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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 281

A BILL

To amend sections 133.13 and 727.01 and to enact
sections 122.09, 122.091, 122.092, 122.093,
122.094, 122.095, 122.096, 122.097, 122.098,
122.099, 122.0910, 122.0911, 122.0912, 122.0913,
122.0914, 122.0915, 122.0916, 122.0917,
122.0918, 122.0919, 122.0920, 303.251, and
505.881 of the Revised Code to establish the
residential broadband expansion program within
the Development Services Agency to award
matching grants for last mile broadband
expansion in municipal corporations and
townships and to make an appropriation.

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

Section 1. That sections 133.13 and 727.01 be amended and
sections 122.09, 122.091, 122.092, 122.093, 122.094, 122.095,
122.096, 122.097, 122.098, 122.099, 122.0910, 122.0911,
122.0912, 122.0913, 122.0914, 122.0915, 122.0916, 122.0917,
122.0918, 122.0919, 122.0920, 303.251, and 505.881 of the
Revised Code be enacted to read as follows:



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Sec. 122.09. As used in sections 122.09 to 122.0920 of the 19
Revised Code: 20

(A) "Broadband funding gap" means the difference between 21
the total amount of money a broadband provider calculates is 22
necessary to construct the last mile of a specific broadband 23
network and the total amount of money that the provider has 24
determined is the maximum amount of money that is cost effective 25
for the provider to invest in last mile construction for that 26
network. 27

(B) (1) "Broadband provider" means one of the following: 28

(a) A video service provider as defined in section 1332.21 29
of the Revised Code; 30

(b) A telecommunications service provider that is capable 31
of providing broadband service. 32

(2) "Broadband provider" does not include a governmental 33
or quasi-governmental entity. 34

(C) "Broadband service" means high-speed internet access 35
service capable of providing a minimum download speed of ten 36
megabits per second and a minimum upload speed of one megabit 37
per second. 38

(D) "Eligible area" means a residential area within the 39
boundaries of a municipal corporation or township that is 40
without access to broadband service. An eligible area excludes 41
any area that has received funds through any other state or 42
federally funded grant programs designed specifically to 43
encourage broadband deployment. 44

(E) "Last mile" means the last portion of a physical 45
broadband network that connects an eligible area to the broader 46

network used to provide broadband service. "Last mile" includes 47
other network infrastructure needed to provide broadband service 48
to the eligible area. 49

(F) "Project sponsor" means a municipal corporation or 50
township that is applying for, or participating in, the 51
residential broadband expansion program established under 52
sections 122.091 to 122.0920 of the Revised Code in order to 53
provide broadband service to an eligible area. 54

(G) "Telecommunications service" has the same meaning as 55
in section 1332.21 of the Revised Code. 56

Sec. 122.091. The director of development services shall 57
establish a residential broadband expansion program to provide 58
funds to assist with residential broadband service expansion 59
projects in eligible areas. Subject to the availability of funds 60
authorized for this purpose, the development services agency 61
shall provide grants to project sponsors that apply under the 62
program to meet broadband funding gaps. 63

Sec. 122.092. A project sponsor may apply for funds under 64
the residential broadband expansion program established under 65
sections 122.091 to 122.095 of the Revised Code for the purpose 66
of providing broadband service to eligible areas within the 67
municipal corporation or township. 68

Sec. 122.093. (A) Each fiscal year, the development 69
services agency shall fund applications for residential 70
broadband expansion projects until program funds for that fiscal 71
year are no longer available. Except as provided in rules 72
adopted by the director, funding for applications shall be 73
provided on a first-come, first-served basis in an amount that 74
is equal to one-third of the total amount of the broadband 75

funding gap for each project. The cumulative total of the grants 76
for a biennium shall not exceed two million dollars. 77

(B) Any application pending at the end of the fiscal year 78
shall be deemed denied, but may be refiled in a subsequent 79
fiscal year provided that all information in the application is 80
still current or has been updated. 81

Sec. 122.094. (A) Each fiscal year, the director of 82
development services shall accept applications from project 83
sponsors that are requesting funding under the residential 84
broadband expansion program established under sections 122.091 85
to 122.095 of the Revised Code. To apply for a grant, a project 86
sponsor shall submit an application to the director on a form 87
prescribed by the director. The director shall review 88
applications in the order that they are received and shall 89
approve each complete application within sixty days after 90
receiving it. 91

