

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 13**

**Representatives Carfagna, O'Brien**

**Cosponsors: Representatives Hillyer, Smith, R., Boggs, Cera, Hood, Kick, Koehler, Manchester, McClain, Patterson, Riedel, Seitz, Strahorn, West, Ryan, Lipps, Scherer, Greenspan, Edwards, Perales, Hoops, Green, Rogers, Hambley, Ginter, Arndt, Reineke, Stein, Lepore-Hagan, Patton, Baldridge, Holmes, A.**

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**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 and to make an 9  
appropriation. 10

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

**Section 1.** That sections 133.13 and 727.01 be amended and 11  
sections 122.09, 122.091, 122.092, 122.093, 122.094, 122.095, 12  
122.096, 122.097, 122.098, 122.099, 122.0910, 122.0911, 13  
122.0912, 122.0913, 122.0914, 122.0915, 122.0916, 122.0917, 14  
122.0918, 122.0920, 122.0921, 122.0923, 122.0927, 122.0929, 15  
303.251, and 505.881 of the Revised Code be enacted to read as 16  
follows: 17

Sec. 122.09. As used in sections 122.09 to 122.0929 of the 18  
Revised Code: 19

(A) "Broadband funding gap" means the difference between 20  
the total amount of money a broadband provider calculates is 21  
necessary to construct the last mile of a specific broadband 22  
network and the total amount of money that the provider has 23  
determined is the maximum amount of money that is cost effective 24  
for the provider to invest in last mile construction for that 25  
network. 26

(B) (1) "Broadband provider" means one of the following: 27

(a) A video service provider as defined in section 1332.21 28  
of the Revised Code; 29

(b) A provider that is capable of providing broadband 30  
service and is one of the following: 31

(i) A telecommunications service provider; 32

(ii) A satellite broadcasting service provider; 33

(iii) A wireless service provider as defined in section 34  
4927.01 of the Revised Code. 35

(2) "Broadband provider" does not include a governmental 36  
or quasi-governmental entity. 37

(C) "Broadband service" means high-speed internet access 38  
service capable of providing a minimum download speed of ten 39  
megabits per second and a minimum upload speed of one megabit 40  
per second. 41

(D) "Eligible area" means a residential area within the 42  
boundaries of a municipal corporation or township that is 43  
without access to broadband service. An eligible area excludes 44

any area that has received, or is designated to receive, funds 45  
through any other state or federally funded grant programs 46  
designed specifically to encourage broadband deployment. 47

(E) "Last mile" means the last portion of a physical 48  
broadband network that connects an eligible area to the broader 49  
network used to provide broadband service. "Last mile" includes 50  
other network infrastructure needed within the eligible area to 51  
provide broadband service to end users in the eligible area. 52

(F) "Project sponsor" means a municipal corporation or 53  
township that is applying for, or participating in, the 54  
residential broadband expansion program established under 55  
sections 122.091 to 122.0929 of the Revised Code in order to 56  
provide broadband service to an eligible area. 57

(G) "Satellite broadcasting service" has the same meaning 58  
as in section 5739.01 of the Revised Code. 59

(H) "Telecommunications service" has the same meaning as 60  
in section 1332.21 of the Revised Code. 61

**Sec. 122.091.** The director of development services shall 62  
establish a residential broadband expansion program to provide 63  
funds to assist with residential broadband service expansion 64  
projects in eligible areas. Subject to the availability of funds 65  
authorized for this purpose, the development services agency 66  
shall provide grants to project sponsors that apply under the 67  
program to meet broadband funding gaps. 68

**Sec. 122.092.** A project sponsor may apply for funds under 69  
the residential broadband expansion program established under 70  
sections 122.091 to 122.095 of the Revised Code for the purpose 71  
of providing broadband service to eligible areas within the 72  
municipal corporation or township. 73

Sec. 122.093. (A) Each fiscal year, the development 74  
services agency shall fund applications for residential 75  
broadband expansion projects until program funds for that fiscal 76  
year are no longer available. Except as provided in rules 77  
adopted by the director, funding for applications shall be 78  
provided on a first-come, first-served basis in an amount that 79  
is equal to one-third of the total amount of the broadband 80  
funding gap for each project. The cumulative total of the grants 81  
for a biennium shall not exceed two million dollars. 82

(B) Any application pending at the end of the fiscal year 83  
shall be deemed denied, but may be refiled in a subsequent 84  
fiscal year provided that all information in the application is 85  
still current or has been updated. 86

