

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 101**

**Representatives Stephens, Edwards**

**Cosponsors: Representatives Kick, Riedel, Manning, Zeltwanger, Fowler Arthur, LaRe, Carfagna, Swearingen, Lipps, Lampton, Troy, Stewart, Johnson, Ray, Creech, Baldrige, Pavliga, Carruthers, Jones, Cross, Cutrona, Holmes**

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**A BILL**

To amend sections 307.01, 307.021, 307.93, 341.12, 1  
2301.51, 5120.10, and 5739.021; to enact 2  
sections 342.01, 342.02, 342.03, 342.04, 342.05, 3  
342.06, 342.07, 342.08, 342.09, 342.10, 342.11, 4  
342.12, 342.13, 342.14, 342.15, 342.16, and 5  
5705.234; and to repeal section 341.121 of the 6  
Revised Code to establish new processes for 7  
funding the construction, acquisition, 8  
improvement, operation, and maintenance of jail 9  
facilities. 10

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

**Section 1.** That sections 307.01, 307.021, 307.93, 341.12, 11  
2301.51, 5120.10, and 5739.021 be amended and sections 342.01, 12  
342.02, 342.03, 342.04, 342.05, 342.06, 342.07, 342.08, 342.09, 13  
342.10, 342.11, 342.12, 342.13, 342.14, 342.15, 342.16, and 14  
5705.234 of the Revised Code be enacted to read as follows: 15

**Sec. 307.01.** (A) A courthouse, ~~jail,~~ public comfort 16  
station, offices for county officers, and a county home shall be 17

provided by the board of county commissioners when, in its 18  
judgment, any of them are needed. Subject to Chapter 342. of the 19  
Revised Code, a jail shall be provided by the board of county 20  
commissioners when, in its judgment, it is needed. The buildings 21  
and offices shall be of such style, dimensions, and expense as 22  
the board determines. All new jails and renovations to existing 23  
jails shall be designed, and all existing jails shall be 24  
operated in such a manner as to comply substantially with the 25  
minimum standards for jails in Ohio adopted by the department of 26  
rehabilitation and correction. The board shall also provide 27  
equipment, stationery, and postage, as it considers reasonably 28  
necessary for the proper and convenient conduct of county 29  
offices, and such facilities as will result in expeditious and 30  
economical administration of such offices, except that, for the 31  
purpose of obtaining federal or state reimbursement, the board 32  
may impose on the public children services agency reasonable 33  
charges, not exceeding the amount for which reimbursement will 34  
be made and consistent with cost-allocation standards adopted by 35  
the department of job and family services, for the provision of 36  
office space, supplies, stationery, utilities, telephone use, 37  
postage, and general support services. 38

The board of county commissioners shall provide all rooms, 39  
fireproof and burglarproof vaults, safes, and other means of 40  
security in the office of the county treasurer that are 41  
necessary for the protection of public moneys and property in 42  
the office. 43

(B) The court of common pleas shall annually submit a 44  
written request for an appropriation to the board of county 45  
commissioners that shall set forth estimated administrative 46  
expenses of the court that the court considers reasonably 47  
necessary for its operation. The board shall conduct a public 48

hearing with respect to the written request submitted by the 49  
court and shall appropriate the amount of money each year that 50  
it determines, after conducting the public hearing and 51  
considering the written request of the court, is reasonably 52  
necessary to meet all administrative expenses of the court. 53

If the court considers the appropriation made by the board 54  
pursuant to this division insufficient to meet all the 55  
administrative expenses of the court, it shall commence an 56  
action under Chapter 2731. of the Revised Code in the court of 57  
appeals for the judicial district for a determination of the 58  
duty of the board of county commissioners to appropriate the 59  
amount of money in dispute. The court of appeals shall give 60  
priority to the action filed by the court of common pleas over 61  
all cases pending on its docket. The burden shall be on the 62  
court of common pleas to prove that the appropriation requested 63  
is reasonably necessary to meet all its administrative expenses. 64  
If, prior to the filing of an action under Chapter 2731. of the 65  
Revised Code or during the pendency of the action, any judge of 66  
the court exercises the contempt power of the court of common 67  
pleas in order to obtain the amount of money in dispute, the 68  
judge shall not order the imprisonment of any member of the 69  
board of county commissioners notwithstanding sections 2705.02 70  
to 2705.06 of the Revised Code. 71

(C) Division (B) of this section does not apply to 72  
appropriations for the probate court or the juvenile court that 73  
are subject to section 2101.11 or 2151.10 of the Revised Code. 74

(D) The board of county commissioners may provide offices 75  
for or lease offices to a county land reutilization corporation 76  
organized under Chapter 1724. of the Revised Code and, in 77  
connection with such a lease, charge rentals that are at or 78

below the market rentals for such offices, if the board 79  
determines that providing offices for or leasing offices to the 80  
corporation will promote economic development or the general 81  
welfare of the people of the county through a plan of providing 82  
affordable housing, land reutilization, and community 83  
development. 84

**Sec. 307.021.** (A) It is hereby declared to be a public 85  
purpose and function of the state, and a matter of urgent 86  
necessity, that the state acquire, construct, or renovate 87  
capital facilities for use as county, multicounty, municipal- 88  
county, and multicounty-municipal jail facilities or workhouses, 89  
as single-county or district community-based correctional 90  
facilities authorized under section 2301.51 of the Revised Code, 91  
as minimum security misdemeanor jails under sections 341.34 and 92  
753.21 of the Revised Code, and as single-county or joint-county 93  
juvenile facilities authorized under section 2151.65 of the 94  
Revised Code in order to comply with constitutional standards 95  
and laws for the incarceration of alleged and convicted 96  
offenders against state and local laws, and for use as county 97  
family court centers. For these purposes, counties and municipal 98  
corporations are designated as state agencies to perform duties 99  
of the state in relation to such facilities, workhouses, jails, 100  
and centers, and such facilities, workhouses, jails, and centers 101  
are designated as state capital facilities. The treasurer of 102  
state is authorized to issue revenue obligations under Chapter 103  
154. of the Revised Code to pay all or part of the cost of such 104  
state capital facilities as are designated by law. 105

The office of the sheriff, due to its responsibilities 106  
concerning alleged and convicted offenders against state laws, 107  
is designated as the state agency having jurisdiction over such 108  
jail, workhouse, community-based correctional, or county minimum 109

security misdemeanor jail capital facilities in any one county 110  
or over any district community-based correctional facilities. 111  
The corrections commission, due to its responsibilities in 112  
relation to such offenders, is designated as the state agency 113  
having jurisdiction over any such multicounty, municipal-county, 114  
or multicounty-municipal jail, workhouse, or correctional 115  
capital facilities. The office of the chief of police or marshal 116  
of a municipal corporation, due to its responsibilities 117  
concerning certain alleged and convicted criminal offenders, is 118  
designated as the state agency having jurisdiction over any such 119  
municipal corporation minimum security misdemeanor jail capital 120  
facilities in the municipal corporation. The juvenile court, as 121  
defined in section 2151.011 of the Revised Code, is designated 122  
as the branch of state government having jurisdiction over any 123  
such family court center or single-county or joint-county 124  
juvenile capital facilities. It is hereby determined and 125  
declared that such capital facilities are for the purpose of 126  
housing such state agencies, their functions, equipment, and 127  
personnel. 128

(B) The capital facilities provided for in this section 129  
may be included in capital facilities in which one or more 130  
governmental entities are participating or in which other 131  
facilities of the county or counties, or any municipal 132  
corporations, are included pursuant to division (B) of section 133  
154.24 of the Revised Code or in an agreement between any county 134  
or counties and any municipal corporation or municipal 135  
corporations for participating in the joint construction, 136  
acquisition, or improvement of public works, public buildings, 137  
or improvements benefiting the parties in the same manner as set 138  
forth in section 153.61 of the Revised Code. 139

(C) A county or counties or a municipal corporation or 140

municipal corporations may contribute to the cost of capital 141  
facilities authorized under this section. 142

(D) A county or counties, and any municipal corporations, 143  
shall lease capital facilities described in this section that 144  
are constructed, reconstructed, or otherwise improved, which 145  
facilities are financed by the treasurer of state pursuant to 146  
Chapter 154. of the Revised Code, for the use of the county or 147  
counties and any municipal corporations, and may enter into 148  
other agreements ancillary to the construction, reconstruction, 149  
improvement, financing, leasing, or operation of such capital 150  
facilities, including, but not limited to, any agreements 151  
required by the applicable bond proceedings authorized by 152  
Chapter 154. of the Revised Code. 153

Such lease may obligate the county or counties and any 154  
municipal corporation, as using state agencies under Chapter 155  
154. of the Revised Code, to occupy and operate such capital 156  
facilities for such period of time as may be specified by law 157  
and to pay such rent as the treasurer of state determines to be 158  
appropriate. Notwithstanding any other section of the Revised 159  
Code, any county or counties or municipal corporation may enter 160  
into such a lease, and any such lease is legally sufficient to 161  
obligate the political subdivision for the term stated in the 162  
lease. Any such lease constitutes an agreement described in 163  
division (D) of section 154.06 of the Revised Code. 164

(E) If rental payments required from the county or 165  
counties or municipal corporation by a lease established 166  
pursuant to this section are not paid in accordance with such 167  
lease, the funds which otherwise would be apportioned to the 168  
lessees from the county undivided local government fund, 169  
pursuant to sections 5747.51 to 5747.53 of the Revised Code, 170

shall be reduced by the amount of rent owed. The county 171  
treasurer immediately shall pay the amount of such reductions to 172  
the treasurer of state. 173

