



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

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### Sub. H.B. 281

132nd General Assembly  
(H. Finance)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (L_132_0957-2)	Sub. Version (L_132_0957-3)
<b>Definition: broadband provider</b>	Includes a video service provider and a telecommunications service provider (as defined under current law) that is capable of providing broadband service (R.C. 122.09(B)).	Expands the definition to include a satellite broadcasting service provider and a wireless service provider (both as defined under current law) (R.C. 122.09(B) and (G)).
<b>Areas excluded from "eligible area" definition (R.C. 122.09(D))</b>	Excludes from the definition of "eligible area" any area that <i>has received funds</i> through any other state or federally funded grant programs encouraging broadband deployment.	Excludes from the definition of "eligible area" any area that <i>has received, or is designated to receive, funds</i> through any other such state or federally funded grant programs.
<b>Infrastructure included in "last mile" definition (R.C. 122.09(E))</b>	Includes in the definition of "last mile" other network infrastructure needed to provide broadband service to the eligible area.	Includes in the definition of "last mile" other network infrastructure needed <i>within the eligible area</i> to provide broadband service to <i>end users in</i> the eligible area.

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<b>Residential Broadband Expansion Program application requirement</b> (R.C.122.095(E))	Requires an application for state funds under the Residential Broadband Expansion (RBE) Program to include a copy of the resolution or memorandum of understanding (MOU) adopted by a board of county commissioners of the county in which the project is located.	Specifies that the county resolution or MOU is required <i>if</i> county funds are used to pay the broadband funding gap.
<b>Project sponsor: <math>\frac{2}{3}</math> of broadband funding gap</b>	No provision.	Specifies that if a project sponsor funds the remaining $\frac{2}{3}$ of the broadband funding gap in its entirety, the board of county commissioners is not required to agree to the project funding or to adopt a resolution or MOU approving project funding (R.C. 122.096(A)(2)(b)).
<b>Project funding sources: general revenue funds</b>	No provision.	Permits the broadband funding gap to be funded through general revenue funds of the municipal corporation, township, or county (R.C. 122.096(B)).
<b>Project funding: video service provider (VSP) fees</b>	Specifies that VSP fees used to fund some or all of the project sponsor's share of project funding must be paid in a single lump sum payment or in two or more payments over a period of time. If paid over a period of time, the payment must be deducted from the quarterly VSP fee. (R.C. 122.096(C) and (D) and 122.0911(B).)	Specifies that VSP fees used to fund some or all of the project sponsor's share of project funding may be paid as arranged by mutual consent of the project sponsor and selected broadband provider and with the consent of the project sponsor's legislative authority (R.C. 112.096(C) and 122.0911(B)).
<b>Project sponsor duties: development of project requirements</b> (R.C. 122.097(A)(2))	Requires the project sponsor to develop service, technical, and other requirements for the project including the requirement that the project provide broadband service capable of round-trip latency of 100 milliseconds, and a monthly usage allowance of 150 gigabits.	Requires the project sponsor to develop technical requirements for the project.

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<b>Project sponsor duties: request for proposals (RFP) project selection</b> <i>(R.C. 122.097(A)(3))</i>	Requires a project sponsor, through a competitive sealed proposal process, to select a broadband provider willing to enter into an agreement with the project sponsor to <i>construct, install, and support</i> the necessary broadband infrastructure for the project.	Requires a project sponsor to select a broadband provider willing to enter into such an agreement to <i>construct and install</i> the project's broadband infrastructure.
<b>Prohibition against favoring any particular broadband service technology</b>	Prohibits a project sponsor from favoring any broadband service delivery technology over any other technology capable of satisfying the project's requirements <i>(R.C. 122.097(B))</i> .	No provision.
<b>RFP specifications</b>	Requires the RFP to specify the relative importance of price and other evaluation factors in determining which provider is awarded the project <i>(R.C. 122.098(B)(2))</i> .	No provision.
<b>RFP process</b> <i>(R.C. 122.098(F))</i>	Permits discussions with <i>responsible providers</i> who submit proposals determined to be reasonably susceptible of being selected for the project award to ensure full understanding of, and responsiveness to, project requirements.	Permits discussions with <i>eligible broadband providers</i> who submit such proposals.
<b>Public inspection: during RFP process</b>	Specifies that proposals and related documents are not to be available for public inspection and copying under the Public Records Law <i>until after a provider is selected (R.C. 122.098(E))</i> .	Specifies that proposals and related documents are not to be available for public inspection <i>while the project sponsor is reviewing them (R.C. 122.098(E)(1))</i> .
<b>Public inspection: proposals not selected</b>	No provision.	Prohibits proposals and related documents submitted by other providers not selected for the project are not subject to public inspection and copying under the Public Records Law <i>(R.C. 122.098(E)(4))</i> .