Sec. 122.094. (A) Each fiscal year, the director of 87  
development services shall accept applications from project 88  
sponsors that are requesting funding under the residential 89  
broadband expansion program established under sections 122.091 90  
to 122.095 of the Revised Code. To apply for a grant, a project 91  
sponsor shall submit an application to the director on a form 92  
prescribed by the director. The director shall review 93  
applications in the order that they are received and shall 94  
approve each complete application within sixty days after 95  
receiving it. 96

(B) If an application is incomplete, the director shall 97  
notify the application's project sponsor. The notification shall 98  
list what information is incomplete and shall describe the 99  
procedure for refileing a completed application. If an 100  
application is completed and refiled not later than thirty days 101  
after the date of the notification, the director shall review 102  
the application as provided in section 122.093 of the Revised 103

Code. The director shall deny an incomplete application if the 104  
project sponsor fails to complete and refile it within the 105  
thirty-day period. 106

**Sec. 122.095. A residential broadband expansion program** 107  
application shall include, at a minimum, the following 108  
information: 109

(A) The location and description of the residential 110  
broadband expansion project; 111

(B) The project sponsor's determination that the location 112  
of the project qualifies as an eligible area; 113

(C) The amount of the broadband funding gap and the amount 114  
of state funds requested; 115

(D) A copy of the ordinance or resolution enacted or 116  
adopted under section 122.0914 of the Revised Code by the 117  
legislative authority of the project sponsor; 118

(E) If county funds are used to meet the requirements of 119  
division (A) (2) of section 122.096 of the Revised Code, a copy 120  
of the resolution or memorandum of understanding adopted under 121  
section 122.0916 of the Revised Code by the board of county 122  
commissioners of the county in which the project is located; 123

(F) A copy of the agreement between the project sponsor 124  
and a broadband provider, or a written acknowledgment of the 125  
agreement, that confirms the provider's commitment to construct 126  
the broadband infrastructure in the eligible area of the project 127  
in exchange for payment of the total amount of the broadband 128  
funding gap upon completion of the project; 129

(G) Any other information, prescribed by rule, that the 130  
director determines is necessary. 131

Sec. 122.096. (A) A residential broadband expansion project under sections 122.09 to 122.0929 of the Revised Code shall not proceed unless funding in an amount equal to the broadband funding gap has been approved. 132  
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The broadband funding gap shall be funded as follows: 136

(1) One-third of the total amount of the broadband funding gap shall be funded by a residential broadband expansion grant under sections 122.091 to 122.095 of the Revised Code. 137  
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(2)(a) The remaining two-thirds of the total amount of the broadband funding gap shall be funded by the project sponsor and county in proportions proposed by the project sponsor and agreed to by the legislative authority of the project sponsor and the board of county commissioners. 140  
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(b) If a project sponsor funds, in its entirety, the remaining two-thirds of the total amount of the broadband funding gap, the board of county commissioners is not required to agree to the project funding or adopt a resolution or memorandum of understanding under section 122.0916 of the Revised Code. 145  
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(B) The following apply regarding the project sponsor share and the county share of the amount of the broadband funding gap agreed to under division (A) (2) of this section: 151  
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(1) The total amount may be funded from any combination of the following: 154  
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(a) General revenue funds of the municipal corporation, township, or county; 156  
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(b) Other discretionary funds of the municipal corporation, township, or county; 158  
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(c) Contributions from individuals, organizations, or companies; 160  
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(d) Property tax assessments made by the municipal corporation under Chapter 727. of the Revised Code, township under section 505.881 of the Revised Code, or county under section 303.251 of the Revised Code; 162  
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(e) Other grant funds. 166