(F) Any lease of capital facilities authorized by this 174  
section, the rentals of which are payable in whole or in part 175  
from appropriations made by the general assembly, is governed by 176  
Chapter 154. of the Revised Code. Such rentals constitute 177  
available receipts as defined in section 154.24 of the Revised 178  
Code and may be pledged for the payment of bond service charges 179  
as provided in that section. 180

(G) Any provision of section 123.01 of the Revised Code 181  
that applies to buildings and facilities also applies to the 182  
buildings and facilities described in this section, unless it is 183  
inconsistent with this section. 184

(H) This section applies, as applicable, to facilities 185  
constructed pursuant to Chapter 342. of the Revised Code. 186

**Sec. 307.93.** (A) (1) The boards of county commissioners of 187  
two or more adjacent counties, subject to Chapter 342. of the 188  
Revised Code, may contract for the joint establishment of a 189  
multicounty correctional center, and the board of county 190  
commissioners of a county or the boards of two or more counties 191  
may contract with any municipal corporation or municipal 192  
corporations located in that county or those counties for the 193  
joint establishment of a municipal-county or multicounty- 194  
municipal correctional center. The center shall augment county 195  
and, where applicable, municipal jail programs and facilities by 196  
providing custody and rehabilitative programs for those persons 197  
under the charge of the sheriff of any of the contracting 198  
counties or of the officer or officers of the contracting 199  
municipal corporation or municipal corporations having charge of 200

persons incarcerated in the municipal jail, workhouse, or other 201  
correctional facility who, in the opinion of the sentencing 202  
court, need programs of custody and rehabilitation not available 203  
at the county or municipal jail and by providing custody and 204  
rehabilitative programs in accordance with division (C) of this 205  
section, if applicable. The contract may include, but need not 206  
be limited to, provisions regarding the acquisition, 207  
construction, maintenance, repair, termination of operations, 208  
and administration of the center. The acquisition of the 209  
facility, to the extent appropriate, may include the leasing of 210  
the Ohio river valley facility or a specified portion of that 211  
facility pursuant to division (B) (3) of this section. The 212  
contract shall prescribe the manner of funding of, and debt 213  
assumption for, the center and the standards and procedures to 214  
be followed in the operation of the center. Except as provided 215  
in division (G) of this section, the contracting counties and 216  
municipal corporations shall form a corrections commission to 217  
oversee the administration of the center. Members of the 218  
commission shall consist of the sheriff of each participating 219  
county, a member of the board of county commissioners of each 220  
participating county, the chief of police of each participating 221  
municipal corporation, and the mayor or city manager of each 222  
participating municipal corporation. Any of the foregoing 223  
officers may appoint a designee to serve in the officer's place 224  
on the corrections commission. 225

The standards and procedures prescribed under this 226  
division shall be formulated and agreed to by the commission and 227  
may be amended at any time during the life of the contract by 228  
agreement of a majority of the voting members of the commission 229  
or by other means set forth in the contract between the 230  
contracting counties and municipal corporations. The standards 231



and procedures formulated by the commission and amendments to 232  
them shall include, but need not be limited to, designation of 233  
the person in charge of the center, designation of a fiscal 234  
agent, the categories of employees to be employed at the center, 235  
the appointing authority of the center, and the standards of 236  
treatment and security to be maintained at the center. The 237  
person in charge of, and all persons employed to work at, the 238  
center shall have all the powers of police officers that are 239  
necessary for the proper performance of the duties and work 240  
responsibilities of the center, provided that the corrections 241  
officers of the center may carry firearms in the performance of 242  
those duties and responsibilities only in accordance with 243  
division (A) (2) of this section. 244

(2) The person in charge of a multicounty correctional 245  
center, or of a municipal-county or multicounty-municipal 246  
correctional center, may grant permission to a corrections 247  
officer of the center to carry firearms when required in the 248  
discharge of official duties if the corrections officer has 249  
successfully completed a basic firearm training program that is 250  
approved by the executive director of the Ohio peace officer 251  
training commission. A corrections officer who has been granted 252  
permission to carry firearms in the discharge of official duties 253  
annually shall successfully complete a firearms requalification 254  
program in accordance with section 109.801 of the Revised Code. 255  
A corrections officer may carry firearms under authority of this 256  
division only while the officer is acting within the scope of 257  
the officer's official duties. 258

(B) (1) Upon the establishment of a corrections commission 259  
under division (A) of this section, the judges specified in this 260  
division shall form a judicial advisory board for the purpose of 261  
making recommendations to the corrections commission on issues 262

of bed allocation, expansion of the center that the corrections 263  
commission oversees, and other issues concerning the 264  
administration of sentences or any other matter determined to be 265  
appropriate by the board. The judges who shall form the judicial 266  
advisory board for a corrections commission are the 267  
administrative judge of the general division of the court of 268  
common pleas of each county participating in the corrections 269  
center, the presiding judge of the municipal court of each 270  
municipal corporation participating in the corrections center, 271  
and the presiding judge of each county court of each county 272  
participating in the corrections center. If the number of the 273  
foregoing members of the board is even, the county auditor or 274  
the county auditor of the most populous county if the board 275  
serves more than one county shall also be a member of the board. 276  
Any of the foregoing judges may appoint a designee to serve in 277  
the judge's place on the judicial advisory board, provided that 278  
the designee shall be a judge of the same court as the judge who 279  
makes the appointment. The judicial advisory board for a 280  
corrections commission shall meet with the corrections 281  
commission at least once each year. 282

(2) Each board of county commissioners that enters a 283  
contract under division (A) of this section may appoint a 284  
building commission pursuant to section 153.21 of the Revised 285  
Code. If any commissions are appointed, they shall function 286  
jointly in the construction of a multicounty or multicounty- 287  
municipal correctional center with all the powers and duties 288  
authorized by law. 289

~~(3) Subject to the limitation described in this division,~~ 290  
~~the boards of county commissioners that contract or have~~ 291  
~~contracted for the joint establishment of a multicounty~~ 292  
~~correctional center under division (A) of this section, or the~~ 293

~~boards of county commissioners of the counties and legislative  
authorities of the municipal corporations that contract or have  
contracted for the joint establishment of a municipal county or  
multicounty municipal correctional center under that division,  
may enter into an agreement with the director of administrative  
services pursuant to which the contracting counties and  
municipal corporations shall use the Ohio river valley facility  
or a specified portion of that facility as the multicounty  
correctional center, municipal county correctional center, or  
multicounty municipal correctional center covered by the  
contract entered into under division (A) of this section. A  
contract with the director of administrative services may be  
entered into under this division only if one or more of the  
contracting counties is adjacent to Scioto county.~~

~~The department may enter into an agreement as described in  
this division at any time on or after September 29, 2017, or, if  
the department had entered into an agreement with the board of  
county commissioners of Lawrence county pursuant to section  
341.121 of the Revised Code for the use by the sheriff of that  
county of a specified portion of the facility as a jail for  
Lawrence county, at any time on or after the date that control  
of the specified portion of the facility reverts to the state  
under division (B) (4) or (C) of that section.~~

(C) Prior to the acceptance for custody and rehabilitation  
into a center established under this section of any persons who  
are designated by the department of rehabilitation and  
correction, who plead guilty to or are convicted of a felony of  
the fourth or fifth degree, and who satisfy the other  
requirements listed in section 5120.161 of the Revised Code, the  
corrections commission of a center established under this  
section shall enter into an agreement with the department of

rehabilitation and correction under section 5120.161 of the Revised Code for the custody and rehabilitation in the center of persons who are designated by the department, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in that section, in exchange for a per diem fee per person. Persons incarcerated in the center pursuant to an agreement entered into under this division shall be subject to supervision and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the center in accordance with section 2929.16 of the Revised Code.

(D) Pursuant to section 2929.37 of the Revised Code, each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may require a person who was convicted of an offense, who is under the charge of the sheriff of their county or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility, and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center as provided in that division, to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center.

(E) Notwithstanding any contrary provision in this section or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the corrections commission of a center may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in

the multicounty, municipal-county, or multicounty-municipal 356  
correctional center to pay a reception fee, a fee for medical 357  
treatment or service requested by and provided to that person, 358  
or the fee for a random drug test assessed under division (E) of 359  
section 341.26 of the Revised Code. 360

(F) (1) The corrections commission of a center established 361  
under this section may establish a commissary for the center. 362  
The commissary may be established either in-house or by another 363  
arrangement. If a commissary is established, all persons 364  
incarcerated in the center shall receive commissary privileges. 365  
A person's purchases from the commissary shall be deducted from 366  
the person's account record in the center's business office. The 367  
commissary shall provide for the distribution to indigent 368  
persons incarcerated in the center of necessary hygiene articles 369  
and writing materials. 370

(2) If a commissary is established, the corrections 371  
commission of a center established under this section shall 372  
establish a commissary fund for the center. The management of 373  
funds in the commissary fund shall be strictly controlled in 374  
accordance with procedures adopted by the auditor of state. 375  
Commissary fund revenue over and above operating costs and 376  
reserve shall be considered profits. All profits from the 377  
commissary fund shall be used to purchase supplies and equipment 378  
for the benefit of persons incarcerated in the center and to pay 379  
salary and benefits for employees of the center, or for any 380  
other persons, who work in or are employed for the sole purpose 381  
of providing service to the commissary. The corrections 382  
commission shall adopt rules and regulations for the operation 383  
of any commissary fund it establishes. 384