(B) If an application is incomplete, the director shall 92
notify the application's project sponsor. The notification shall 93
list what information is incomplete and shall describe the 94
procedure for refileing a completed application. If an 95
application is completed and refiled not later than thirty days 96
after the date of the notification, the director shall review 97
the application as provided in section 122.093 of the Revised 98
Code. The director shall deny an incomplete application if the 99
project sponsor fails to complete and refile it within the 100
thirty-day period. 101

Sec. 122.095. A residential broadband expansion program 102
application shall include, at a minimum, the following 103
information: 104

(A) The location and description of the residential broadband expansion project; 105
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(B) The project sponsor's determination that the location of the project qualifies as an eligible area; 107
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(C) The amount of the broadband funding gap and the amount of state funds requested; 109
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(D) A copy of the ordinance or resolution enacted or adopted under section 122.0914 of the Revised Code by the legislative authority of the project sponsor; 111
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(E) A copy of the resolution or memorandum of understanding adopted under section 122.0916 of the Revised Code by the board of county commissioners of the county in which the project is located; 114
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(F) A copy of the agreement between the project sponsor and a broadband provider, or a written acknowledgment of the agreement, that confirms the provider's commitment to construct the broadband infrastructure in the eligible area of the project in exchange for payment of the total amount of the broadband funding gap upon completion of the project; 118
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(G) Any other information, prescribed by rule, that the director determines is necessary. 124
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Sec. 122.096. (A) A residential broadband expansion project under sections 122.09 to 122.0920 of the Revised Code shall not proceed unless funding in an amount equal to the broadband funding gap has been approved. 126
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The broadband funding gap shall be funded as follows: 130

(1) One-third of the total amount shall be funded by a residential broadband expansion grant under sections 122.091 to 131
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<u>122.095 of the Revised Code.</u>	133
<u>(2) The remaining two-thirds of the total amount shall be</u>	134
<u>funded by the project sponsor and county in proportions proposed</u>	135
<u>by the project sponsor and agreed to by the legislative</u>	136
<u>authority of the project sponsor and the board of county</u>	137
<u>commissioners.</u>	138
<u>(B) The following apply regarding the project sponsor</u>	139
<u>share and the county share of the total amount of the broadband</u>	140
<u>funding gap:</u>	141
<u>(1) The total amount may be funded from any combination of</u>	142
<u>the following:</u>	143
<u>(a) In the case of a municipal corporation or township,</u>	144
<u>video service provider fees, as applicable, collected under</u>	145
<u>section 1332.32 of the Revised Code;</u>	146
<u>(b) Other discretionary funds of the municipal</u>	147
<u>corporation, township, or county;</u>	148
<u>(c) Contributions from individuals, organizations, or</u>	149
<u>companies;</u>	150
<u>(d) Property tax assessments made by the municipal</u>	151
<u>corporation under Chapter 727. of the Revised Code, township</u>	152
<u>under section 505.881 of the Revised Code, or county under</u>	153
<u>section 303.251 of the Revised Code;</u>	154
<u>(e) Other grant funds.</u>	155
<u>(2) The total amount shall not be funded by any broadband</u>	156
<u>expansion grant from the connect America fund or any other state</u>	157
<u>or federal broadband expansion funds.</u>	158
<u>(C) Funds described in division (B) (1) (a) of this section</u>	159

and designated for payment of some or all of the project 160
sponsor's share of a project shall be paid by one of the 161
following methods: 162

(1) In a single lump sum payment; 163

(2) In two or more payments over a period of time. 164

(D) If the project sponsor pays any of its share through 165
video service provider fees paid over a period of time, payments 166
shall be in the form of a deduction from the broadband 167
provider's quarterly video service provider fee as specified in 168
the agreement established between the provider and the project 169
sponsor under section 122.0911 of the Revised Code. 170

Sec. 122.097. (A) Before submitting a residential 171
broadband expansion program application to the development 172
services agency pursuant to section 122.095 of the Revised Code, 173
a project sponsor shall do the following: 174

(1) Identify the eligible area of the residential 175
broadband expansion project for which the project sponsor will 176
apply for matching funds; 177

