
funding gap upon completion of the project; 132

(G) Any other information, prescribed by rule, that the 133
director determines is necessary. 134

Sec. 122.096. (A) A residential broadband expansion 135
project under sections 122.09 to 122.0929 of the Revised Code 136
shall not proceed unless funding in an amount equal to the 137
broadband funding gap has been approved. 138

The broadband funding gap shall be funded as follows: 139

(1) One-third of the total amount of the broadband funding 140
gap shall be funded by a residential broadband expansion grant 141
under sections 122.091 to 122.095 of the Revised Code. 142

(2)(a) The remaining two-thirds of the total amount of the 143
broadband funding gap shall be funded by the project sponsor and 144
county in proportions proposed by the project sponsor and agreed 145
to by the legislative authority of the project sponsor and the 146
board of county commissioners. 147

(b) If a project sponsor funds, in its entirety, the 148
remaining two-thirds of the total amount of the broadband 149
funding gap, the board of county commissioners is not required 150
to agree to the project funding or adopt a resolution or 151
memorandum of understanding under section 122.0916 of the 152
Revised Code. 153

(B) The following apply regarding the project sponsor 154
share and the county share of the amount of the broadband 155
funding gap agreed to under division (A)(2) of this section: 156

(1) The total amount may be funded from any combination of 157
the following: 158

<u>(a) General revenue funds of the municipal corporation,</u>	159
<u>township, or county;</u>	160
<u>(b) Other discretionary funds of the municipal</u>	161
<u>corporation, township, or county;</u>	162
<u>(c) Contributions from individuals, organizations, or</u>	163
<u>companies;</u>	164
<u>(d) Property tax assessments made by the municipal</u>	165
<u>corporation under Chapter 727. of the Revised Code, township</u>	166
<u>under section 505.881 of the Revised Code, or county under</u>	167
<u>section 303.251 of the Revised Code;</u>	168
<u>(e) Other grant funds.</u>	169
<u>(2) The amount agreed to under division (A)(2) of this</u>	170
<u>section shall not be funded by any broadband expansion grant</u>	171
<u>from the connect America fund or any other state or federal</u>	172
<u>broadband expansion funds.</u>	173
<u>(C) In the event that the broadband provider selected</u>	174
<u>under division (H) of section 122.098 of the Revised Code is a</u>	175
<u>video service provider that collects and remits video service</u>	176
<u>provider fees to the legislative authority of the project</u>	177
<u>sponsor pursuant to section 1332.32 of the Revised Code, the</u>	178
<u>project sponsor, by mutual consent with the selected provider</u>	179
<u>and with the consent of the legislative authority of the project</u>	180
<u>sponsor, may enter into an arrangement to designate video</u>	181
<u>service provider fees remitted by the selected provider for</u>	182
<u>payment of some or all of the project sponsor share of the</u>	183
<u>broadband funding gap.</u>	184
<u>Sec. 122.097. (A) Before submitting a residential</u>	185
<u>broadband expansion program application to the development</u>	186
<u>services agency pursuant to section 122.095 of the Revised Code,</u>	187

<u>a project sponsor shall do the following:</u>	188
<u>(1) Identify the eligible area of the residential</u>	189
<u>broadband expansion project for which the project sponsor will</u>	190
<u>apply for matching funds;</u>	191
<u>(2) Develop technical requirements for the project,</u>	192
<u>including the requirement that the project be capable of</u>	193
<u>providing broadband service within two years from the date that</u>	194
<u>the development services agency approves the project</u>	195
<u>application;</u>	196
<u>(3) Conduct a competitive sealed proposal process pursuant</u>	197
<u>to section 122.098 of the Revised Code to select a broadband</u>	198
<u>provider capable of providing broadband service to the eligible</u>	199
<u>area and willing to enter into an agreement with the project</u>	200
<u>sponsor to construct and install the necessary broadband</u>	201
<u>infrastructure for the project;</u>	202
<u>(4) Determine whether the project sponsor has available</u>	203
<u>sufficient project funds to fund the project sponsor share of</u>	204
<u>the broadband funding gap for the project;</u>	205
<u>(5) Determine the availability of county funds for the</u>	206
<u>county share of the project.</u>	207
<u>(B) All requirements described in division (A)(2) of this</u>	208
<u>section shall be competitively neutral.</u>	209
<u>Sec. 122.098. (A) A project sponsor may award funding for</u>	210
<u>a residential broadband expansion project to an eligible</u>	211
<u>broadband provider pursuant to a competitive sealed proposal</u>	212
<u>process under which the project sponsor makes a request for</u>	213
<u>proposals.</u>	214
<u>(B) The request for proposals shall specify the project</u>	215