(G) In lieu of forming a corrections commission to 385

administer a multicounty correctional center or a municipal- 386  
county or multicounty-municipal correctional center, the boards 387  
of county commissioners and the legislative authorities of the 388  
municipal corporations contracting to establish the center may 389  
also agree to contract for the private operation and management 390  
of the center as provided in section 9.06 of the Revised Code, 391  
but only if the center houses only misdemeanor inmates. In 392  
order to enter into a contract under section 9.06 of the Revised 393  
Code, all the boards and legislative authorities establishing 394  
the center shall approve and be parties to the contract. 395

(H) If a person who is convicted of or pleads guilty to an 396  
offense is sentenced to a term in a multicounty correctional 397  
center or a municipal-county or multicounty-municipal 398  
correctional center or is incarcerated in the center in the 399  
manner described in division (C) of this section, or if a person 400  
who is arrested for an offense, and who has been denied bail or 401  
has had bail set and has not been released on bail is confined 402  
in a multicounty correctional center or a municipal-county or 403  
multicounty-municipal correctional center pending trial, at the 404  
time of reception and at other times the officer, officers, or 405  
other person in charge of the operation of the center determines 406  
to be appropriate, the officer, officers, or other person in 407  
charge of the operation of the center may cause the convicted or 408  
accused offender to be examined and tested for tuberculosis, HIV 409  
infection, hepatitis, including but not limited to hepatitis A, 410  
B, and C, and other contagious diseases. The officer, officers, 411  
or other person in charge of the operation of the center may 412  
cause a convicted or accused offender in the center who refuses 413  
to be tested or treated for tuberculosis, HIV infection, 414  
hepatitis, including but not limited to hepatitis A, B, and C, 415  
or another contagious disease to be tested and treated 416

involuntarily. 417

(I) As used in this section: 418

~~(1) "Multicounty-municipal", "multicounty-municipal" means~~ 419  
more than one county and a municipal corporation, or more than 420  
one municipal corporation and a county, or more than one 421  
municipal corporation and more than one county. 422

~~(2) "Ohio river valley facility" has the same meaning as~~ 423  
~~in section 341.121 of the Revised Code.~~ 424

**Sec. 341.12.** ~~(A)~~ In a county not having a sufficient jail 425  
or staff, ~~subject to division (B) of this section,~~ the sheriff 426  
shall convey any person charged with the commission of an 427  
offense, sentenced to imprisonment in the county jail, or in 428  
custody upon civil process to a jail in any county the sheriff 429  
considers most convenient and secure. As used in this paragraph, 430  
any county includes a contiguous county in an adjoining state. 431

The sheriff may call such aid as is necessary in guarding, 432  
transporting, or returning such person. Whoever neglects or 433  
refuses to render such aid, when so called upon, shall forfeit 434  
and pay the sum of ten dollars, to be recovered by an action in 435  
the name and for the use of the county. 436

Such sheriff and the sheriff's assistants shall receive 437  
such compensation for their services as the county auditor of 438  
the county from which such person was removed considers 439  
reasonable. The compensation shall be paid from the county 440  
treasury on the warrant of the auditor. 441

The receiving sheriff shall not, pursuant to this section, 442  
convey the person received to any county other than the one from 443  
which the person was removed. 444

~~(B) (1) If Lawrence county does not have sufficient jail space in the county or staff based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code, instead of conveying a person in a category described in division (A) of this section to a jail in any county pursuant to that division, the Lawrence county sheriff may convey the person to the Ohio river valley facility in accordance with section 341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.~~

~~(2) If a county other than Lawrence county does not have sufficient jail space or staff based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code and has entered into an agreement to jail persons with the Lawrence county sheriff, instead of conveying a person in a category described in division (A) of this section to a jail in any county pursuant to that division, the sheriff of the other county may convey the person to the Ohio river valley facility in accordance with section 341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.~~

~~(3) As used in divisions (B) (1) and (2) of this section, "Ohio river valley facility" has the same meaning as in section 341.121 of the Revised Code.~~

**Sec. 342.01.** As used in this chapter: 470

"Basic project cost" means an amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio facilities construction commission. The basic project cost calculation shall take into consideration the



square footage and cost per square foot necessary for the jail facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing jail facilities that are abandoned under the project, the cost of insuring the project until it is completed, and the professional planning, administration, and design fees that a county may have to pay to undertake a jail facilities project. 475  
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"Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, site electrical service, and site telephone and data system. 484  
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"Jail facility" means a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, a single-county or district community-based correctional facility authorized under section 2301.51 of the Revised Code, a minimum security misdemeanor jail under sections 341.34 and 753.21 of the Revised Code, or a single-county or joint-county juvenile facility authorized under section 2151.65 of the Revised Code, or another residential facility used for the confinement of alleged or convicted offenders that is operated by a county or a combination of a county or counties and other political subdivisions of this state. 489  
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"Multicounty jail facility" means a jail facility intended to serve two or more counties, and that may be located wholly in one county or partly in one or more counties that have made an agreement under section 342.12 of the Revised Code. 500  
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"Net bonded indebtedness" means the difference between the 504

sum of the par value of all outstanding and unpaid bonds and 505  
notes that a board of county commissioners is obligated to pay, 506  
and the amount held in a sinking fund and other indebtedness 507  
retirement funds for their redemption. 508

"Project" means a project to construct or acquire jail 509  
facilities, or to reconstruct or make additions to existing jail 510  
facilities. 511

"Site preparation" means the earthwork necessary for 512  
preparation of the building foundation system, the paved 513  
pedestrian and vehicular circulation system, and lawn and 514  
planting on the project site. 515

Sec. 342.02. (A) The department of rehabilitation and 516  
correction shall conduct a needs assessment of a county, upon 517  
the request of the board of county commissioners for that 518  
county, but shall not conduct more than one needs assessment per 519  
year per county. 520

(B) (1) To conduct a needs assessment under division (A) of 521  
this section, the department shall conduct on-site evaluations 522  
of applicable jail facilities identified as having jail facility 523  
needs to evaluate the jail facility needs of the county. The on- 524  
site evaluation shall assess the county's need to construct or 525  
acquire new jail facilities and may include an assessment of the 526  
county's need for facility additions or for the reconstruction 527  
of existing facilities in lieu of constructing or acquiring 528  
replacement facilities. 529

Before conducting an on-site evaluation of a county, at 530  
the request of the board of county commissioners, the department 531  
of rehabilitation and correction shall examine any jail 532  
facilities needs assessment that the county has conducted and 533

any master plan developed for meeting the facility needs of the 534  
county. 535

(2) Upon conducting the on-site evaluation, the department 536  
shall make a determination of all of the following: 537

(a) The need of the county for additional jail facilities; 538

(b) The number of jail facilities to be included in a 539  
project and the basic project cost of constructing, acquiring, 540  
reconstructing, or making additions to each facility; 541

(c) The amount of the basic project cost that the county 542  
can supply through the means described in division (A) (2) of 543  
section 342.04 of the Revised Code; 544

(d) The amount of the cost that shall be supplied by the 545  
state under section 342.04 of the Revised Code; 546

(e) The amount of the state's portion to be encumbered in 547  
accordance with section 342.04 of the Revised Code in the 548  
current and subsequent fiscal years from funds appropriated for 549  
purposes of this chapter; 550

(f) The annual, monthly, or daily cost of operating the 551  
facility once it is operational. 552

(3) If the project involves a multicounty jail facility, 553  
the department may determine a multicounty jail facility ranking 554  
cost for each county involved. 555

(C) The Ohio facilities construction commission, in 556  
conjunction with the department, shall develop a set of minimum 557  
standards by which the construction and design of jail 558  
facilities must comply. These standards shall include the 559  
standards developed under section 5120.10 of the Revised Code, 560  
and other standards that the commission and the department 561

consider appropriate. 562

(D) The commission, in conjunction with the department, 563  
shall develop a funding formula that ranks each county based on 564  
need, and this percentile ranking shall be based on all of the 565  
following factors: 566

(1) The total value of all property in the county listed 567  
and assessed for taxation on the tax list; 568

(2) The sales tax revenue capacity in each county; 569

(3) Projections of use and other means of estimating the 570  
size and costs of the needed jail facilities; 571

(4) The standards described in division (C) of this 572  
section, and whether and to what extent existing facilities 573  
comply with these standards; 574

(5) The results of the on-site evaluation conducted under 575  
division (B) of this section. 576

(E) Notwithstanding divisions (A) to (D) of this section, 577  
in any fiscal year, the department may limit the number of 578  
counties for which it conducts on-site evaluations based upon 579  
its projections of the moneys available and moneys necessary to 580  
undertake projects under this chapter for that year. 581

**Sec. 342.03.** The department shall make a determination in 582  
favor of constructing, acquiring, reconstructing, or making 583  
additions to a jail facility only upon evidence that the 584  
proposed project conforms to the standards described in division 585  
(C) of section 342.02 of the Revised Code, and that it keeps 586  
with the needs of the county as determined by the assessment 587  
conducted under section 342.02 of the Revised Code. Exceptions 588  
shall be authorized only in those areas where topography, 589

sparsity of population, and other factors make larger jail 590  
facilities impracticable. 591

If the board of county commissioners or the department 592  
determines that an existing jail facility should be renovated 593  
instead of acquiring a comparable jail facility by new 594  
construction, the department may approve the expenditure of 595  
project funds for the renovation of that jail facility up to but 596  
not exceeding one hundred per cent of the estimated cost of 597  
acquiring a comparable jail facility by new construction, if the 598  
department determines that the renovated jail facility will be 599  
operationally efficient, will be adequate for the future needs 600  
of the county, and will comply with the standards described in 601  
section 342.02 of the Revised Code. 602