(2) The amount agreed to under division (A)(2) of this section shall not be funded by any broadband expansion grant from the connect America fund or any other state or federal broadband expansion funds. 167  
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(C) In the event that the broadband provider selected under division (H) of section 122.098 of the Revised Code is a video service provider that collects and remits video service provider fees to the legislative authority of the project sponsor pursuant to section 1332.32 of the Revised Code, the project sponsor, by mutual consent with the selected provider and with the consent of the legislative authority of the project sponsor, may enter into an arrangement to designate video service provider fees remitted by the selected provider for payment of some or all of the project sponsor share of the broadband funding gap. 171  
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**Sec. 122.097.** (A) Before submitting a residential broadband expansion program application to the development services agency pursuant to section 122.095 of the Revised Code, a project sponsor shall do the following: 182  
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(1) Identify the eligible area of the residential broadband expansion project for which the project sponsor will apply for matching funds; 186  
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<u>(2) Develop technical requirements for the project,</u>	189
<u>including the requirement that the project be capable of</u>	190
<u>providing broadband service within two years from the date that</u>	191
<u>the development services agency approves the project</u>	192
<u>application;</u>	193
<u>(3) Conduct a competitive sealed proposal process pursuant</u>	194
<u>to section 122.098 of the Revised Code to select a broadband</u>	195
<u>provider capable of providing broadband service to the eligible</u>	196
<u>area and willing to enter into an agreement with the project</u>	197
<u>sponsor to construct and install the necessary broadband</u>	198
<u>infrastructure for the project;</u>	199
<u>(4) Determine whether the project sponsor has available</u>	200
<u>sufficient project funds to fund the project sponsor share of</u>	201
<u>the broadband funding gap for the project;</u>	202
<u>(5) Determine the availability of county funds for the</u>	203
<u>county share of the project.</u>	204
<u>(B) All requirements described in division (A) (2) of this</u>	205
<u>section shall be competitively neutral.</u>	206
<b><u>Sec. 122.098.</u></b> (A) <u>A project sponsor may award funding for</u>	207
<u>a residential broadband expansion project to an eligible</u>	208
<u>broadband provider pursuant to a competitive sealed proposal</u>	209
<u>process under which the project sponsor makes a request for</u>	210
<u>proposals.</u>	211
<u>(B) The request for proposals shall specify the project</u>	212
<u>requirements as determined in division (A) of section 122.097 of</u>	213
<u>the Revised Code.</u>	214
<u>(C) Proposals shall meet the requirements of section</u>	215
<u>122.099 of the Revised Code.</u>	216

(D) The project sponsor shall provide notice of the 217  
request for proposals in accordance with procedures adopted by 218  
the municipal corporation or township, as applicable. 219

(E) (1) Proposals shall be opened so as to avoid disclosure 220  
of contents to competing providers. In order to ensure fair and 221  
impartial evaluation, proposals and related documents submitted 222  
in response to a request for proposals shall not be available 223  
for public inspection and copying under section 149.43 of the 224  
Revised Code while the project sponsor is reviewing them. 225

(2) After a provider is selected, the project sponsor 226  
shall allow the provider three business days to notify the 227  
project sponsor of any information in the provider's proposal, 228  
and related documents submitted with it, that the provider 229  
considers to be proprietary or a trade secret. Upon such 230  
notification from the provider, the project sponsor shall redact 231  
or otherwise remove that information from the proposal and 232  
documents. 233

(3) The proposal and related documents submitted by the 234  
selected provider shall be available for public inspection and 235  
copying under section 149.43 of the Revised Code after the 236  
three-day period described in division (E) (2) of this section. 237

(4) Proposals and related documents submitted by other 238  
providers not selected by the project sponsor shall not be 239  
available for public inspection and copying under section 149.43 240  
of the Revised Code. 241

(F) If provided for in the request for proposals or in the 242  
procedures adopted by the municipal corporation or township, as 243  
applicable, discussions may be conducted with eligible broadband 244  
providers that submit proposals determined to be reasonably 245

susceptible of being selected for an award for the purpose of 246  
ensuring full understanding of, and responsiveness to, project 247  
requirements. Providers shall be accorded fair and equal 248  
treatment with respect to any opportunity for discussion 249  
regarding any clarification, correction, or revision of 250  
proposals. No disclosure of any information derived from 251  
proposals submitted by competing providers shall occur when 252  
discussions are conducted. 253

(G) A sealed copy of each competitive sealed proposal 254  
shall be filed with the project sponsor prior to the time 255  
specified in the notice for opening of the proposals. All 256  
competitive sealed proposals shall be publicly opened in the 257  
office of the project sponsor at the time specified in the 258  
notice. A representative of the county auditor shall be present 259  
at the opening of all competitive sealed proposals and shall 260  
certify the opening of each competitive sealed proposal. No 261  
competitive sealed proposal shall be considered valid unless it 262  
is so certified. 263