requirements as determined in division (A) of section 122.097 of 216
the Revised Code. 217

(C) Proposals shall meet the requirements of section 218
122.099 of the Revised Code. 219

(D) The project sponsor shall provide notice of the 220
request for proposals in accordance with procedures adopted by 221
the municipal corporation or township, as applicable. 222

(E) (1) Proposals shall be opened so as to avoid disclosure 223
of contents to competing providers. In order to ensure fair and 224
impartial evaluation, proposals and related documents submitted 225
in response to a request for proposals shall not be available 226
for public inspection and copying under section 149.43 of the 227
Revised Code while the project sponsor is reviewing them. 228

(2) After a provider is selected, the project sponsor 229
shall allow the provider three business days to notify the 230
project sponsor of any information in the provider's proposal, 231
and related documents submitted with it, that the provider 232
considers to be proprietary or a trade secret. Upon such 233
notification from the provider, the project sponsor shall redact 234
or otherwise remove that information from the proposal and 235
documents. 236

(3) The proposal and related documents submitted by the 237
selected provider shall be available for public inspection and 238
copying under section 149.43 of the Revised Code after the 239
three-day period described in division (E) (2) of this section. 240

(4) Proposals and related documents submitted by other 241
providers not selected by the project sponsor shall not be 242
available for public inspection and copying under section 149.43 243
of the Revised Code. 244

(F) If provided for in the request for proposals or in the 245
procedures adopted by the municipal corporation or township, as 246
applicable, discussions may be conducted with eligible broadband 247
providers who submit proposals determined to be reasonably 248
susceptible of being selected for an award for the purpose of 249
ensuring full understanding of, and responsiveness to, project 250
requirements. Providers shall be accorded fair and equal 251
treatment with respect to any opportunity for discussion 252
regarding any clarification, correction, or revision of 253
proposals. No disclosure of any information derived from 254
proposals submitted by competing providers shall occur when 255
discussions are conducted. 256

(G) A sealed copy of each competitive sealed proposal 257
shall be filed with the project sponsor prior to the time 258
specified in the notice for opening of the proposals. All 259
competitive sealed proposals shall be publicly opened in the 260
office of the project sponsor at the time specified in the 261
notice. A representative of the county auditor shall be present 262
at the opening of all competitive sealed proposals and shall 263
certify the opening of each competitive sealed proposal. No 264
competitive sealed proposal shall be considered valid unless it 265
is so certified. 266

(H) Upon receiving the proposals, the project sponsor 267
shall analyze them, select the proposal that is determined to be 268
the proposal that best meets the requirements of division (B) of 269
this section and section 122.099 of the Revised Code, and award 270
the project to the provider that submitted that proposal. In 271
addition to reviewing project requirements, the project sponsor, 272
when analyzing the proposals, may take into consideration the 273
criteria set forth in the request for proposals issued under 274
this section and section 122.099 of the Revised Code. The 275