**Sec. 342.04.** (A) (1) A project proposed under sections 603  
342.02 and 342.03 of the Revised Code may be approved only upon 604  
submission of evidence to the department of rehabilitation and 605  
correction by the board of county commissioners or, in the case 606  
of a multicounty jail facility, by a multicounty jail facility 607  
commission, that the county or counties involved in the project 608  
will generate adequate revenue to fund the county portion of the 609  
basic project cost and the operations and maintenance of the 610  
proposed jail facility or facilities. 611

(2) A county may generate the revenue described in 612  
division (A) (1) of this section by any of the following means, 613  
provided the revenue may be lawfully used for that purpose: 614

(a) Unencumbered funds of the county; 615

(b) Issuance of bonds previously authorized by the 616  
electors of the county; 617

(c) Local donated contributions as authorized under 618

section 342.07 of the Revised Code; 619

(d) A bond issue or tax levy under section 5705.234 of the 620  
Revised Code; 621

(e) The proceeds of any other tax levy that may be 622  
lawfully used for that purpose, including a tax levied under 623  
division (LL) of section 5705.19 of the Revised Code or section 624  
5705.233 of the Revised Code. 625

(3) The department shall not accept a proposal by a county 626  
or a multicounty jail facility commission to rent any portion of 627  
the jail facility or facilities to other political subdivisions 628  
as evidence that the county or commission will generate adequate 629  
revenue as described in division (A) (1) of this section. 630

(4) Evidence submitted under division (A) (1) of this 631  
section shall not be considered sufficient until it has been 632  
certified as true and accurate by the county auditor of each 633  
participating county. 634

(B) Except as otherwise provided in divisions (C) and (D) 635  
of this section, the portion of the basic project cost supplied 636  
by each county shall be one per cent of the basic project costs 637  
times the percentile in which the county ranks according to the 638  
department's ranking under section 342.02 of the Revised Code, 639  
for the fiscal year preceding the fiscal year in which the 640  
controlling board approved the county's or counties' project 641  
under section 342.05 of the Revised Code. 642

The amount of the county's or counties' share determined 643  
under this section shall be calculated only as of the date the 644  
controlling board approved the project. 645

(C) At no time shall a county's, or all of the counties', 646  
portion of the basic project cost be greater than ninety-five 647

per cent of the total basic project cost. 648

(D) If the controlling board approves a project for a 649  
county that previously received assistance under this chapter 650  
within twenty years of the date the previous project was 651  
approved by the controlling board, that county's portion of the 652  
basic project cost for the new project shall be the lesser of 653  
the following: 654

(1) The portion calculated under division (B) of this 655  
section; 656

(2) The greater of the following: 657

(a) The required percentage of the basic project costs for 658  
the new project or, if the project is a multicounty jail 659  
facility, the county's required percentage of the basic project 660  
costs pursuant to an agreement under section 342.12 of the 661  
Revised Code; 662

(b) The percentage of the basic project cost paid by the 663  
county for the previous project. 664

**Sec. 342.05.** (A) If the department of rehabilitation and 665  
correction makes a determination under sections 342.01 to 342.04 666  
of the Revised Code in favor of constructing, acquiring, 667  
reconstructing, or making additions to a jail facility, the 668  
project shall be conditionally approved. The conditional 669  
approval shall be submitted to the controlling board for 670  
approval. The controlling board shall approve or reject the 671  
department's determination, the amount of the state's portion of 672  
the basic project cost, and the amount of the state's portion to 673  
be encumbered in the current fiscal year. If approved by the 674  
controlling board, the department shall certify the conditional 675  
approval to the board of county commissioners, or to the 676

multicounty jail facilities commission in the case of a 677  
multicounty jail facilities project undertaken pursuant to 678  
section 342.12 of the Revised Code, and shall encumber from the 679  
total funds appropriated for the purpose of this chapter the 680  
amount approved under this section to be encumbered in the 681  
current fiscal year. 682

The basic project cost for a project approved under this 683  
section shall not exceed the cost that otherwise would have to 684  
be incurred if the jail facilities to be constructed, acquired, 685  
or reconstructed, or the additions to be made to jail 686  
facilities, under the project meet, but do not exceed, the 687  
specifications for plans and materials for jail facilities 688  
adopted by the department. 689

(B) No project proposed by a county that previously 690  
received assistance under this chapter and that levied a tax 691  
under section 5705.234 of the Revised Code for the purpose of 692  
qualifying for that previous assistance shall be approved by the 693  
controlling board in the twenty years following the controlling 694  
board's approval of the previous project unless the board of 695  
county commissioners demonstrates to the satisfaction of the 696  
department that the county has experienced, since approval of 697  
its prior project, an exceptional increase in need beyond the 698  
county's design capacity under that prior project as determined 699  
by the department. 700

The department, at its discretion, may waive current 701  
design specifications it has adopted for projects under this 702  
chapter when assessing an application for additional assistance 703  
under this section for the renovation of jail facilities 704  
constructed or renovated under a county's prior project. If the 705  
department finds that a county's existing jail facilities are 706



adequate to meet all of the county's needs, the department may 707  
determine that no additional state assistance be awarded to a 708  
county under this section. 709

(C) Not later than one hundred twenty days after receiving 710  
notice of an approval, the board of county commissioners, or the 711  
multicounty jail facilities commission as applicable, shall 712  
accept or deny the Ohio facilities construction commission's 713  
conditional approval. Additionally, if one or more counties must 714  
issue bonds or levy a tax under section 5705.234 of the Revised 715  
Code to provide adequate revenue for its portion of the basic 716  
project costs or for the maintenance and operation of the jail 717  
facility or facilities, the electors of the county or counties 718  
shall approve the bond issue or levy not later than thirteen 719  
months after the date the county received the commission's 720  
conditional approval. If the commission's conditional approval 721  
lapses under this division, the amount reserved and encumbered 722  
for the project shall be released. If the amount reserved and 723  
encumbered for the county's or counties' project is released, 724  
the county or counties shall be given first priority for project 725  
funding as the funds become available. 726

**Sec. 342.06.** If the requisite favorable vote on an 727  
election described in section 5705.234 of the Revised Code is 728  
obtained or the county's share of the basic project cost is 729  
otherwise met in accordance with section 342.04 of the Revised 730  
Code, the Ohio facilities construction commission shall enter 731  
into a written agreement with the board of county commissioners, 732  
or with the multicounty jail facilities commission in the case 733  
of a multicounty jail facilities project undertaken pursuant to 734  
section 342.12 of the Revised Code, for the construction of the 735  
project. The agreement shall include at least the following 736  
provisions: 737

(A) The sale and issuance of bonds or notes in 738  
anticipation thereof, as soon as practicable after the execution 739  
of the agreement, in an amount equal to the county's portion of 740  
the basic project cost, dedicated by the board of county 741  
commissioners to payment of the county's portion of the basic 742  
project cost of the project; provided, that if at that time the 743  
county treasurer of each county in which the facility is located 744  
has not commenced the collection of taxes for the year in which 745  
the controlling board approved the project, the board of county 746  
commissioners shall authorize the issuance of a first 747  
installment of bond anticipation notes in an amount specified by 748  
the agreement. If a first installment of bond anticipation notes 749  
is issued, the board of county commissioners shall, as soon as 750  
practicable after the county treasurer of each county in which 751  
the facilities are located has commenced the collection of taxes 752  
on the general duplicate of real and public utility property for 753  
the year in which the controlling board approved the project, 754  
authorize the issuance of a second and final installment of bond 755  
anticipation notes or a first and final issue of bonds. 756

The combined value of the first and second installment of 757  
bond anticipation notes or the value of the first and final 758  
issue of bonds shall be equal to the county's portion of the 759  
basic project cost. The proceeds of any of these bonds shall be 760  
used first to retire any bond anticipation notes. Otherwise, the 761  
proceeds of any of these bonds and of any bond anticipation 762  
notes, except the premium and accrued interest thereon, shall be 763  
deposited in the county's project construction fund. In 764  
determining the amount of net bonded indebtedness for the 765  
purpose of fixing the amount of an issue of either bonds or bond 766  
anticipation notes, gross indebtedness shall be reduced by 767  
moneys in the bond retirement fund only to the extent of the 768

moneys therein on the first day of the year preceding the year 769  
in which the controlling board approved the project. The maximum 770  
amount of indebtedness to be incurred by any board of county 771  
commissioners as its share of the cost of the project is either 772  
an amount that will cause its net bonded indebtedness, as of the 773  
first day of the year following the year in which the 774  
controlling board approved the project, to be within five 775  
thousand dollars of the required level of indebtedness, or an 776  
amount equal to the required percentage of the basic project 777  
costs, whichever is greater. All bonds and bond anticipation 778  
notes shall be issued in accordance with Chapter 133. of the 779  
Revised Code, and notes may be renewed as provided in section 780  
133.22 of the Revised Code. 781

(B) The transfer of the funds of the board of county 782  
commissioners available for the project, together with the 783  
proceeds of the sale of the bonds or notes, except premium, 784  
accrued interest, and interest included in the amount of the 785  
issue, to the county's project construction fund; 786

(C) Dedication of any local donated contribution as 787  
provided for under section 342.07 of the Revised Code; 788

(D) Ownership of or interest in the project during the 789  
period of construction, which shall be divided between the Ohio 790  
facilities construction commission and the board of county 791  
commissioners in proportion to their respective contributions to 792  
the county's project construction fund; 793

(E) Maintenance of the state's interest in the project 794  
until any obligations issued for the project under this chapter 795  
are no longer outstanding; 796