(H) Upon receiving the proposals, the project sponsor 264  
shall analyze them, select the proposal that is determined to be 265  
the proposal that best meets the requirements of division (B) of 266  
this section and section 122.099 of the Revised Code, and award 267  
the project to the provider that submitted that proposal. In 268  
addition to reviewing project requirements, the project sponsor, 269  
when analyzing the proposals, may take into consideration the 270  
criteria set forth in the request for proposals issued under 271  
this section and section 122.099 of the Revised Code. The 272  
project sponsor's records for the selected proposal shall 273  
contain the basis on which the award is made. 274

**Sec. 122.099.** (A) Each broadband provider responding to a 275

<u>request for proposals under section 122.098 of the Revised Code</u>	276
<u>shall submit a sealed proposal to the project sponsor that</u>	277
<u>includes the following:</u>	278
<u>(1) A description of, or documentation demonstrating, the</u>	279
<u>provider's managerial and technical expertise and experience</u>	280
<u>with broadband service projects;</u>	281
<u>(2) Whether the provider plans to use wired, wireless, or</u>	282
<u>satellite technology to complete the project;</u>	283
<u>(3) A description of the scalability of the project;</u>	284
<u>(4) The megabit-per-second broadband download and upload</u>	285
<u>speeds planned for the project;</u>	286
<u>(5) A description of the provider's customer service</u>	287
<u>capabilities, including any locally based call centers or</u>	288
<u>customer service offices;</u>	289
<u>(6) A copy of the provider's general customer service</u>	290
<u>policies, including any policy to credit customers for service</u>	291
<u>outages or the provider's failure to keep scheduled appointments</u>	292
<u>for service;</u>	293
<u>(7) An assurance that the provider will provide broadband</u>	294
<u>service to all of the residences listed in its proposal;</u>	295
<u>(8) The length of time that the provider has been</u>	296
<u>operating in the state;</u>	297
<u>(9) The broadband funding gap amount that the provider</u>	298
<u>will accept to complete the project;</u>	299
<u>(10) Proof that the provider has the financial stability</u>	300
<u>to complete the project.</u>	301
<u>(B) To meet the requirement to provide proof of financial</u>	302

stability under this section, a provider may submit publicly 303  
available financial statements with its proposal. 304

**Sec. 122.0910.** (A) A project sponsor may require all 305  
proposals submitted pursuant to sections 122.098 and 122.099 of 306  
the Revised Code to be accompanied by a performance bond, letter 307  
of credit, or other financial assurance acceptable to the 308  
legislative authority of the project sponsor. The bond, letter 309  
of credit, or assurance shall be in the sum, and with the 310  
sureties, that the legislative authority prescribes and shall be 311  
payable to the municipality or township, as applicable. 312

(B) (1) The bond, letter of credit, or assurance may 313  
include the condition that the provider submitting the proposal, 314  
if the proposal is accepted, will faithfully execute the terms 315  
of the agreement with the project sponsor and complete the 316  
project. 317

(2) The purpose of the performance bond, letter of credit, 318  
or other financial assurance is to assure construction of the 319  
project's broadband infrastructure. The bond, letter of credit, 320  
or assurance shall not be required after project construction is 321  
complete. 322

**Sec. 122.0911.** After selecting an eligible broadband 323  
provider for a residential broadband expansion project, the 324  
project sponsor and the provider may enter into an agreement. 325  
The agreement shall specify the following: 326

(A) That the provider shall construct and install last 327  
mile broadband infrastructure to a specific eligible area of the 328  
municipal corporation or township, as applicable; 329

(B) That if any portion of the project sponsor's share of 330  
the project payment will be from video service provider fees as 331

provided in division (C) of section 122.096 of the Revised Code, 332  
the agreement under this section shall include a description of 333  
the payment arrangement entered into pursuant to division (C) of 334  
section 122.096 of the Revised Code. 335

(C) That, upon completion of the project, the project 336  
sponsor shall remit to the provider a payment in the amount of 337  
the broadband funding gap applicable to the eligible area as 338  
determined under sections 122.096 to 122.099 of the Revised 339  
Code. 340

(D) That the project sponsor, with the consent of the 341  
legislative authority of the project sponsor, may negotiate and 342  
agree to alternate payment terms with a provider. Under any 343  
alternate payment terms, unless otherwise negotiated, the 344  
legislative authority of the project sponsor shall assume all 345  
financial responsibility for any project costs incurred by the 346  
provider prior to completion of the project or the award of any 347  
state funds under sections 122.091 to 122.094 of the Revised 348  
Code. 349