<u>project sponsor's records for the selected proposal shall</u>	276
<u>contain the basis on which the award is made.</u>	277
<u>Sec. 122.099. (A) Each broadband provider responding to a</u>	278
<u>request for proposals under section 122.098 of the Revised Code</u>	279
<u>shall submit a sealed proposal to the project sponsor that</u>	280
<u>includes the following:</u>	281
<u>(1) A description of, or documentation demonstrating, the</u>	282
<u>provider's managerial and technical expertise and experience</u>	283
<u>with broadband service projects;</u>	284
<u>(2) Whether the provider plans to use wired, wireless, or</u>	285
<u>satellite technology to complete the project;</u>	286
<u>(3) A description of the scalability of the project;</u>	287
<u>(4) The megabit-per-second broadband download and upload</u>	288
<u>speeds planned for the project;</u>	289
<u>(5) A description of the provider's customer service</u>	290
<u>capabilities, including any locally based call centers or</u>	291
<u>customer service offices;</u>	292
<u>(6) A copy of the provider's general customer service</u>	293
<u>policies, including any policy to credit customers for service</u>	294
<u>outages or the provider's failure to keep scheduled appointments</u>	295
<u>for service;</u>	296
<u>(7) An assurance that the provider will provide broadband</u>	297
<u>service to all of the residences listed in its proposal;</u>	298
<u>(8) The length of time that the provider has been</u>	299
<u>operating in the state;</u>	300
<u>(9) The broadband funding gap amount that the provider</u>	301
<u>will accept to complete the project;</u>	302

(10) Proof that the provider has the financial stability 303
to complete the project. 304

(B) To meet the requirement to provide proof of financial 305
stability under this section, a provider may submit publicly 306
available financial statements with its proposal. 307

Sec. 122.0910. (A) A project sponsor may require all 308
proposals submitted pursuant to sections 122.098 and 122.099 of 309
the Revised Code to be accompanied by a performance bond, letter 310
of credit, or other financial assurance acceptable to the 311
legislative authority of the project sponsor. The bond, letter 312
of credit, or assurance shall be in the sum, and with the 313
sureties, that the legislative authority prescribes and shall be 314
payable to the municipality or township, as applicable. 315

(B) (1) The bond, letter of credit, or assurance may 316
include the condition that the provider submitting the proposal, 317
if the proposal is accepted, will faithfully execute the terms 318
of the agreement with the project sponsor and complete the 319
project. 320

(2) The purpose of the performance bond, letter of credit, 321
or other financial assurance is to assure construction of the 322
project's broadband infrastructure. The bond, letter of credit, 323
or assurance shall not be required after project construction is 324
complete. 325

Sec. 122.0911. After selecting an eligible broadband 326
provider for a residential broadband expansion project, the 327
project sponsor and the provider may enter into an agreement. 328
The agreement shall specify the following: 329

(A) That the provider shall construct and install last 330
mile broadband infrastructure to a specific eligible area of the 331

municipal corporation or township, as applicable; 332

(B) That if any portion of the project sponsor's share of 333
the project payment will be from video service provider fees as 334
provided in division (C) of section 122.096 of the Revised Code, 335
the agreement under this section shall include a description of 336
the payment arrangement entered into pursuant to division (C) of 337
section 122.096 of the Revised Code. 338

(C) That, upon completion of the project, the project 339
sponsor shall remit to the provider a payment in the amount of 340
the broadband funding gap applicable to the eligible area as 341
determined under sections 122.096 to 122.099 of the Revised 342
Code. 343

(D) That the project sponsor, with the consent of the 344
legislative authority of the project sponsor, may negotiate and 345
agree to alternate payment terms with a provider. Under any 346
alternate payment terms, unless otherwise negotiated, the 347
legislative authority of the project sponsor shall assume all 348
financial responsibility for any project costs incurred by the 349
provider prior to completion of the project or the award of any 350
state funds under sections 122.091 to 122.094 of the Revised 351
Code. 352

Sec. 122.0912. An agreement under section 122.0911 of the 353
Revised Code is all of the following: 354

(A) Subject to the approval of the legislative authority 355
of the project sponsor; 356

(B) Contingent upon the distribution of funds approved for 357
a project as provided in sections 122.094, 122.095, 122.096, and 358
122.0914 of the Revised Code; 359

(C) Prohibited from regulating the rates, terms, and 360

conditions of broadband service, requiring a pricing commitment, 361
or requiring open access to the network. 362

Sec. 122.0913. After establishing the terms of an 363
agreement under section 122.0911 of the Revised Code, the 364
project sponsor shall develop a project plan, which, at a 365
minimum, shall include the following: 366

(A) A specific description of the eligible area to receive 367
broadband service under the project; 368