(F) The insurance of the project by the county from the 797

time there is an insurable interest therein and so long as the 798  
state retains any ownership or interest in the project pursuant 799  
to division (D) of this section, in amounts and against risks as 800  
the Ohio facilities construction commission shall require; 801  
provided, that the cost of any required insurance until the 802  
project is completed shall be a part of the basic project cost; 803

(G) The certification by the director of budget and 804  
management that funds are available and have been set aside to 805  
meet the state's share of the basic project cost as approved by 806  
the controlling board pursuant to section 342.05 of the Revised 807  
Code; 808

(H) Authorization of the board of county commissioners to 809  
advertise for and receive construction bids for the project, for 810  
and on behalf of the Ohio facilities construction commission, 811  
and to award contracts in the name of the state subject to 812  
approval by the commission; 813

(I) Provisions for the disbursement of moneys from the 814  
county's project account upon issuance by the Ohio facilities 815  
construction commission or the commission's designated 816  
representative of vouchers for work done to be certified to the 817  
commission by the county auditor; 818

(J) Disposal of any balance left in the county's project 819  
construction fund upon completion of the project; 820

(K) Provision for deposit of an executed copy of the 821  
agreement in the office of the commission; 822

(L) Provision for termination of the contract and release 823  
of the funds encumbered at the time of the conditional approval, 824  
if the proceeds of the sale of the bonds of the board of county 825  
commissioners are not paid into the county's project 826

construction fund and if bids for the construction of the 827  
project have not been taken within this period after the 828  
execution of the agreement as may be fixed by the Ohio 829  
facilities construction commission; 830

(M) Provision for the county to maintain the project in 831  
accordance with a plan approved by the commission; 832

(N) Provision that all state funds reserved and encumbered 833  
to pay the state share of the cost of the project and the funds 834  
provided by the county to pay for its share of the project cost, 835  
including the respective shares of the cost of a segment if the 836  
project is divided into segments, be spent on the construction 837  
and acquisition of the project or segment simultaneously in 838  
proportion to the state's and the county's respective shares of 839  
that basic project cost as determined under section 342.04 of 840  
the Revised Code. However, if the board certifies to the 841  
commission that expenditure by the county is necessary to 842  
maintain the federal tax status or tax-exempt status of notes or 843  
bonds issued by the county to pay for its share of the project 844  
cost or to comply with applicable temporary investment periods 845  
or spending exceptions to rebate as provided for under federal 846  
law in regard to those notes or bonds, the board may commit to 847  
spend, or may spend, a greater portion of the funds it provides 848  
during any specific period than otherwise would be required 849  
under this division. 850

(O) A provision stipulating that the Ohio facilities 851  
construction commission may prohibit the board from proceeding 852  
with any project if the commission determines that the site is 853  
not suitable for construction purposes. The commission may 854  
perform soil tests in its determination of whether a site is 855  
appropriate for construction purposes. 856

(P) A provision stipulating that, unless otherwise 857  
authorized by the commission, any contingency reserve portion of 858  
the construction budget prescribed by the commission shall be 859  
used only to pay costs resulting from unforeseen job conditions, 860  
to comply with rulings regarding building and other codes, to 861  
pay costs related to design clarifications or corrections to 862  
contract documents, and to pay the costs of settlements or 863  
judgments related to the project; 864

(Q) A requirement that the board of county commissioners 865  
adhere to a facilities maintenance plan approved by the Ohio 866  
facilities construction commission. 867

**Sec. 342.07.** (A) As used in this section, "local donated 868  
contribution" means any of the following: 869

(1) Any moneys irrevocably donated or granted to a board 870  
of county commissioners by a source other than the state that 871  
the board has the authority to apply to the county's project 872  
under this chapter and that the board has pledged for that 873  
purpose by resolution adopted by a majority of its members; 874

(2) Any irrevocable letter of credit issued on behalf of a 875  
county that the board has encumbered for payment of the county's 876  
share of its project under this chapter that has been approved 877  
by the Ohio facilities construction commission in consultation 878  
with the department of rehabilitation and correction; 879

(3) Any cash a county has on hand that the board has 880  
encumbered for payment of the county's share of its project 881  
under this chapter that has been approved by the commission in 882  
consultation with the department of rehabilitation and 883  
correction, including any year-end operating fund balances that 884  
can be spent for jail facilities; 885

(4) Any moneys spent by a source other than the county or 886  
the state for construction or renovation of specific jail 887  
facilities that have been approved by the commission as part of 888  
the basic project cost of the county's project. The board, the 889  
commission, and the entity providing the local donated 890  
contribution under division (A)(4) of this section shall enter 891  
into an agreement identifying the jail facilities to be acquired 892  
by the expenditures made by that entity. The agreement shall 893  
include stipulations that require an audit by the commission of 894  
these expenditures made on behalf of the county and that specify 895  
the maximum amount of credit to be allowed for those 896  
expenditures. Upon completion of the construction or renovation, 897  
the commission shall determine the actual amount that the 898  
commission will credit, at the request of the board, toward the 899  
county's portion of the basic project cost, or any project cost 900  
overruns. The actual amount of the credit shall not exceed the 901  
lesser of the amount specified in the agreement or the actual 902  
cost of the construction or renovation. 903

(B) A board of county commissioners may apply a local 904  
donated contribution to the county's share of the basic project 905  
cost or use the contribution for maintenance and operation of 906  
the jail facility or facilities that are constructed, acquired, 907  
reconstructed, or expanded by the project. 908

(C) If the county is required to issue bonds or levy tax 909  
under section 5705.234 of the Revised Code as a condition of 910  
receiving assistance under this chapter, the board of county 911  
commissioners may, with the approval of the Ohio facilities 912  
construction commission, reduce the principal amount of bonds 913  
issued or the rate of the tax levied under that section by an 914  
amount commensurate with the local donated contributions applied 915  
to the same purposes. The commission shall not approve a board 916

of county commissioners' proposal to reduce the amount of bonds 917  
issued or the rate of a tax levied under section 5705.234 of the 918  
Revised Code unless the board demonstrates to the satisfaction 919  
of the commission that the revenue generated under the proposal, 920  
when supplemented by the local donated contributions, is 921  
sufficient to pay the county's share of the basic project cost 922  
and provide for operation and maintenance of the jail facility 923  
or facilities. 924

(D) No state moneys shall be released for a project to 925  
which this section applies until the board and the commission 926  
have included a stipulation in their agreement entered into 927  
under section 342.06 of the Revised Code under which the board 928  
will deposit into a fund approved by the commission according to 929  
a schedule that does not extend beyond the anticipated 930  
completion date of the project the total amount of any local 931  
donated contribution dedicated by the board for that purpose. 932

**Sec. 342.08.** (A) Promptly after the board of county 933  
commissioners, or the multicounty jail facilities commission, 934  
and the Ohio facilities construction commission have entered 935  
into the written agreement, the board or boards of county 936  
commissioners shall issue its bonds or notes in anticipation of 937  
the agreement pursuant to the provision of the agreement 938  
required by division (A) of section 342.06 of the Revised Code, 939  
or required by section 342.12 of the Revised Code in the case of 940  
an agreement between boards of county commissioners for a 941  
multicounty jail facilities project, and deposit the proceeds of 942  
the agreement in the county's project construction fund pursuant 943  
to the provision of the agreement required by division (B) of 944  
section 342.06 of the Revised Code. The board of county 945  
commissioners or the multicounty jail facilities commission, if 946  
applicable, with the approval of the Ohio facilities 947



construction commission, also shall employ a qualified 948  
professional person to prepare preliminary plans, working 949  
drawings, specifications, estimates of cost, and such data as 950  
the board of county commissioners, or the multicounty jail 951  
facilities commission if applicable, and the Ohio facilities 952  
construction commission consider necessary for the project. When 953  
the preliminary plans and preliminary estimates of cost have 954  
been prepared, and approved by the board or boards of county 955  
commissioners, if applicable, the plans shall be submitted to 956  
the Ohio facilities construction commission for approval, 957  
modification, or rejection. The Ohio facilities construction 958  
commission shall ensure that the plans and materials proposed 959  
for use in the project comply with specifications for plans and 960  
materials that shall be established by the commission in 961  
accordance with division (C) of section 342.02 of the Revised 962  
Code. When these preliminary plans and preliminary estimates of 963  
cost and any modifications thereof have been approved by the 964  
commission and the board or boards of county commissioners, if 965  
applicable, the board or boards shall cause the qualified 966  
professional person to prepare the working drawings, 967  
specifications, and estimates of cost. 968

(B) Whenever project plans submitted to the commission for 969  
approval under division (A) of this section propose to locate a 970  
facility on a state route or United States highway or within one 971  
mile of a state route or United States highway, the commission 972  
shall send a copy of the plans to the director of 973  
transportation. The director shall review the plans to determine 974  
the feasibility of the proposed ingress and egress to the 975  
facility, the traffic circulation pattern on roadways around the 976  
facility, and any improvements that would be necessary to 977  
conform the roadways to provisions of the manual adopted by the 978

department of transportation under section 4511.09 of the 979  
Revised Code or state or federal law. The director shall provide 980  
a written summary of the director's findings to the commission 981  
in a timely manner. The commission shall consider the findings 982  
in deciding whether to approve the plans. 983