**Sec. 122.0912.** An agreement under section 122.0911 of the 350  
Revised Code is all of the following: 351

(A) Subject to the approval of the legislative authority 352  
of the project sponsor; 353

(B) Contingent upon the distribution of funds approved for 354  
a project as provided in sections 122.094, 122.095, 122.096, and 355  
122.0914 of the Revised Code; 356

(C) Prohibited from regulating the rates, terms, and 357  
conditions of broadband service, requiring a pricing commitment, 358  
or requiring open access to the network. 359

**Sec. 122.0913.** After establishing the terms of an 360

agreement under section 122.0911 of the Revised Code, the 361  
project sponsor shall develop a project plan, which, at a 362  
minimum, shall include the following: 363

(A) A specific description of the eligible area to receive 364  
broadband service under the project; 365

(B) The total amount of the broadband funding gap, 366  
including the amount of funds to be provided by the project 367  
sponsor, the state, and the county in which the project is 368  
located; 369

(C) A copy of the agreement with the broadband provider 370  
for the project; 371

(D) A copy of the residential broadband expansion program 372  
application to be submitted to the development services agency 373  
pursuant to section 122.095 of the Revised Code; 374

(E) A written proposal requesting county funds from the 375  
county in which the project is located. 376

**Sec. 122.0914.** Before a residential broadband expansion 377  
project under sections 122.09 to 122.0929 of the Revised Code 378  
may commence, the legislative authority of the project sponsor 379  
shall review the residential broadband expansion project 380  
agreement and plan. Within ninety days of receiving the 381  
agreement and plan, the legislative authority shall approve or 382  
reject the agreement and plan. To approve the agreement and 383  
plan, the legislative authority shall adopt an ordinance or 384  
resolution authorizing the project sponsor to do the following: 385

(A) Enter into the project agreement with the broadband 386  
provider; 387

(B) Submit the residential broadband expansion program 388

application for the project to the development services agency; 389

(C) Submit the proposal requesting any county funds for 390  
the project to the appropriate county. 391

**Sec. 122.0915.** Upon approval by the legislative authority 392  
of a project sponsor of a residential broadband expansion 393  
project under sections 122.0912 and 122.0914 of the Revised 394  
Code, the project sponsor shall submit to the board of county 395  
commissioners of the county in which the project is located a 396  
proposal requesting county funds for the project. The request 397  
shall be for the amount equal to the county's share of the 398  
project's broadband funding gap as determined in section 122.096 399  
of the Revised Code. 400

**Sec. 122.0916.** The board of county commissioners shall 401  
approve or reject a request under sections 122.096 and 122.0915 402  
of the Revised Code for county funds for a residential broadband 403  
expansion project within ninety days of receiving the request. 404  
To approve the funding request, the board shall adopt a 405  
resolution or a memorandum of understanding authorizing the 406  
distribution of the funds to the project sponsor. 407

**Sec. 122.0917.** Within five business days of the notice of 408  
the request for proposals made under section 122.098 of the 409  
Revised Code, a broadband service provider in or proximate to 410  
the proposed project area may submit in writing a challenge to 411  
the request for proposals. A challenge must provide sufficient 412  
evidence to demonstrate that the request for proposals is not 413  
appropriate, because it will not provide broadband service or 414  
will not serve an eligible area. 415

**Sec. 122.0918.** After reviewing a challenge made under 416  
section 122.0917 of the Revised Code, the legislative authority 417

of the project sponsor may, upon majority vote, do either of the 418  
following: 419

(A) Withdraw the request for proposals and issue a new 420  
request for proposals; 421

(B) Accept the current request for proposals and proceed 422  
with the selection process. 423

**Sec. 122.0920.** If a proposal is selected under section 424  
122.098 of the Revised Code, a broadband provider whose proposal 425  
was not selected may challenge the selection. 426

A challenge under this section shall be made in writing to 427  
the legislative authority of the project sponsor before the end 428  
of the ninety-day approval period under section 122.0914 of the 429  
Revised Code. A copy of the challenge also shall be provided to 430  
the provider that was awarded the project. 431

A challenge must provide sufficient evidence to 432  
demonstrate that the selection is not appropriate because it 433  
will not provide the broadband service described in the proposal 434  
or will not serve an eligible area. 435