(B) The total amount of the broadband funding gap, 369
including the amount of funds to be provided by the project 370
sponsor, the state, and the county in which the project is 371
located; 372

(C) A copy of the agreement with the broadband provider 373
for the project; 374

(D) A copy of the residential broadband expansion program 375
application to be submitted to the development services agency 376
pursuant to section 122.095 of the Revised Code; 377

(E) A written proposal requesting county funds from the 378
county in which the project is located. 379

Sec. 122.0914. Before a residential broadband expansion 380
project under sections 122.09 to 122.0929 of the Revised Code 381
may commence, the legislative authority of the project sponsor 382
shall review the residential broadband expansion project 383
agreement and plan. Within ninety days of receiving the 384
agreement and plan, the legislative authority shall approve or 385
reject the agreement and plan. To approve the agreement and 386
plan, the legislative authority shall adopt an ordinance or 387
resolution authorizing the project sponsor to do the following: 388

(A) Enter into the project agreement with the broadband provider; 389
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(B) Submit the residential broadband expansion program application for the project to the development services agency; 391
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(C) Submit the proposal requesting any county funds for the project to the appropriate county. 393
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Sec. 122.0915. Upon approval by the legislative authority of a project sponsor of a residential broadband expansion project under sections 122.0912 and 122.0914 of the Revised Code, the project sponsor shall submit to the board of county commissioners of the county in which the project is located a proposal requesting county funds for the project. The request shall be for the amount equal to the county's share of the project's broadband funding gap as determined in section 122.096 of the Revised Code. 395
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Sec. 122.0916. The board of county commissioners shall approve or reject a request under sections 122.096 and 122.0915 of the Revised Code for county funds for a residential broadband expansion project within ninety days of receiving the request. To approve the funding request, the board shall adopt a resolution or a memorandum of understanding authorizing the distribution of the funds to the project sponsor. 404
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Sec. 122.0917. Within five business days of the notice of the request for proposals made under section 122.098 of the Revised Code, a broadband service provider in or proximate to the proposed project area may submit in writing a challenge to the request for proposals. A challenge must provide sufficient evidence to demonstrate that the request for proposals is not appropriate, because it will not provide broadband service or 411
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will not serve an eligible area. 418

Sec. 122.0918. After reviewing a challenge made under 419
section 122.0917 of the Revised Code, the legislative authority 420
of the project sponsor may, upon majority vote, do either of the 421
following: 422

(A) Withdraw the request for proposals and issue a new 423
request for proposals; 424

(B) Accept the current request for proposals and proceed 425
with the selection process. 426

Sec. 122.0920. If a proposal is selected under section 427
122.098 of the Revised Code, a broadband provider whose proposal 428
was not selected may challenge the selection. 429

A challenge under this section shall be made in writing to 430
the legislative authority of the project sponsor before the end 431
of the ninety-day approval period under section 122.0914 of the 432
Revised Code. A copy of the challenge also shall be provided to 433
the provider that was awarded the project. 434

A challenge must provide sufficient evidence to 435
demonstrate that the selection is not appropriate because it 436
will not provide the broadband service described in the proposal 437
or will not serve an eligible area. 438

Sec. 122.0921. After reviewing a challenge made under 439
section 122.0920 of the Revised Code, the legislative authority 440
of the project sponsor may, upon majority vote, do any of the 441
following: 442

(A) Reject the challenge; 443

(B) Reject the proposal selected under section 122.098 of 444
the Revised Code and do one of the following: 445

<u>(1) Issue a new request for proposals;</u>	446
<u>(2) Allow the providers that responded to the request for proposals to amend their proposals and resubmit them.</u>	447 448
<u>(C) Select a different provider that submitted, under section 122.098 of the Revised Code, a competing proposal to the challenged proposal.</u>	449 450 451
<u>Sec. 122.0923. A broadband provider selected to provide last mile service under the residential broadband expansion program shall be the sole owner of the infrastructure installed pursuant to the program and shall be solely responsible for ongoing maintenance and upgrades to such infrastructure.</u>	452 453 454 455 456
<u>Sec. 122.0927. The development services agency shall include the following residential broadband expansion program information in its annual report filed under section 121.18 of the Revised Code:</u>	457 458 459 460
<u>(A) The number of program applications received;</u>	461
<u>(B) The number of applications that received funding under the program;</u>	462 463
<u>(C) The amount of broadband infrastructure constructed in eligible areas;</u>	464 465
<u>(D) The number of residences receiving broadband service for the first time under the program for that year.</u>	466 467
<u>Sec. 122.0929. (A) The director of development services shall adopt rules for the residential broadband expansion program established under sections 122.09 to 122.0929 of the Revised Code. The rules shall establish an application form and application procedures for the program.</u>	468 469 470 471 472

