



## Ohio Revised Code

### Section 122.403 Broadband expansion program authority.

Effective: September 30, 2021

Legislation: House Bill 110

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(A)(1) There is hereby created, within the department of development, the broadband expansion program authority, which shall consist of the director of development or the director's designee, the director of the office of InnovateOhio or the director's designee, and three other members as follows: one member appointed by the president of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the governor.

(2) Appointed members shall have expertise in broadband infrastructure and technology. Appointed members may not be affiliated with or employed by the broadband industry or in a position to benefit from a program grant.

(B) Appointed members shall serve four year terms and are eligible for reappointment.

(C) Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(D)(1)(a) Beginning on January 1, 2022, and ending on December 31, 2025, appointed members shall receive a monthly stipend as calculated under section 145.016 of the Revised Code in an amount that will qualify each member for one year of retirement service credit under the Ohio public employees retirement system for each year of service as a member of the authority during that period.

(b) Notwithstanding the requirement of section 145.58 of the Revised Code that eligibility for health care coverage provided under that section be based on years and types of service credit in accordance with rules adopted by the public employees retirement board, if the board provides health care coverage under that section, no service credit earned for service as a member of the authority shall be considered for purposes of determining eligibility for coverage under that section.



(c) Members shall receive reimbursement for their necessary and actual expenses incurred in performing the business of the authority. The reimbursements constitute, as applicable, administrative costs of the Ohio residential broadband expansion grant program.

(2) An appointed member of the authority who is currently serving as an administrative department head under section 121.03 of the Revised Code is not eligible to receive a stipend under division (A) of this section.

(3) The agency shall be responsible for paying all reimbursements for meals and expenses under this section and, for the period beginning on January 1, 2022, and ending on December 31, 2025, all stipends under this section.

(E) The director of development, or the director's designee, shall serve as chairperson of the authority. The members of the authority annually shall elect a vice-chairperson from the members of the authority. Three members of the authority constitute a quorum to transact and vote on the business of the authority. An affirmative vote of three members is necessary to approve any business, including the election of the vice-chairperson.

(F) The assignment of designees by the director of development and the director of InnovateOhio shall be made in writing. If the director of development assigns a designee to serve on the authority, the director shall appoint a professional employee of the department of development to serve as the director's designee at authority meetings. In the absence of the director of development or the director's designee, the vice-chairperson of the authority shall serve as chairperson of authority meetings.

(G) The authority is not an agency for purposes of sections 101.82 to 101.87 of the Revised Code.