(2) Develop service, technical, and other requirements for 178
the project, including the requirements that the project be 179
capable of providing the following: 180

(a) Broadband service within two years from the date that 181
the development services agency approves the project 182
application; 183

(b) Round-trip latency of one hundred milliseconds; 184

(c) A monthly usage allowance of one hundred fifty 185
gigabits; 186

(3) Conduct a competitive sealed proposal process pursuant 187
to section 122.098 of the Revised Code to select a broadband 188
provider capable of providing broadband service to the eligible 189
area and willing to enter into an agreement with the project 190
sponsor to construct, install, and support the necessary 191
broadband infrastructure for the project; 192

(4) Determine whether the project sponsor has available 193
sufficient project funds to fund the project sponsor share of 194
the broadband funding gap for the project; 195

(5) Determine the availability of county funds for the 196
county share of the project. 197

(B) All requirements described in division (A)(2) of this 198
section shall be competitively neutral. The project sponsor 199
shall not favor any particular broadband service delivery 200
technology over any other technology that is capable of 201
satisfying the requirements. 202

Sec. 122.098. (A) A project sponsor may award funding for 203
a residential broadband expansion project to an eligible 204
broadband provider pursuant to a competitive sealed proposal 205
process under which the project sponsor makes a request for 206
proposals. 207

(B) The request for proposals shall specify the following: 208

(1) The project requirements as determined in division (A) 209
of section 122.097 of the Revised Code; 210

(2) The relative importance of price and other evaluation 211
factors in determining the award recipient. 212

(C) Proposals shall meet the requirements of section 213
122.099 of the Revised Code. 214

(D) The project sponsor shall provide notice of the 215
request for proposals in accordance with procedures adopted by 216
the municipal corporation or township, as applicable. 217

(E) Proposals shall be opened so as to avoid disclosure of 218
contents to competing providers. In order to ensure fair and 219
impartial evaluation, proposals and related documents submitted 220
in response to a request for proposals shall not be available 221
for public inspection and copying under section 149.43 of the 222
Revised Code until after a provider is selected. 223

(F) If provided for in the request for proposals or in the 224
procedures adopted by the municipal corporation or township, as 225
applicable, discussions may be conducted with responsible 226
providers who submit proposals determined to be reasonably 227
susceptible of being selected for an award for the purpose of 228
ensuring full understanding of, and responsiveness to, project 229
requirements. Providers shall be accorded fair and equal 230
treatment with respect to any opportunity for discussion 231
regarding any clarification, correction, or revision of 232
proposals. No disclosure of any information derived from 233
proposals submitted by competing providers shall occur when 234
discussions are conducted. 235

(G) A sealed copy of each competitive sealed proposal 236
shall be filed with the project sponsor prior to the time 237
specified in the notice for opening of the proposals. All 238
competitive sealed proposals shall be publicly opened in the 239
office of the project sponsor at the time specified in the 240
notice. A representative of the county auditor shall be present 241
at the opening of all competitive sealed proposals and shall 242
certify the opening of each competitive sealed proposal. No 243
competitive sealed proposal shall be considered valid unless it 244

is so certified. 245

(H) Upon receiving the proposals, the project sponsor 246
shall analyze them, select the proposal that is determined to be 247
the lowest and best proposal, and award the project to the 248
provider that submitted that proposal. In addition to reviewing 249
project requirements, the project sponsor, when analyzing the 250
proposals, shall take into consideration factors such as price 251
and the evaluation criteria set forth in the request for 252
proposals. The project sponsor's records for the selected 253
proposal shall contain the basis on which the award is made. 254

Sec. 122.099. (A) Each broadband provider responding to a 255
request for proposals under section 122.098 of the Revised Code 256
shall submit a sealed proposal to the project sponsor that 257
includes the following: 258

(1) A description of, or documentation demonstrating, the 259
provider's managerial and technical expertise and experience 260
with broadband service projects; 261

(2) Whether the provider plans to use wired, wireless, or 262
satellite technology to complete the project; 263

(3) A description of the scalability of the project; 264

(4) The megabit-per-second broadband download and upload 265
speeds planned for the project; 266

(5) A description of the provider's customer service 267
capabilities, including any locally based call centers or 268
customer service offices; 269

(6) A copy of the provider's general customer service 270
policies, including any policy to credit customers for service 271
outages or the provider's failure to keep scheduled appointments 272