(B) The rules may include the following: 473

(1) Requirements for a program application in addition to 474
the requirements described in section 122.095 of the Revised 475
Code; 476

(2) Procedures for and circumstances under which partial 477
funding of applications or funding applications on a basis other 478
than first come, first served is permitted. 479

Sec. 133.13. If the special assessments are to be paid in 480
one annual installment, the taxing authority of a subdivision 481
may issue securities in anticipation of its levy or collection 482
of special assessments to pay the costs of residential broadband 483
expansion under sections 122.09 to 122.0929 of the Revised Code, 484
lighting, sprinkling, sweeping, cleaning, providing related or 485
similar services or the services described in section 727.011 of 486
the Revised Code, or of removing snow, ice, and debris from, or 487
treating the surface of, streets, alleys, and public ways and 488
places. 489

Such securities shall not be general obligations of the 490
issuing subdivision, and shall not pledge to the payment of debt 491
charges any receipts other than the special assessments 492
anticipated, except that a municipal corporation, without 493
incurring debt subject to direct or indirect debt limitations, 494
may also pledge and apply proceeds of its municipal income tax 495
to pay those debt charges. No property tax shall be levied or 496
pledged for the payment of debt charges on the securities. The 497
securities shall mature no later than the last day of December 498
of the year in which the special assessments anticipated are 499
scheduled to be collected. 500

The legislation authorizing the securities shall 501

appropriate the special assessments anticipated, and such 502
special assessments shall be deemed to be pledged and 503
appropriated, first to the payment of the debt charges on the 504
securities. After provision has been made for the payment in 505
full of those debt charges, the balance of the special 506
assessments may be appropriated and applied for the purposes for 507
which they were levied. 508

Sec. 303.251. (A) If a broadband expansion project 509
agreement is signed and approved pursuant to sections 122.0911 510
and 122.0912 of the Revised Code, a board of county 511
commissioners, by resolution, may levy a special assessment upon 512
residential property within the county for the purpose of 513
providing the county's share of funding for a residential 514
broadband expansion project under sections 122.09 to 122.0929 of 515
the Revised Code. Assessments under this section shall be levied 516
only upon the property that is within the eligible area, as 517
defined in section 122.09 of the Revised Code and is the subject 518
of a project under sections 122.09 to 122.0929 of the Revised 519
Code. Before adopting the resolution, the board shall send 520
written notice to the affected property owner stating the 521
estimated assessment for that property. If the owner objects to 522
the stated estimated assessment, the owner shall file a written 523
objection with the board not later than two weeks after the 524
notice was mailed. The board shall review the written objections 525
and may revise the estimated assessments before adopting the 526
resolution. If the property owner objects to the final 527
assessment for the property levied in the resolution, the owner 528
may appeal the final assessment under Chapter 2506. of the 529
Revised Code. 530

(B) The assessment made by the board pursuant to division 531
(A) of this section shall be at a rate that will produce a total 532

assessment that is not more than the county's share of the 533
project funding under section 122.096 of the Revised Code. The 534
board shall certify the amounts to be levied upon each affected 535
property to the county auditor, who shall enter the amounts on 536
the tax duplicate for collection by the county treasurer in 537
equal semiannual installments in the same manner and at the same 538
times as the collection of taxes on real property. Assessments 539
shall be paid by owners of the properties upon which assessments 540
are levied. 541