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<b>Public inspection: proprietary information and trade secret notification</b>	No provision.	Requires the project sponsor to allow the selected provider three days to notify the project sponsor of any information in the provider's proposal or related documents that the provider considers to be proprietary or a trade secret (R.C. 122.098(E)(2)).
<b>Public inspection: redaction</b>	No provision.	Requires the project sponsor, upon notification from the selected provider of information that is proprietary or a trade secret, to redact or otherwise remove that information from the provider's proposal and related documents (R.C. 122.098(E)(2)).
<b>Public inspection: permitted after three-day period</b>	No provision.	Requires the selected provider's proposal and related documents to be available for public inspection and copying under the Public Records Law after the three-day period allowing for redaction of information as described above (R.C. 122.098(E)(3)).
<b>Proposal review</b> (R.C. 122.098(H))	Upon receiving project proposals, requires the project sponsor to analyze them and select the proposal determined to be the <i>lowest and best</i> proposal.	Requires the project sponsor to select the proposal determined to be the one that <i>best meets the requirements</i> under the bill.
<b>Proposal review factors</b> (R.C. 122.098(H))	Requires the project sponsor to consider such factors as a proposal's price and the evaluation criteria in the RFP when analyzing proposals.	Permits the project sponsor to consider the criteria in the RFP when analyzing proposals.
<b>Proposal requirements: broadband project history</b>	Requires a provider to include, in its sealed proposal to the project sponsor, a brief history of its completed or pending broadband projects in Ohio (R.C. 122.099(A)(9)).	No provision.



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<b>Proposal requirements: added financial assurance</b>	Permits a project sponsor to require all proposals submitted to include a performance bond or other financial assurance acceptable to the legislative authority of the project sponsor. Specifies that the bond or assurance be in the sum, and with the sureties, that the legislative authority prescribes and payable to the municipal corporation or township. (R.C. 122.0910.)	Adds a letter of credit as one of the financial assurances that a project sponsor may require of all submitted proposals (R.C. 122.0910(A)).
<b>Proposal requirements: financial assurance conditions</b>	Permits the bond or assurance to include the condition that, if its proposal is accepted, the provider will faithfully execute the terms of the agreement with the project sponsor and will complete the project (R.C. 122.0910).	Permits a letter of credit to include the same condition if a provider's proposal is accepted (R.C. 122.0910(B)(1)).
<b>Proposal requirements: purpose of financial assurance</b>	No provision.	Specifies that the purpose of the performance bond, letter of credit, or other financial assurance is to assure construction of the project's broadband infrastructure (R.C. 122.0910(B)(2)).
<b>Proposal requirements: financial assurance after project completion</b>	No provision.	Specifies that the bond, letter of credit, or other financial assurance is not required after project construction is complete (R.C. 122.0910(B)(2)).
<b>Project agreement: proposing v. entering into authority (R.C. 122.0911)</b>	After selecting <i>the provider</i> through the RFP process, permits the project sponsor to <i>propose</i> an agreement with the provider.	After selecting an <i>eligible</i> provider through the RFP process, permits the project sponsor and provider to <i>enter into</i> an agreement.
<b>Project agreement: infrastructure (R.C. 122.0911(A))</b>	Requires an agreement to specify that the provider must <i>construct, install, and support</i> last mile broadband infrastructure to a specific eligible area of the municipal corporation or township.	Requires the provider to <i>construct and install</i> the last mile infrastructure to the specific eligible area.