**Sec. 342.09.** When the working drawings, specifications, 984  
and estimates of cost have been approved by the board of county 985  
commissioners, or the multicounty jail facilities commission if 986  
applicable, and the Ohio facilities construction commission 987  
pursuant to section 342.08 of the Revised Code, or section 988  
342.12 of the Revised Code if applicable, the board of county 989  
commissioners or the multicounty jail facilities commission 990  
shall advertise for construction bids in accordance with section 991  
307.86 of the Revised Code. These notices shall state that plans 992  
and specifications for the project are on file in the office of 993  
the Ohio facilities construction commission and other places as 994  
may be designated in the notice, and the time and place when and 995  
where bids will be received. 996

The form of proposal to be submitted by bidders shall be 997  
supplied by the Ohio facilities construction commission. Bidders 998  
may be permitted to bid on all or any of the branches of work 999  
and materials to be furnished and supplied. 1000

When the construction bids for all branches of work and 1001  
materials have been tabulated, the commission shall prepare a 1002  
revised estimate of the basic project cost based upon the lowest 1003  
responsible bids received. If the revised estimate exceeds the 1004  
estimated basic project cost as approved by the controlling 1005  
board pursuant to section 342.05 of the Revised Code, no 1006  
contracts may be entered into pursuant to this section unless 1007  
this revised estimate is approved by the commission and by the 1008

controlling board. When this revised estimate has been prepared, 1009  
and after approvals are given, if necessary, and if the board or 1010  
boards of county commissioners have caused to be transferred to 1011  
the project construction fund the proceeds from the sale of the 1012  
first or first and final installment of its bonds or bond 1013  
anticipation notes pursuant to the provision of the written 1014  
agreement required by section 342.07 of the Revised Code, and 1015  
section 342.12 of the Revised Code if applicable, and when the 1016  
director of budget and management has certified that there is a 1017  
balance in the appropriation, not otherwise obligated to pay 1018  
precedent obligations, pursuant to which the state's share of 1019  
this revised estimate is required to be paid, the contract for 1020  
all branches of work and materials to be furnished and supplied, 1021  
or for any branch thereof as determined by the board of county 1022  
commissioners or the multicounty jail facilities commission if 1023  
applicable, shall be awarded by the board of county 1024  
commissioners or the multicounty jail facilities commission to 1025  
the lowest responsible bidder subject to the approval of the 1026  
Ohio facilities construction commission. The award shall be made 1027  
not later than sixty days after the date on which the bids are 1028  
opened, and the successful bidder shall enter into a contract 1029  
not later than ten days after the successful bidder is notified 1030  
of the award of the contract. 1031

Subject to the approval of the Ohio facilities 1032  
construction commission, the board of county commissioners or 1033  
multicounty jail facilities commission may reject all bids and 1034  
readvertise. Any contract made under this section shall be made 1035  
in the name of the state and executed on its behalf by the 1036  
president of the board of county commissioners and the county 1037  
auditor of each participating county. 1038

The provisions of sections 9.312 and 307.86 of the Revised 1039

Code, which are applicable to construction contracts, shall 1040  
apply to construction contracts for the project. 1041

The remedies afforded to any subcontractor, materials 1042  
supplier, laborer, mechanic, or persons furnishing material or 1043  
machinery for the project under sections 1311.26 to 1311.32 of 1044  
the Revised Code, shall apply to contracts entered into under 1045  
this section and the itemized statement required by section 1046  
1311.26 of the Revised Code shall be filed with the board of 1047  
county commissioners or the multicounty jail facilities 1048  
commission if applicable. 1049

**Sec. 342.10.** For any project undertaken with financial 1050  
assistance from the state under this chapter, the amount of 1051  
state appropriations to be encumbered for the project in each 1052  
fiscal year shall be determined by the Ohio facilities 1053  
construction commission based on the project's estimated 1054  
construction schedule for that year. In each fiscal year 1055  
subsequent to the first year in which state appropriations are 1056  
encumbered for the project, the commission shall grant the 1057  
project priority for state funds over projects for which initial 1058  
state funding is sought. 1059

**Sec. 342.11.** (A) The Ohio facilities construction 1060  
commission shall request that the controlling board transfer to 1061  
the county's project construction fund the necessary amounts 1062  
from amounts appropriated by the general assembly and set aside 1063  
for this purpose, from time to time as may be necessary to pay 1064  
obligations chargeable to the fund when due. All investment 1065  
earnings of a county's project construction fund shall be 1066  
credited to the fund. 1067

(B) (1) The county auditor shall disburse funds from the 1068  
county's project construction fund, including investment 1069

earnings credited to the fund, only upon the approval of the 1070  
commission or the commission's designated representative. The 1071  
commission or the commission's designated representative shall 1072  
issue vouchers against the fund, in amounts and at times as 1073  
required by the contracts for construction of the project. 1074

(2) Notwithstanding anything to the contrary in division 1075  
(B) (1) of this section, the board of county commissioners may, 1076  
by a duly adopted resolution, choose to use all or part of the 1077  
investment earnings of the county's project construction fund 1078  
that are attributable to the county's contribution to the fund 1079  
to pay the cost of jail facilities or portions or components of 1080  
jail facilities that are not included in the county's basic 1081  
project cost but that are related to the county's project. If 1082  
the board of county commissioners adopts a resolution in favor 1083  
of using those investment earnings as authorized under division 1084  
(B) (2) of this section, the county auditor shall disburse the 1085  
amount as designated and directed by the board. However, if the 1086  
board chooses to use any part of the investment earnings for 1087  
jail facilities or portions or components of jail facilities 1088  
that are not included in the basic project cost, as authorized 1089  
under division (B) (2) of this section, and, subsequently, the 1090  
cost of the project exceeds the amount in the project 1091  
construction fund, the board shall restore to the project 1092  
construction fund the full amount of the investment earnings 1093  
used under division (B) (2) of this section before any additional 1094  
state moneys shall be released for the project. 1095

(C) After a certificate of completion has been issued for 1096  
a project under section 342.15 of the Revised Code, all of the 1097  
following apply: 1098

(1) At the discretion of the board of county 1099

commissioners, any investment earnings remaining in the project 1100  
construction fund that are attributable to the county's 1101  
contribution to the fund shall be: 1102

(a) Retained in the project construction fund for future 1103  
projects; 1104

(b) Transferred to a special fund of the county treasury 1105  
to be used solely for maintaining the jail facilities included 1106  
in the project; or 1107

(c) Transferred to the county's permanent improvement 1108  
fund. 1109

(2) Any investment earnings remaining in the project 1110  
construction fund that are attributable to the state's 1111  
contribution to the fund shall be transferred to the commission 1112  
for expenditure pursuant to this chapter. 1113

(3) Any other surplus remaining in the county's project 1114  
construction fund shall be transferred to the commission and the 1115  
board of county commissioners in proportion to their respective 1116  
contributions to the fund. The commission shall use the money 1117  
transferred to it under this division for expenditures pursuant 1118  
to this chapter. 1119

**Sec. 342.12.** (A) Two or more boards of county 1120  
commissioners under this chapter may, by agreement, build a 1121  
multicounty jail facility. The terms of this agreement may be 1122  
added to an agreement under section 342.06 of the Revised Code, 1123  
or may be made a supplemental agreement. The boards of county 1124  
commissioners of each county may, at their discretion, form a 1125  
multicounty jail facilities commission to carry out the tasks of 1126  
this section. The commission, if formed, shall administer the 1127  
agreement. 1128

(B) The contracting counties may agree to apportion their 1129  
share of the cost according to their need as ranked by the 1130  
department of rehabilitation and correction under section 342.02 1131  
of the Revised Code. Each county shall fund its portion of the 1132  
cost as otherwise provided in this chapter. If the electors of 1133  
one of the counties fail to approve the tax levy or the issuance 1134  
of bonds necessary to fund the county's portion of the cost 1135  
under section 5705.234 of the Revised Code within ninety days of 1136  
the most recent election in which the electors of a contracting 1137  
county have approved the tax levy or issuance of bonds, the 1138  
other contracting counties are not obliged to pay any portion of 1139  
the cost of the county in which the levy or issuance was not 1140  
approved. 1141

(C) An agreement under division (A) of this section shall 1142  
do all of the following: 1143

(1) Prescribe the structure, management, and 1144  
responsibilities of the multicounty jail facilities commission; 1145

(2) Provide for a process to establish the annual budget 1146  
for the commission that includes a requirement that the annual 1147  
budget be approved by all of the boards of county commissioners 1148  
of the member counties; 1149

(3) Apportion the annual operating costs of the commission 1150  
to each member county; 1151

(4) Designate the expenditure of funds from the county 1152  
jail facilities construction fund of each member county; 1153

(5) Provide for the timing of necessary elections in each 1154  
county, in accordance with division (B) of this section, for the 1155  
purpose of levies adopted under and bonds issued under section 1156  
5705.234 of the Revised Code; 1157

(6) Provide that each contracting board of county commissioners fulfill its obligations under this chapter once an agreement is reached; 1158  
1159  
1160

(7) Allocate interest in real property purchased with moneys in each county's project construction fund; 1161  
1162

(8) Address amendments to the contract. 1163

(D) An agreement to build a multicounty jail facility under this section is subject to the approval of the department of rehabilitation and correction. 1164  
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**Sec. 342.13.** There is created the jail facility building fund in the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, and any grants, gifts, or contributions received by the Ohio facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund. 1167  
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Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of this chapter as prescribed by the general assembly. 1174  
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**Sec. 342.14.** The Ohio facilities construction commission shall have an interest in real property purchased with moneys in the county's project construction fund. 1178  
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Once obligations issued to finance a project under this chapter are no longer outstanding, any interest held by the commission shall be transferred to the county. 1181  
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**Sec. 342.15.** (A) When all of the following have occurred, a project undertaken under this chapter shall be considered 1184  
1185



complete and the Ohio facilities construction commission shall 1186  
issue a certificate of completion to the board of county 1187  
commissioners, or to a multicounty jail facilities commission if 1188  
applicable: 1189