(C) The assessments, when collected, shall be paid by the 542
county auditor by warrant on the county treasurer into a special 543
fund in the county treasury created for the purpose of funding a 544
residential broadband expansion project located in the county. 545
The board may expend moneys from the fund only for the purposes 546
for which the assessments were levied. 547

Sec. 505.881. (A) As used in this section, "project 548
sponsor" has the same meaning as in section 122.09 of the 549
Revised Code. 550

(B) If a broadband expansion project agreement is signed 551
and approved pursuant to sections 122.0911 and 122.0912 of the 552
Revised Code, a board of township trustees, by resolution, may 553
levy a special assessment upon residential property within the 554
township for the purpose of providing the project sponsor's 555
share of funding for a residential broadband expansion project 556
under sections 122.09 to 122.0929 of the Revised Code. 557
Assessments under this section shall be levied only upon the 558
property that is within the eligible area, as defined in section 559
122.09 of the Revised Code and is the subject of a project under 560
sections 122.09 to 122.0929 of the Revised Code. Before adopting 561
the resolution, the board shall send written notice to the 562

affected property owner stating the estimated assessment for 563
that property. If the owner objects to the stated estimated 564
assessment, the owner shall file a written objection with the 565
board not later than two weeks after the notice was mailed. The 566
board shall review the written objections and may revise the 567
estimated assessments before adopting the resolution. If the 568
property owner objects to the final assessment for the property 569
levied in the resolution, the owner may appeal the final 570
assessment under Chapter 2506. of the Revised Code. 571

(C) The assessment made by the board pursuant to division 572
(B) of this section shall be at a rate that will produce a total 573
assessment that is not more than the project sponsor's share of 574
the project funding under section 122.096 of the Revised Code. 575
The board shall certify the amounts to be levied upon each 576
affected property to the county auditor, who shall enter the 577
amounts on the tax duplicate for collection by the county 578
treasurer in equal semiannual installments in the same manner 579
and at the same times as the collection of taxes on real 580
property. Assessments shall be paid by owners of the properties 581
upon which assessments are levied. 582

(D) The assessments, when collected, shall be paid by the 583
county auditor by warrant on the county treasurer into a special 584
fund in the township treasury created for the purpose of funding 585
a residential broadband expansion project located in the 586
township. The board may expend moneys from the fund only for the 587
purposes for which the assessments were levied. 588

Sec. 727.01. Each municipal corporation shall have special 589
power to levy and collect special assessments. The legislative 590
authority of a municipal corporation may assess upon the 591
abutting, adjacent, and contiguous, or other specially 592

benefited, lots or lands in the municipal corporation, any part 593
of the cost connected with the improvement of any street, alley, 594
dock, wharf, pier, public road, place, boulevard, parkway, or 595
park entrance or an easement of the municipal corporation 596
available for the purpose of the improvement to be made in it by 597
grading, draining, curbing, paving, repaving, repairing, 598
treating the surface with substances designed to lay the dust on 599
it or preserve it, constructing sidewalks, piers, wharves, 600
docks, retaining walls, sewers, sewage disposal works and 601
treatment plants, sewage pumping stations, water treatment 602
plants, water pumping stations, reservoirs, and water storage 603
tanks or standpipes, together with the facilities and 604
appurtenances necessary and proper therefor, drains, storm-water 605
retention basins, watercourses, water mains, or laying of water 606
pipe, or the lighting, sprinkling, sweeping, or cleaning 607
thereof, or removing snow therefrom, any part of the cost and 608
expense of planting, maintaining, and removing shade trees 609
thereupon; any part of the cost of a voluntary action, as 610
defined in section 3746.01 of the Revised Code, undertaken 611
pursuant to Chapter 3746. of the Revised Code by a special 612
improvement district created under Chapter 1710. of the Revised 613
Code, including the cost of acquiring property with respect to 614
which the voluntary action is undertaken; any part of the cost 615
and expense of constructing, maintaining, repairing, cleaning, 616
and enclosing ditches; any part of the cost and expense of 617
operating, maintaining, and replacing heating and cooling 618
facilities for enclosed pedestrian canopies and malls; any part 619
of the cost and expense of acquiring and improving parking 620
facilities and structures for off-street parking of motor 621
vehicles or of acquiring land and improving it by clearing, 622
grading, draining, paving, lighting, erecting, constructing, and 623
equipping it for parking facilities and structures for off- 624