**Sec. 122.0921.** After reviewing a challenge made under 436  
section 122.0920 of the Revised Code, the legislative authority 437  
of the project sponsor may, upon majority vote, do any of the 438  
following: 439

(A) Reject the challenge; 440

(B) Reject the proposal selected under section 122.098 of 441  
the Revised Code and do one of the following: 442

(1) Issue a new request for proposals; 443

(2) Allow the providers that responded to the request for 444

proposals to amend their proposals and resubmit them. 445

(C) Select a different provider that submitted, under 446  
section 122.098 of the Revised Code, a competing proposal to the 447  
challenged proposal. 448

**Sec. 122.0923.** A broadband provider selected to provide 449  
last mile service under the residential broadband expansion 450  
program shall be the sole owner of the infrastructure installed 451  
pursuant to the program and shall be solely responsible for 452  
ongoing maintenance and upgrades to such infrastructure. 453

**Sec. 122.0927.** The development services agency shall 454  
include the following residential broadband expansion program 455  
information in its annual report filed under section 121.18 of 456  
the Revised Code: 457

(A) The number of program applications received; 458

(B) The number of applications that received funding under 459  
the program; 460

(C) The amount of broadband infrastructure constructed in 461  
eligible areas; 462

(D) The number of residences receiving broadband service 463  
for the first time under the program for that year. 464

**Sec. 122.0929.** (A) The director of development services 465  
shall adopt rules for the residential broadband expansion 466  
program established under sections 122.09 to 122.0929 of the 467  
Revised Code. The rules shall establish an application form and 468  
application procedures for the program. 469

(B) The rules may include the following: 470

(1) Requirements for a program application in addition to 471

the requirements described in section 122.095 of the Revised Code; 472  
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(2) Procedures for and circumstances under which partial funding of applications or funding applications on a basis other than first come, first served is permitted. 474  
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**Sec. 133.13.** If the special assessments are to be paid in 477  
one annual installment, the taxing authority of a subdivision 478  
may issue securities in anticipation of its levy or collection 479  
of special assessments to pay the costs of residential broadband expansion under sections 122.09 to 122.0929 of the Revised Code, 480  
lighting, sprinkling, sweeping, cleaning, providing related or 482  
similar services or the services described in section 727.011 of 483  
the Revised Code, or of removing snow, ice, and debris from, or 484  
treating the surface of, streets, alleys, and public ways and 485  
places. 486

Such securities shall not be general obligations of the 487  
issuing subdivision, and shall not pledge to the payment of debt 488  
charges any receipts other than the special assessments 489  
anticipated, except that a municipal corporation, without 490  
incurring debt subject to direct or indirect debt limitations, 491  
may also pledge and apply proceeds of its municipal income tax 492  
to pay those debt charges. No property tax shall be levied or 493  
pledged for the payment of debt charges on the securities. The 494  
securities shall mature no later than the last day of December 495  
of the year in which the special assessments anticipated are 496  
scheduled to be collected. 497

The legislation authorizing the securities shall 498  
appropriate the special assessments anticipated, and such 499  
special assessments shall be deemed to be pledged and 500  
appropriated, first to the payment of the debt charges on the 501

securities. After provision has been made for the payment in 502  
full of those debt charges, the balance of the special 503  
assessments may be appropriated and applied for the purposes for 504  
which they were levied. 505

Sec. 303.251. (A) If a broadband expansion project 506  
agreement is signed and approved pursuant to sections 122.0911 507  
and 122.0912 of the Revised Code, a board of county 508  
commissioners, by resolution, may levy a special assessment upon 509  
residential property within the county for the purpose of 510  
providing the county's share of funding for a residential 511  
broadband expansion project under sections 122.09 to 122.0929 of 512  
the Revised Code. Assessments under this section shall be levied 513  
only upon the property that is within the eligible area, as 514  
defined in section 122.09 of the Revised Code and is the subject 515  
of a project under sections 122.09 to 122.0929 of the Revised 516  
Code. Before adopting the resolution, the board shall send 517  
written notice to the affected property owner stating the 518  
estimated assessment for that property. If the owner objects to 519  
the stated estimated assessment, the owner shall file a written 520  
objection with the board not later than two weeks after the 521  
notice was mailed. The board shall review the written objections 522  
and may revise the estimated assessments before adopting the 523  
resolution. If the property owner objects to the final 524  
assessment for the property levied in the resolution, the owner 525  
may appeal the final assessment under Chapter 2506. of the 526  
Revised Code. 527