(1) All facilities to be constructed under the project, as 1190  
specified in the project agreement entered into under section 1191  
342.06 of the Revised Code, have been completed and the board 1192  
has received a permanent certificate of occupancy for each of 1193  
those facilities. 1194

(2) The commission has completed a final accounting of the 1195  
county's project construction fund and has determined that all 1196  
payments from the fund were made in compliance with all policies 1197  
of the commission. 1198

(3) Any litigation concerning the project has been finally 1199  
resolved with no chance of appeal. 1200

(4) All construction management services typically 1201  
provided by the commission to counties have been delivered and 1202  
the commission has canceled any remaining encumbrance of funds 1203  
for those services. 1204

(B) The commission may issue a certificate of completion 1205  
to a board of county commissioners, or to a multicounty jail 1206  
facilities commission if applicable, before all of the 1207  
conditions described in division (A) of this section being 1208  
satisfied, if the commission determines that the circumstances 1209  
preventing the conditions from being satisfied are so minor in 1210  
nature that the project should be considered complete. When 1211  
issuing a certificate of completion under this division, the 1212  
commission may specify any of the following: 1213

(1) Any construction or work that has yet to be completed 1214

and the manner in which the board or multicounty jail facilities 1215  
commission shall oversee its completion, which may include 1216  
procedures for reporting progress to the Ohio facilities 1217  
construction commission and for accounting of expenditures; 1218

(2) Terms and conditions for the resolution of any pending 1219  
litigation; 1220

(3) Any remaining responsibilities of the construction 1221  
manager regarding the project. 1222

(C) The Ohio facilities construction commission may issue 1223  
a certificate of completion to a board of county commissioners 1224  
or multicounty jail facilities commission that does not 1225  
voluntarily participate in the process of closing out the 1226  
county's project, if the construction manager for the project 1227  
verifies that all facilities to be constructed under the 1228  
project, as specified in the project agreement entered into 1229  
under section 342.06 of the Revised Code, have been completed 1230  
and the commission determines that those facilities have been 1231  
occupied for at least one year. In that case, all funds due to 1232  
the commission under division (C) of section 342.11 of the 1233  
Revised Code shall be returned to the commission not later than 1234  
thirty days after receipt of the certificate of completion. If 1235  
the funds due to the commission have not been returned within 1236  
sixty days after receipt of the certificate of completion, the 1237  
auditor of state shall issue a finding for recovery against the 1238  
county and shall request legal action under section 117.42 of 1239  
the Revised Code. 1240

(D) Upon issuance of a certificate of completion under 1241  
this section, the Ohio facilities construction commission's 1242  
ownership of and interest in the project, as specified in 1243  
division (D) of section 342.06 of the Revised Code, shall cease. 1244

This cessation shall not alter or otherwise affect the state's 1245  
or the commission's interest in the project or any limitations 1246  
on the use of the project as specified in the project agreement 1247  
pursuant to divisions (E) and (J) of that section or as 1248  
specified in section 342.14 of the Revised Code. 1249

**Sec. 342.16.** (A) The corrective action program is 1250  
established to provide funding for the correction of work, in 1251  
connection with a project funded under this chapter, that is 1252  
found after occupancy of the facility to be defective or to have 1253  
been omitted. 1254

(B) The Ohio facilities construction commission may 1255  
provide funding under this section only if at least one 1256  
contracting county notifies the executive director of the 1257  
commission of the defective or omitted work within five years 1258  
after occupancy of the facility for which the county seeks the 1259  
funding. 1260

(C) The commission, in conjunction with the department of 1261  
rehabilitation and correction, shall establish procedures and 1262  
deadlines for counties to follow in applying for assistance 1263  
under this section. The procedures shall include definitions of 1264  
"defective" and "omitted," and shall require that remediation 1265  
efforts focus first on engaging the respective contractors that 1266  
designed and constructed the areas that have design or 1267  
construction-related issues. The commission shall consider 1268  
applications on a case-by-case basis, taking into account the 1269  
amount of money appropriated and available for purposes of this 1270  
section. 1271

(D) The commission may provide funding assistance 1272  
necessary to take corrective measures after evaluating the 1273  
defective or omitted work. 1274

(1) If the work to be corrected or remediated is part of a project not yet completed, the commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated is part of a completed project and funds were retained or transferred pursuant to division (C) of section 342.11 of the Revised Code, the commission may enter into a new agreement to address the corrective action. 1275  
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(2) Whether or not the project is completed, the county or counties shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 342.04 of the Revised Code. A county that is unable to provide its portion so that remediation can proceed may apply to the commission for additional assistance. 1284  
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(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the county's or counties' portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion. 1290  
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**Sec. 2301.51.** (A) (1) Any county that has a population of two hundred thousand or more is eligible to formulate a community-based correctional proposal pursuant to this section and Chapter 342. of the Revised Code, that, upon implementation, would provide a community-based correctional facility and program for the use of that county's court of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Any county that has a population of two hundred thousand or more is eligible to formulate more than one community-based 1296  
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correctional proposal pursuant to this section upon approval of 1305  
the director of rehabilitation and correction. In determining 1306  
whether to grant approval to formulate more than one proposal, 1307  
the director shall consider the rate at which the county commits 1308  
felony offenders to the state correctional system. If a county 1309  
formulates more than one proposal, each proposal shall be for a 1310  
separate community-based correctional facility and program. 1311

(2) Two or more adjoining or neighboring counties that 1312  
have an aggregate population of two hundred thousand or more are 1313  
eligible to formulate a district community-based correctional 1314  
proposal pursuant to this section that, upon implementation, 1315  
would provide a district community-based correctional facility 1316  
and program for the use of those counties' courts of common 1317  
pleas in accordance with sections 2301.51 to 2301.58 of the 1318  
Revised Code. Two or more adjoining or neighboring counties that 1319  
have an aggregate population of two hundred thousand or more are 1320  
eligible to formulate more than one district community-based 1321  
correctional proposal upon approval of the director of 1322  
rehabilitation and correction. In determining whether to grant 1323  
approval for more than one proposal, the director shall consider 1324  
the rate at which the counties commit felony offenders to the 1325  
state correctional system. If two or more adjoining or 1326  
neighboring counties formulate more than one proposal, each 1327  
proposal shall be for a separate district community-based 1328  
correctional facility and program. 1329

(3) (a) The formulation of a proposal for a community-based 1330  
correctional facility or a district community-based correctional 1331  
facility shall begin by the establishment of a judicial advisory 1332  
board by judgment entry. The judicial advisory board shall 1333  
consist of not less than three judges. Each general division 1334  
judge of the court of common pleas in the county or counties 1335

wishing to formulate a proposal or to continue operation of an 1336  
existing facility is eligible to become a member of the judicial 1337  
advisory board but is not required to do so. In addition, a 1338  
judicial advisory board may invite a ~~non-general~~ nongeneral 1339  
division judge of a court of common pleas from within the county 1340  
or counties proposing the creation of a community-based 1341  
correctional facility or district community-based correctional 1342  
facility or a general division judge of a court of common pleas 1343  
from outside the county or counties proposing the creation of a 1344  
community-based correctional facility or district community- 1345  
based correctional facility who regularly sends offenders to its 1346  
facility to become a member of that judicial advisory board. 1347

(b) A judge shall not receive any additional compensation 1348  
for service on a judicial advisory board, but a judge may be 1349  
reimbursed for reasonable and necessary expenses incurred as a 1350  
result of service on the board. Service of a judge on a judicial 1351  
advisory board pursuant to this section is a judicial function. 1352

(c) There shall be a facility governing board for each 1353  
community-based correctional facility and program or district 1354  
community-based correctional facility and program, whose members 1355  
shall be appointed in accordance with division (E) of this 1356  
section. 1357

The judicial advisory board shall meet at least once a 1358  
year to provide advice to the facility governing board regarding 1359  
the public safety needs of the community, admission criteria for 1360  
any community-based correctional facility and program or 1361  
district community-based correctional facility and program, and 1362  
the general requirements of the community-based correctional 1363  
facility and program or district community-based correctional 1364  
facility and program. The judicial advisory board may meet as 1365

often as considered necessary by its members, may communicate 1366  
directly with the division of parole and community services of 1367  
the department of rehabilitation and correction, and may provide 1368  
advice to the facility governing board specifically regarding 1369  
the agreement entered into between the facility governing board 1370  
and the division of parole and community services pursuant to 1371  
section 5120.112 of the Revised Code. 1372

(4) A facility governing board shall formulate the 1373  
proposal for a community-based correctional facility and program 1374  
or district community-based correctional facility and program 1375  
and shall govern the facility. 1376

(5) Chapter 2744. of the Revised Code applies to the 1377  
county or counties served by a community-based correctional 1378  
facility and program or district community-based correctional 1379  
facility and program established and operated under sections 1380  
2301.51 to 2301.58 of the Revised Code, to the community-based 1381  
correctional facility and program or district community-based 1382  
correctional facility and program so established and operated, 1383  
and to the facility governing board of the community-based 1384  
correctional facility and program or district community-based 1385  
correctional facility and program so established and operated. 1386