<u>for service;</u>	273
<u>(7) An assurance that the provider will provide broadband service to all of the residences listed in its proposal;</u>	274 275
<u>(8) The length of time that the provider has been operating in the state;</u>	276 277
<u>(9) A brief history of the provider's completed or pending broadband projects in the state;</u>	278 279
<u>(10) The broadband funding gap amount that the provider will accept to complete the project;</u>	280 281
<u>(11) Proof that the provider has the financial stability to complete the project.</u>	282 283
<u>(B) To meet the requirement to provide proof of financial stability under this section, a provider may submit publicly available financial statements with its proposal.</u>	284 285 286
<u>Sec. 122.0910. A project sponsor may require all proposals submitted pursuant to sections 122.098 and 122.099 of the Revised Code to be accompanied by a performance bond or other financial assurance acceptable to the legislative authority of the project sponsor. The bond or assurance shall be in the sum, and with the sureties, that the legislative authority prescribes and shall be payable to the municipality or township, as applicable. The bond or assurance may include the condition that the provider submitting the proposal, if the proposal is accepted, will faithfully execute the terms of the agreement with the project sponsor and complete the project.</u>	287 288 289 290 291 292 293 294 295 296 297
<u>Sec. 122.0911. After selecting the broadband provider for a residential broadband expansion project, the project sponsor may propose an agreement with the provider that requires:</u>	298 299 300

(A) The provider to construct, install, and support last 301
mile broadband infrastructure to a specific eligible area of the 302
municipal corporation or township, as applicable; 303

(B) The project sponsor to specify whether any portion of 304
the sponsor's share of the project payment will be from video 305
service provider fees and, if so, whether the payment from the 306
fees will be paid as a lump sum or deducted from the provider's 307
quarterly video service provider fee according to a schedule of 308
deductions over a specified period of time; and 309

(C) Upon completion of the project, the project sponsor to 310
remit to the provider a payment in the amount of the broadband 311
funding gap applicable to the eligible area as determined under 312
sections 122.096 to 122.099 of the Revised Code. 313

Sec. 122.0912. An agreement under section 122.0911 of the 314
Revised Code is subject to the approval of the legislative 315
authority of the project sponsor and contingent upon the 316
distribution of funds approved for the project as provided in 317
sections 122.094, 122.095, 122.096, and 122.0914 of the Revised 318
Code. 319

Sec. 122.0913. After establishing the terms of an 320
agreement under section 122.0911 of the Revised Code, the 321
project sponsor shall develop a project plan, which, at a 322
minimum, shall include the following: 323

(A) A specific description of the eligible area to receive 324
broadband service under the project; 325

(B) The total amount of the broadband funding gap, 326
including the amount of funds to be provided by the project 327
sponsor, the state, and the county in which the project is 328
located; 329

(C) A copy of the agreement with the broadband provider 330
for the project; 331

(D) A copy of the residential broadband expansion program 332
application to be submitted to the development services agency 333
pursuant to section 122.095 of the Revised Code; 334

(E) A written proposal requesting county funds from the 335
county in which the project is located. 336

Sec. 122.0914. Before a residential broadband expansion 337
project under sections 122.09 to 122.0920 of the Revised Code 338
may commence, the legislative authority of the project sponsor 339
shall review the residential broadband expansion project 340
agreement and plan. Within ninety days of receiving the 341
agreement and plan, the legislative authority shall approve or 342
reject the agreement and plan. To approve the agreement and 343
plan, the legislative authority shall adopt an ordinance or 344
resolution authorizing the project sponsor to do the following: 345

(A) Enter into the project agreement with the broadband 346
provider; 347

(B) Submit the residential broadband expansion program 348
application for the project to the development services agency; 349

(C) Submit the proposal requesting matching funds for the 350
project to the appropriate county. 351

Sec. 122.0915. Upon approval by the legislative authority 352
of a project sponsor of a residential broadband expansion 353
project under sections 122.0912 and 122.0914 of the Revised 354
Code, the project sponsor shall submit to the board of county 355
commissioners of the county in which the project is located a 356
proposal requesting county matching funds for the project. The 357
request shall be for the amount equal to the county's share of 358

the project's broadband funding gap as determined in section 359
122.096 of the Revised Code. 360