street parking of motor vehicles, to the extent authorized by 625
section 717.05 of the Revised Code, but only if no special 626
assessment made for the purpose of developing off-street parking 627
facilities and structures is levied against any land being used 628
solely for off-street parking or against any land used solely 629
for single or two-family dwellings; any part of the cost and 630
expense of operating and maintaining the off-street parking 631
facilities and structures; and any part of the cost connected 632
with changing the channel of, or narrowing, widening, dredging, 633
deepening, or improving, any stream or watercourse, and for 634
constructing or improving any levees or boulevards on any stream 635
or watercourse, or along or about any stream or watercourse, 636
together with any retaining wall, riprap protection, bulkhead, 637
culverts, approaches, flood gates, waterways, or drains 638
incidental to any stream or watercourse, or for making any other 639
improvement of any river or lake front, whether it is privately 640
or publicly owned, which the legislative authority declares 641
conducive to the public health, convenience, or welfare. If a 642
broadband expansion project agreement is signed pursuant to 643
sections 122.0911 and 122.0912 of the Revised Code, a municipal 644
corporation may levy, against dwellings within the eligible 645
area, as defined in section 122.09 of the Revised Code, that are 646
the subject of a residential broadband expansion project under 647
sections 122.09 to 122.0929 of the Revised Code, a special 648
assessment for the purpose of funding the project sponsor's 649
share of the project. In addition, a municipal corporation may 650
levy a special assessment for public improvement or public 651
services plans of a district formed under Chapter 1710. of the 652
Revised Code, as provided in that chapter. Except as otherwise 653
provided in Chapter 1710. of the Revised Code, special 654
assessments may be levied by any of the following methods: 655

(A) By a percentage of the tax value of the property 656
assessed; 657

(B) In proportion to the benefits that may result from the 658
improvement; 659

(C) By the front foot of the property bounding and 660
abutting upon the improvement. 661

Section 2. That existing sections 133.13 and 727.01 are 662
hereby repealed. 663

Section 3. All items in this section are hereby 664
appropriated as designated out of any moneys in the state 665
treasury to the credit of the designated fund. For all 666
appropriations made in this act, those in the first column are 667
for fiscal year 2018 and those in the second column are for 668
fiscal year 2019. The appropriations made in this act are in 669
addition to any other appropriations made for the FY 2018-FY 670
2019 biennium. 671

DEV DEVELOPMENT SERVICES AGENCY 672

Dedicated Purpose Fund Group 673

5GT0 195550 Broadband Development Grants \$0 \$2,000,000 674

TOTAL DPF Dedicated Purpose Fund Group \$0 \$2,000,000 675

TOTAL ALL BUDGET FUND GROUPS \$0 \$2,000,000 676

BROADBAND DEVELOPMENT GRANTS 677

The foregoing appropriation item 195550, Broadband 678
Development Grants, shall be used to provide state matching 679
funds for the residential broadband expansion program 680
established in section 122.091 of the Revised Code. 681

On July 1, 2018, or as soon as possible thereafter, the 682

Director of Budget and Management, in consultation with the 683
Director of Development Services, shall identify within the 684
Development Services Agency's budget \$2,000,000 in unexpended, 685
unencumbered cash. When such funds have been identified, the 686
Director of Budget and Management shall transfer \$2,000,000 cash 687
from the identified sources to the Ohio Broadband Development 688
Grant Fund (Fund 5GT0), which is hereby created. 689

Section 4. Within the limits set forth in this act, the 690
Director of Budget and Management shall establish accounts 691
indicating the source and amount of funds for each appropriation 692
made in this act, and shall determine the form and manner in 693
which appropriation accounts shall be maintained. Expenditures 694
from appropriations contained in this act shall be accounted for 695
as though made in the main operating appropriations act of the 696
132nd General Assembly. 697

The appropriations made in this act are subject to all 698
provisions of the main operating appropriations act of the 132nd 699
General Assembly that are generally applicable to such 700
appropriations. 701