MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2021-11D

The Emergency Amendment of Rules OAC 122:30-1-01, 122:30-1-02, 122:30-1-03, 122:30-1-04, 122:30-1-05, 122:30-1-06, 122:30-1-07, 122:30-1-08, and 122:30-1-09 of the Ohio Administrative Code by the Ohio Department of Development

WHEREAS, it is a priority of my administration to connect Ohio households to essential broadband services, especially high-speed internet; and

WHEREAS, there are many areas in this state where families do not have access to reliable high-speed internet; and

WHEREAS, the great increase in telework, remote learning, and telehealth services during the COVID-19 pandemic has clearly shown the necessity for every Ohioan to have access to reliable high-speed internet; and

WHEREAS, I have recently signed into law House Bill 2 of the 134th General Assembly which creates the Ohio Residential Broadband Expansion Grant Program (the Program); and

WHEREAS, the Program will provide access to high-speed internet services to many Ohio households that do not currently have access to such services, and thus, it is essential that the Program become operational as soon as possible; and

WHEREAS, to stand up the program, the Ohio Department of Development (Development) must adopt rules to administer the Program; and

WHEREAS, Section 122.4077 of the Ohio Revised Code authorizes Development to promulgate rules for the Program; and

WHEREAS, Section 119.03(G) of the Ohio Revised Code authorizes the Governor, on the request of a State agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

WHEREAS, Development has requested a determination whether an emergency exists that requires the adoption of Sections 122:30-1-01 through 122:30-1-09 of the Administrative

Code on an emergency basis and that would therefore permit Development, pursuant to Section 122.4077 of the Ohio Revised Code, to immediately adopt these rules rule to allow administration of the Program.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of Development, that an emergency exists requiring the immediate adoption of rules 122:30-1-01 through 122:30-1-09 of the Ohio Administrative Code.

Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption or amendment of the specified rules be suspended and that Development be permitted to adopt the rules immediately by filing it electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review ("JCARR").

Furthermore, I hereby order that this Executive Order be filed in electronic form with Development, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on July 30, 2021, in Cedarville, Ohio, and it will expire one hundred and twenty days (120) from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

Filed on Aug 3, 2021
Per
In the Office of the Secretary
of State at Columbus, OH
FRANK LaROSE
Secretary of State