Sec. 122.0916. The board of county commissioners shall 361
approve or reject a request under section 122.096 of the Revised 362
Code for county matching funds for a residential broadband 363
expansion project within ninety days of receiving the request. 364
To approve the funding request, the board shall adopt a 365
resolution or a memorandum of understanding authorizing the 366
distribution of the funds to the project sponsor. 367

Sec. 122.0917. Once a proposal is selected under section 368
122.098 of the Revised Code, a broadband provider whose proposal 369
was not selected may challenge the selection. 370

A challenge under this section shall be made in writing to 371
the legislative authority of the project sponsor before the end 372
of the ninety-day approval period under section 122.0914 of the 373
Revised Code. A copy of the challenge also shall be provided to 374
the provider that was awarded the project. 375

A challenge must provide sufficient evidence to 376
demonstrate that the selection is not appropriate because it 377
will not provide broadband service or will not serve an eligible 378
area. 379

Sec. 122.0918. After reviewing a challenge made under 380
section 122.0917 of the Revised Code, the legislative authority 381
of the project sponsor may, upon majority vote, do either of the 382
following: 383

(A) Reject the proposal selected under section 122.098 of 384
the Revised Code and do one of the following: 385

(1) Issue a new request for proposals; 386

(2) Allow the providers that responded to the request for proposals to amend their proposals and resubmit them. 387
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(B) Select a different provider that submitted, under section 122.098 of the Revised Code, a competing proposal to the challenged proposal. 389
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Sec. 122.0919. 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: 392
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(A) The number of program applications received; 396

(B) The number of applications that received funding under the program; 397
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(C) The amount of broadband infrastructure constructed in eligible areas; 399
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(D) The number of residences receiving broadband service for the first time under the program for that year. 401
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Sec. 122.0920. (A) The director of development services shall adopt rules for the residential broadband expansion program established under sections 122.09 to 122.0920 of the Revised Code. The rules shall establish an application form and application procedures for the program. 403
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(B) The rules may include the following: 408

(1) Requirements for a program application in addition to the requirements described in section 122.095 of the Revised Code; 409
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(2) Procedures for, and circumstances under which, partial funding of applications or funding applications on a basis other 412
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than first come, first served is permitted. 414

Sec. 133.13. If the special assessments are to be paid in 415
one annual installment, the taxing authority of a subdivision 416
may issue securities in anticipation of its levy or collection 417
of special assessments to pay the costs of residential broadband 418
expansion under sections 122.09 to 122.0920 of the Revised Code, 419
lighting, sprinkling, sweeping, cleaning, providing related or 420
similar services or the services described in section 727.011 of 421
the Revised Code, or of removing snow, ice, and debris from, or 422
treating the surface of, streets, alleys, and public ways and 423
places. 424

Such securities shall not be general obligations of the 425
issuing subdivision, and shall not pledge to the payment of debt 426
charges any receipts other than the special assessments 427
anticipated, except that a municipal corporation, without 428
incurring debt subject to direct or indirect debt limitations, 429
may also pledge and apply proceeds of its municipal income tax 430
to pay those debt charges. No property tax shall be levied or 431
pledged for the payment of debt charges on the securities. The 432
securities shall mature no later than the last day of December 433
of the year in which the special assessments anticipated are 434
scheduled to be collected. 435

The legislation authorizing the securities shall 436
appropriate the special assessments anticipated, and such 437
special assessments shall be deemed to be pledged and 438
appropriated, first to the payment of the debt charges on the 439
securities. After provision has been made for the payment in 440
full of those debt charges, the balance of the special 441
assessments may be appropriated and applied for the purposes for 442
which they were levied. 443