(B) The assessment made by the board pursuant to division 528  
(A) of this section shall be at a rate that will produce a total 529  
assessment that is not more than the county's share of the 530  
project funding under section 122.096 of the Revised Code. The 531  
board shall certify the amounts to be levied upon each affected 532

property to the county auditor, who shall enter the amounts on 533  
the tax duplicate for collection by the county treasurer in 534  
equal semiannual installments in the same manner and at the same 535  
times as the collection of taxes on real property. Assessments 536  
shall be paid by owners of the properties upon which assessments 537  
are levied. 538

(C) The assessments, when collected, shall be paid by the 539  
county auditor by warrant on the county treasurer into a special 540  
fund in the county treasury created for the purpose of funding a 541  
residential broadband expansion project located in the county. 542  
The board may expend moneys from the fund only for the purposes 543  
for which the assessments were levied. 544

**Sec. 505.881.** (A) As used in this section, "project 545  
sponsor" has the same meaning as in section 122.09 of the 546  
Revised Code. 547

(B) If a broadband expansion project agreement is signed 548  
and approved pursuant to sections 122.0911 and 122.0912 of the 549  
Revised Code, a board of township trustees, by resolution, may 550  
levy a special assessment upon residential property within the 551  
township for the purpose of providing the project sponsor's 552  
share of funding for a residential broadband expansion project 553  
under sections 122.09 to 122.0929 of the Revised Code. 554  
Assessments under this section shall be levied only upon the 555  
property that is within the eligible area, as defined in section 556  
122.09 of the Revised Code and is the subject of a project under 557  
sections 122.09 to 122.0929 of the Revised Code. Before adopting 558  
the resolution, the board shall send written notice to the 559  
affected property owner stating the estimated assessment for 560  
that property. If the owner objects to the stated estimated 561  
assessment, the owner shall file a written objection with the 562

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

(C) The assessment made by the board pursuant to division 569  
(B) of this section shall be at a rate that will produce a total 570  
assessment that is not more than the project sponsor's share of 571  
the project funding under section 122.096 of the Revised Code. 572  
The board shall certify the amounts to be levied upon each 573  
affected property to the county auditor, who shall enter the 574  
amounts on the tax duplicate for collection by the county 575  
treasurer in equal semiannual installments in the same manner 576  
and at the same times as the collection of taxes on real 577  
property. Assessments shall be paid by owners of the properties 578  
upon which assessments are levied. 579

(D) The assessments, when collected, shall be paid by the 580  
county auditor by warrant on the county treasurer into a special 581  
fund in the township treasury created for the purpose of funding 582  
a residential broadband expansion project located in the 583  
township. The board may expend moneys from the fund only for the 584  
purposes for which the assessments were levied. 585

**Sec. 727.01.** Each municipal corporation shall have special 586  
power to levy and collect special assessments. The legislative 587  
authority of a municipal corporation may assess upon the 588  
abutting, adjacent, and contiguous, or other specially 589  
benefited, lots or lands in the municipal corporation, any part 590  
of the cost connected with the improvement of any street, alley, 591  
dock, wharf, pier, public road, place, boulevard, parkway, or 592

park entrance or an easement of the municipal corporation 593  
available for the purpose of the improvement to be made in it by 594  
grading, draining, curbing, paving, repaving, repairing, 595  
treating the surface with substances designed to lay the dust on 596  
it or preserve it, constructing sidewalks, piers, wharves, 597  
docks, retaining walls, sewers, sewage disposal works and 598  
treatment plants, sewage pumping stations, water treatment 599  
plants, water pumping stations, reservoirs, and water storage 600  
tanks or standpipes, together with the facilities and 601  
appurtenances necessary and proper therefor, drains, storm-water 602  
retention basins, watercourses, water mains, or laying of water 603  
pipe, or the lighting, sprinkling, sweeping, or cleaning 604  
thereof, or removing snow therefrom, any part of the cost and 605  
expense of planting, maintaining, and removing shade trees 606  
thereupon; any part of the cost of a voluntary action, as 607  
defined in section 3746.01 of the Revised Code, undertaken 608  
pursuant to Chapter 3746. of the Revised Code by a special 609  
improvement district created under Chapter 1710. of the Revised 610  
Code, including the cost of acquiring property with respect to 611  
which the voluntary action is undertaken; any part of the cost 612  
and expense of constructing, maintaining, repairing, cleaning, 613  
and enclosing ditches; any part of the cost and expense of 614  
operating, maintaining, and replacing heating and cooling 615  
facilities for enclosed pedestrian canopies and malls; any part 616  
of the cost and expense of acquiring and improving parking 617  
facilities and structures for off-street parking of motor 618  
vehicles or of acquiring land and improving it by clearing, 619  
grading, draining, paving, lighting, erecting, constructing, and 620  
equipping it for parking facilities and structures for off- 621  
street parking of motor vehicles, to the extent authorized by 622  
section 717.05 of the Revised Code, but only if no special 623  
assessment made for the purpose of developing off-street parking 624