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<b>Project agreement: prohibitions</b>	No provision.	Prohibits an agreement from (1) regulating the rates, terms, and conditions of broadband service, (2) requiring a pricing commitment, or (3) requiring open access to the network ( <i>R.C. 122.0912(C)</i> ).
<b>Alternate payment terms</b>	No provision.	Permits the project sponsor, with the consent of the project sponsor's legislative authority, to negotiate and agree to alternate payment terms with a provider ( <i>R.C. 122.0911(D)</i> ).
<b>Financial responsibility of legislative authority</b>	No provision.	Specifies that under alternate payment terms, unless otherwise negotiated, the legislative authority assumes all financial responsibility for any project costs incurred by the provider prior to completion of the project or award of state RBE Program funds ( <i>R.C. 122.0911(D)</i> ).
<b>Authority to challenge an RFP</b>	No provision.	Permits a broadband service provider in or proximate to the proposed project area to submit a challenge to an RFP issued by a project sponsor ( <i>R.C. 122.0917</i> ).
<b>Basis for an RFP challenge</b>	No provision.	Requires a challenge to provide sufficient evidence to demonstrate that the RFP is not appropriate because it will not provide broadband service or will not serve an eligible area ( <i>R.C. 122.0917</i> ).
<b>RFP challenge submission</b>	No provision.	Requires the challenge to be submitted in writing ( <i>R.C. 122.0917</i> ).
<b>RFP challenge time period</b>	No provision.	Requires the challenge to be submitted within five business days of the notice of the RFP ( <i>R.C. 122.0917</i> ).

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<b>Action regarding an RFP challenge</b>	No provision.	After reviewing a challenge, the legislative authority of the project sponsor may, upon a majority vote, do either of the following: <ul style="list-style-type: none"> <li>• Withdraw the RFP and issue a new RFP;</li> <li>• Accept the current RFP and proceed with the selection process.</li> </ul> <i>(R.C. 122.0918.)</i>
<b>Authority to challenge a proposal's selection</b>	<i>Once a proposal is selected, permits a provider who was not selected to challenge the selection (R.C. 122.0917).</i>	Permits a provider who was not selected to challenge the selection <i>if</i> a proposal is selected <i>(R.C. 122.0920).</i>
<b>Basis for challenge: nature of broadband service</b>	Specifies that a challenge must demonstrate that the selection is not appropriate because it will not provide <i>broadband service (R.C. 122.0917).</i>	Specifies that a challenge must demonstrate that the selection is not appropriate because it will not provide <i>the broadband service described in the selected provider's proposal (R.C. 122.0920).</i>
<b>Rejection of challenge to a selection</b>	No provision.	Permits the legislative authority of the project sponsor to reject a challenge after reviewing it <i>(R.C. 122.0921(A)).</i>
<b>Ownership of broadband infrastructure</b>	No provision.	Specifies that the provider selected to provide last mile service under the RBE Program is the sole owner of the infrastructure installed under the Program and is solely responsible for ongoing maintenance and upgrades to it <i>(R.C. 122.0923).</i>
<b>Special assessment purpose (R.C. 303.251, 505.881, and 727.01)</b>	Specifies that municipal corporations, townships, and counties may levy a special assessment for <i>expanding broadband service through a residential broadband expansion project</i> under the bill.	Specifies that the special assessments are for <i>providing the project sponsor's</i> (municipal corporation's or township's) <i>share or county's share of funding for the project.</i>

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<b>Special assessment application: counties and townships</b> (R.C. 303.251 and 505.881)	Specifies that the special assessment must be levied only upon the property that benefits from the RBE Program.	Specifies that, if a broadband expansion project agreement under the bill has been signed, the special assessment must be levied only upon the property that is within the eligible area and that is the subject of the project.
<b>Special assessment application: municipal corporations</b> (R.C. 727.01)	Specifies that a municipal corporation may levy a special assessment against dwellings <i>without access to broadband service</i> .	Specifies that, if a broadband expansion project agreement under the bill has been signed, a special assessment may be levied against <i>dwellings within the eligible area that are the subject of the project</i> .
<b>Special assessment fund</b> (R.C. 303.251 and 505.881).	Specifies that county and township special assessments, when collected, must be paid into a fund created for the purpose of providing broadband service for a residential broadband expansion project located in the county or township.	Modifies the purpose of the fund into which county and township special assessments are paid to be for funding a residential broadband expansion project located in the county or township.
<b>Reference changes: county share of broadband funding gap</b> (R.C. 122.0914(C), 122.0915, and 122.0916)	Refers to the county share of broadband funding gap as "county matching funds."	Deletes the word "matching" and refers to "any county funds" or "county funds."
<b>Reference changes: broadband fund gap amount</b> (R.C. 122.096(B))	Refers to the "total amount" of the project sponsor and county share (1) when describing how the broadband funding gap is to be funded and (2) in the prohibition against funding by any broadband expansion grant from the Connect America Fund or any other state or federal broadband expansion funds.	Changes the references to the "amount of the broadband funding gap agreed to" and the "amount agreed to" respectively.