Sec. 303.251. (A) As used in this section, "broadband service" has the same meaning as in section 122.09 of the Revised Code. 444
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(B) A board of county commissioners, by resolution, may levy a special assessment upon residential property within the county for the purpose of expanding broadband service through a residential broadband expansion project under sections 122.09 to 122.0920 of the Revised Code. Assessments under this section shall be levied upon the property that benefits from the program. Before adopting the resolution, the board shall send written notice to the affected property owner stating the estimated assessment for that property. If the owner objects to the stated estimated assessment, the owner shall file a written objection with the board not later than two weeks after the notice was mailed. The board shall review the written objections and may revise the estimated assessments before adopting the resolution. If the property owner objects to the final assessment for the property levied in the resolution, the owner may appeal the final assessment under Chapter 2506. of the Revised Code. 447
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(C) The assessment made by the board pursuant to division (B) of this section shall be at a rate that will produce a total assessment that is not more than the county's share of the project. The board shall certify the amounts to be levied upon each affected property to the county auditor, who shall enter the amounts on the tax duplicate for collection by the county treasurer in equal semiannual installments in the same manner and at the same times as the collection of taxes on real property. Assessments shall be paid by owners of the properties upon which assessments are levied. 464
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(D) The assessments, when collected, shall be paid by the 474
county auditor by warrant on the county treasurer into a special 475
fund in the county treasury created for the purpose of providing 476
broadband service for a residential broadband expansion project 477
located in the county. The board may expend moneys from the fund 478
only for the purposes for which the assessments were levied. 479

Sec. 505.881. (A) As used in this section, "broadband 480
service" and "project sponsor" have the same meanings as in 481
section 122.09 of the Revised Code. 482

(B) A board of township trustees, by resolution, may levy 483
a special assessment upon residential property within the 484
township for the purpose of expanding broadband service through 485
a residential broadband expansion project under sections 122.09 486
to 122.0920 of the Revised Code. Assessments under this section 487
shall be levied upon the property that benefits from the 488
program. Before adopting the resolution, the board shall send 489
written notice to the affected property owner stating the 490
estimated assessment for that property. If the owner objects to 491
the stated estimated assessment, the owner shall file a written 492
objection with the board not later than two weeks after the 493
notice was mailed. The board shall review the written objections 494
and may revise the estimated assessments before adopting the 495
resolution. If the property owner objects to the final 496
assessment for the property levied in the resolution, the owner 497
may appeal the final assessment under Chapter 2506. of the 498
Revised Code. 499

(C) The assessment made by the board pursuant to division 500
(B) of this section shall be at a rate that will produce a total 501
assessment that is not more than the project sponsor's share of 502
the project. The board shall certify the amounts to be levied 503

upon each affected property to the county auditor, who shall 504
enter the amounts on the tax duplicate for collection by the 505
county treasurer in equal semiannual installments in the same 506
manner and at the same times as the collection of taxes on real 507
property. Assessments shall be paid by owners of the properties 508
upon which assessments are levied. 509

(D) The assessments, when collected, shall be paid by the 510
county auditor by warrant on the county treasurer into a special 511
fund in the township treasury created for the purpose of 512
providing broadband service under a residential broadband 513
expansion project located in the township. The board may expend 514
moneys from the fund only for the purposes for which the 515
assessments were levied. 516

Sec. 727.01. Each municipal corporation shall have special 517
power to levy and collect special assessments. The legislative 518
authority of a municipal corporation may assess upon the 519
abutting, adjacent, and contiguous, or other specially 520
benefited, lots or lands in the municipal corporation, any part 521
of the cost connected with the improvement of any street, alley, 522
dock, wharf, pier, public road, place, boulevard, parkway, or 523
park entrance or an easement of the municipal corporation 524
available for the purpose of the improvement to be made in it by 525
grading, draining, curbing, paving, repaving, repairing, 526
treating the surface with substances designed to lay the dust on 527
it or preserve it, constructing sidewalks, piers, wharves, 528
docks, retaining walls, sewers, sewage disposal works and 529
treatment plants, sewage pumping stations, water treatment 530
plants, water pumping stations, reservoirs, and water storage 531
tanks or standpipes, together with the facilities and 532
appurtenances necessary and proper therefor, drains, storm-water 533
retention basins, watercourses, water mains, or laying of water 534