facilities and structures is levied against any land being used 625  
solely for off-street parking or against any land used solely 626  
for single or two-family dwellings; any part of the cost and 627  
expense of operating and maintaining the off-street parking 628  
facilities and structures; and any part of the cost connected 629  
with changing the channel of, or narrowing, widening, dredging, 630  
deepening, or improving, any stream or watercourse, and for 631  
constructing or improving any levees or boulevards on any stream 632  
or watercourse, or along or about any stream or watercourse, 633  
together with any retaining wall, riprap protection, bulkhead, 634  
culverts, approaches, flood gates, waterways, or drains 635  
incidental to any stream or watercourse, or for making any other 636  
improvement of any river or lake front, whether it is privately 637  
or publicly owned, which the legislative authority declares 638  
conducive to the public health, convenience, or welfare. If a 639  
broadband expansion project agreement is signed pursuant to 640  
sections 122.0911 and 122.0912 of the Revised Code, a municipal 641  
corporation may levy, against dwellings within the eligible 642  
area, as defined in section 122.09 of the Revised Code, that are 643  
the subject of a residential broadband expansion project under 644  
sections 122.09 to 122.0929 of the Revised Code, a special 645  
assessment for the purpose of funding the project sponsor's 646  
share of the project. In addition, a municipal corporation may 647  
levy a special assessment for public improvement or public 648  
services plans of a district formed under Chapter 1710. of the 649  
Revised Code, as provided in that chapter. Except as otherwise 650  
provided in Chapter 1710. of the Revised Code, special 651  
assessments may be levied by any of the following methods: 652

(A) By a percentage of the tax value of the property 653  
assessed; 654

(B) In proportion to the benefits that may result from the 655

improvement; 656

(C) By the front foot of the property bounding and 657  
abutting upon the improvement. 658

**Section 2.** That existing sections 133.13 and 727.01 are 659  
hereby repealed. 660

**Section 3.** All items in this section are hereby 661  
appropriated as designated out of any moneys in the state 662  
treasury to the credit of the designated fund. For all 663  
appropriations made in this act, those in the first column are 664  
for fiscal year 2020 and those in the second column are for 665  
fiscal year 2021. The appropriations made in this act are in 666  
addition to any other appropriations made for the FY 2020-FY 667  
2021 biennium. 668

DEV DEVELOPMENT SERVICES AGENCY 669

Dedicated Purpose Fund Group 670

5GT0 195550 Broadband Development 671

Grants	\$2,000,000	\$0	672
TOTAL DPF Dedicated Purpose Fund Group	\$2,000,000	\$0	673
TOTAL ALL BUDGET FUND GROUPS	\$2,000,000	\$0	674

BROADBAND DEVELOPMENT GRANTS 675

The foregoing appropriation item 195550, Broadband 676  
Development Grants, shall be used to provide state matching 677  
funds for the residential broadband expansion program 678  
established in section 122.091 of the Revised Code. 679

On July 1, 2019, or as soon as possible thereafter, the 680  
Director of Budget and Management, in consultation with the 681  
Director of Development Services, shall identify within the 682

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

**Section 4.** Within the limits set forth in this act, the 688  
Director of Budget and Management shall establish accounts 689  
indicating the source and amount of funds for each appropriation 690  
made in this act, and shall determine the form and manner in 691  
which appropriation accounts shall be maintained. Expenditures 692  
from appropriations contained in this act shall be accounted for 693  
as though made in the main operating appropriations act of the 694  
133rd General Assembly. 695

The appropriations made in this act are subject to all 696  
provisions of the main operating appropriations act of the 133rd 697  
General Assembly that are generally applicable to such 698  
appropriations. 699