pipe, or the lighting, sprinkling, sweeping, or cleaning 535
thereof, or removing snow therefrom, any part of the cost and 536
expense of planting, maintaining, and removing shade trees 537
thereupon; any part of the cost of a voluntary action, as 538
defined in section 3746.01 of the Revised Code, undertaken 539
pursuant to Chapter 3746. of the Revised Code by a special 540
improvement district created under Chapter 1710. of the Revised 541
Code, including the cost of acquiring property with respect to 542
which the voluntary action is undertaken; any part of the cost 543
and expense of constructing, maintaining, repairing, cleaning, 544
and enclosing ditches; any part of the cost and expense of 545
operating, maintaining, and replacing heating and cooling 546
facilities for enclosed pedestrian canopies and malls; any part 547
of the cost and expense of acquiring and improving parking 548
facilities and structures for off-street parking of motor 549
vehicles or of acquiring land and improving it by clearing, 550
grading, draining, paving, lighting, erecting, constructing, and 551
equipping it for parking facilities and structures for off- 552
street parking of motor vehicles, to the extent authorized by 553
section 717.05 of the Revised Code, but only if no special 554
assessment made for the purpose of developing off-street parking 555
facilities and structures is levied against any land being used 556
solely for off-street parking or against any land used solely 557
for single or two-family dwellings; any part of the cost and 558
expense of operating and maintaining the off-street parking 559
facilities and structures; and any part of the cost connected 560
with changing the channel of, or narrowing, widening, dredging, 561
deepening, or improving, any stream or watercourse, and for 562
constructing or improving any levees or boulevards on any stream 563
or watercourse, or along or about any stream or watercourse, 564
together with any retaining wall, riprap protection, bulkhead, 565
culverts, approaches, flood gates, waterways, or drains 566

incidental to any stream or watercourse, or for making any other 567
improvement of any river or lake front, whether it is privately 568
or publicly owned, which the legislative authority declares 569
conducive to the public health, convenience, or welfare. A 570
municipal corporation may levy, against dwellings without access 571
to broadband service as that service is defined under section 572
122.09 of the Revised Code, a special assessment for the purpose 573
of expanding broadband service through a residential broadband 574
expansion project under sections 122.09 to 122.0920 of the 575
Revised Code. In addition, a municipal corporation may levy a 576
special assessment for public improvement or public services 577
plans of a district formed under Chapter 1710. of the Revised 578
Code, as provided in that chapter. Except as otherwise provided 579
in Chapter 1710. of the Revised Code, special assessments may be 580
levied by any of the following methods: 581

(A) By a percentage of the tax value of the property 582
assessed; 583

(B) In proportion to the benefits that may result from the 584
improvement; 585

(C) By the front foot of the property bounding and 586
abutting upon the improvement. 587

Section 2. That existing sections 133.13 and 727.01 are 588
hereby repealed. 589

Section 3. All items in this section are hereby 590
appropriated as designated out of any moneys in the state 591
treasury to the credit of the designated fund. For all 592
appropriations made in this act, those in the first column are 593
for fiscal year 2018 and those in the second column are for 594
fiscal year 2019. The appropriations made in this act are in 595

addition to any other appropriations made for the FY 2018-FY 596
2019 biennium. 597

DEV DEVELOPMENT SERVICES AGENCY 598

Dedicated Purpose Fund Group 599

5GT0 195550 Broadband Development Grants \$0 \$2,000,000 600

TOTAL DPF Dedicated Purpose Fund Group \$0 \$2,000,000 601

TOTAL ALL BUDGET FUND GROUPS \$0 \$2,000,000 602

BROADBAND DEVELOPMENT GRANTS 603

The foregoing appropriation item 195550, Broadband 604
Development Grants, shall be used to provide state matching 605
funds for the residential broadband expansion program 606
established in section 122.091 of the Revised Code. 607

On July 1, 2018, or as soon as possible thereafter, the 608
Director of Budget and Management, in consultation with the 609
Director of Development Services, shall identify within the 610
Development Services Agency's budget \$2,000,000 in unexpended, 611
unencumbered cash. When such funds have been identified, the 612
Director of Budget and Management shall transfer \$2,000,000 cash 613
from the identified sources to the Ohio Broadband Development 614
Grant Fund (Fund 5GT0), which is hereby created. 615

Section 4. Within the limits set forth in this act, the 616
Director of Budget and Management shall establish accounts 617
indicating the source and amount of funds for each appropriation 618
made in this act, and shall determine the form and manner in 619
which appropriation accounts shall be maintained. Expenditures 620
from appropriations contained in this act shall be accounted for 621
as though made in the main operating appropriations act of the 622
132nd General Assembly. 623

The appropriations made in this act are subject to all	624
provisions of the main operating appropriations act of the 132nd	625
General Assembly that are generally applicable to such	626
appropriations.	627