(6) The members of the judicial advisory board and of the 1387  
facility governing board of a community-based correctional 1388  
facility and program or district community-based correctional 1389  
facility and program established and operated under sections 1390  
2301.51 to 2301.58 of the Revised Code shall be considered to be 1391  
public officials or employees for purposes of Chapter 102. of 1392  
the Revised Code and public officials or public servants for 1393  
purposes of sections 2921.42 and 2921.43 of the Revised Code. 1394

(7) Each member of a facility governing board of a 1395

community-based correctional facility and program or district 1396  
community-based correctional facility and program established 1397  
and operated under sections 2301.51 to 2301.58 of the Revised 1398  
Code shall attend orientation training developed by the judicial 1399  
advisory board of the community-based correctional facility and 1400  
program or district community-based correctional facility and 1401  
program, as well as annual ethics training developed by the 1402  
judicial advisory board in consultation with the Ohio ethics 1403  
commission or provided by the Ohio ethics commission. 1404

(8) A community-based correctional facility and program or 1405  
a district community-based correctional facility and program 1406  
established by a judicial corrections board under a prior 1407  
version of this section shall continue to exist under its 1408  
existing contractual arrangements but, on and after ~~the~~ 1409  
~~effective date of this amendment~~ October 12, 2006, shall be 1410  
governed by a facility governing board and advised by a judicial 1411  
advisory board created according to this section. Appointments 1412  
to the facility governing board shall be made in accordance with 1413  
the appointment procedure set forth in division (E) of this 1414  
section. The judicial advisory board and the board or boards of 1415  
county commissioners of the member counties shall make their 1416  
respective appointments within thirty days after ~~the effective~~ 1417  
~~date of this amendment~~ October 12, 2006. 1418

(B) (1) Each proposal for the establishment of a community- 1419  
based correctional facility and program or district community- 1420  
based correctional facility and program that is formulated 1421  
pursuant to division (A) of this section shall be submitted by 1422  
the facility governing board to the division of parole and 1423  
community services for its approval under section 5120.10 of the 1424  
Revised Code. 1425



(2) No person shall be sentenced to or placed in a 1426  
community-based correctional facility and program or to a 1427  
district community-based correctional facility and program by a 1428  
court pursuant to section 2929.16 or 2929.17 of the Revised Code 1429  
or by the parole board pursuant to section 2967.28 of the 1430  
Revised Code, or otherwise committed or admitted to a facility 1431  
and program of that type until after the proposal for the 1432  
establishment of the facility and program has been approved by 1433  
the division of parole and community services under section 1434  
5120.10 of the Revised Code. A person shall be sentenced to a 1435  
facility and program of that type only pursuant to a sanction 1436  
imposed by a court pursuant to section 2929.16 or 2929.17 of the 1437  
Revised Code as the sentence or as any part of the sentence of 1438  
the person or otherwise shall be committed or referred to a 1439  
facility and program of that type only when authorized by law. 1440

(C) Upon the approval by the division of parole and 1441  
community services of a proposal for the establishment of a 1442  
community-based correctional facility and program or district 1443  
community-based correctional facility and program submitted to 1444  
it under division (B) of this section, the facility governing 1445  
board that submitted the proposal may establish and operate the 1446  
facility and program addressed by the proposal in accordance 1447  
with the approved proposal and division (B) (2) of this section. 1448  
The facility governing board may submit a request for funding of 1449  
some or all of its community-based correctional facilities and 1450  
programs or district community-based correctional facilities and 1451  
programs to the board of county commissioners of the county, if 1452  
the facility governing board serves a community-based 1453  
correctional facility and program, or to the boards of county 1454  
commissioners of all of the member counties, if the facility 1455  
governing board serves a district community-based correctional 1456

facility and program. The board or boards may appropriate, but 1457  
are not required to appropriate, a sum of money for funding all 1458  
aspects of each facility and program as outlined in sections 1459  
2301.51 to 2301.58 of the Revised Code. The facility governing 1460  
board has no recourse against a board or boards of county 1461  
commissioners if the board or boards of county commissioners do 1462  
not appropriate money for funding any facility and program or if 1463  
they appropriate money for funding a facility and program in an 1464  
amount less than the total amount of the submitted request for 1465  
funding. 1466

(D) (1) If a court of common pleas that is being served by 1467  
a community-based correctional facility and program established 1468  
pursuant to division (C) of this section determines that it no 1469  
longer wants to be served by the facility and program, the 1470  
facility governing board, upon the advice of the judicial 1471  
advisory board, may dissolve the facility and program by 1472  
notifying, in writing, the division of parole and community 1473  
services of the determination to dissolve the facility and 1474  
program. If the court is served by more than one community-based 1475  
correctional facility and program, the facility governing board, 1476  
upon the advice of the judicial advisory board, may dissolve 1477  
some or all of the facilities and programs and, if it does not 1478  
dissolve all of the facilities and programs, the facility 1479  
governing board shall continue the operation of the remaining 1480  
facilities and programs. 1481

(2) If all of the courts of common pleas being served by 1482  
any district community-based correctional facility and program 1483  
established pursuant to division (C) of this section determine 1484  
that they no longer want to be served by the facility and 1485  
program, the facility governing board, upon the advice of the 1486  
judicial advisory board, may dissolve the facility and program 1487

by notifying, in writing, the division of parole and community 1488  
services of the determination to dissolve the facility and 1489  
program. If the courts are served by more than one district 1490  
community-based correctional facility and program, the facility 1491  
governing board, upon the advice of the judicial advisory board, 1492  
may dissolve some or all of the facilities and programs, and, if 1493  
it does not dissolve all of the facilities and programs, it 1494  
shall continue the operation of the remaining facilities and 1495  
programs. 1496

(3) If at least one, but not all, of the courts of common 1497  
pleas being served by one or more district community-based 1498  
correctional facilities and programs established pursuant to 1499  
division (C) of this section determines that it no longer wants 1500  
to be served by the facilities and programs, the court may 1501  
terminate its involvement with each of the facilities and 1502  
programs by entering upon the journal of the court the fact of 1503  
the determination to terminate its involvement with the 1504  
facilities and programs and by the court notifying, in writing, 1505  
the division of parole and community services of the 1506  
determination to terminate its involvement with the facilities 1507  
and programs. 1508

If at least one, but not all, of the courts of common 1509  
pleas being served by one or more district community-based 1510  
correctional facilities and programs terminates its involvement 1511  
with each of the facilities and programs in accordance with this 1512  
division, the other courts of common pleas being served by the 1513  
facilities and programs may continue to be served by each of the 1514  
facilities and programs. A court may use a facility and program 1515  
by remaining as a member county of the district community-based 1516  
correctional facility and program or by making a written service 1517  
agreement with the facility governing board without remaining as 1518

a member county. 1519

(E) A facility governing board of a community-based 1520  
correctional facility and program shall consist of at least six 1521  
members, each member serving a three-year term. A facility 1522  
governing board of a district community-based correctional 1523  
facility and program shall consist of at least six members, each 1524  
member serving a three-year term, except that not more than one- 1525  
half of the members shall be from any one county. 1526

The judicial advisory board shall appoint two-thirds of 1527  
the members, and the board or boards of county commissioners of 1528  
the member counties shall appoint the remaining one-third, or 1529  
portion thereof, of the members. Of the initial appointments, 1530  
one-third of the members shall be appointed for a one-year term, 1531  
one-third of the members shall be appointed for a two-year term, 1532  
and the remaining one-third or portion thereof of the members 1533  
shall be appointed for a three-year term. Thereafter, terms of 1534  
persons appointed to the facility governing board shall be for a 1535  
three-year term, with each term ending on the same day of the 1536  
same month of the year as did the term it succeeds. 1537

(F) Any member of a facility governing board may be 1538  
reappointed to serve additional terms. Vacancies on the board 1539  
shall be filled in the same manner as provided for original 1540  
appointments. Any member of the board who is appointed to fill a 1541  
vacancy occurring before the expiration of the term for which 1542  
the member's predecessor was appointed shall hold office for the 1543  
remainder of the predecessor's term. Members of the board shall 1544  
not receive compensation for their services but may be 1545  
reimbursed for reasonable and necessary expenses incurred as a 1546  
result of service on the board. 1547

(G) Nothing in this section, sections 2301.52 to 2301.58, 1548

or section 5120.10, 5120.111, or 5120.122 of the Revised Code 1549  
modifies or affects or shall be interpreted as modifying or 1550  
affecting sections 5149.30 to 5149.37 of the Revised Code. 1551

**Sec. 5120.10.** (A) (1) The director of rehabilitation and 1552  
correction, by rule, shall promulgate minimum standards for 1553  
jails in Ohio, including minimum security jails dedicated under 1554  
section 341.34 or 753.21 of the Revised Code. Whenever the 1555  
director files a rule or an amendment to a rule in final form 1556  
with both the secretary of state and the director of the 1557  
legislative service commission pursuant to section 111.15 of the 1558  
Revised Code, the director of rehabilitation and correction 1559  
promptly shall send a copy of the rule or amendment, if the rule 1560  
or amendment pertains to minimum jail standards, by ordinary 1561  
mail to the political subdivisions or affiliations of political 1562  
subdivisions that operate jails to which the standards apply. 1563

(2) The rules promulgated in accordance with division (A) 1564  
(1) of this section shall serve as criteria for the 1565  
investigative and supervisory powers and duties vested by 1566  
division (D) of this section in the division of parole and 1567  
community services of the department of rehabilitation and 1568  
correction or in another division of the department to which 1569  
those powers and duties are assigned. 1570

(B) The director may initiate an action in the court of 1571  
common pleas of the county in which a facility that is subject 1572  
to the rules promulgated under division (A) (1) of this section 1573  
is situated to enjoin compliance with the minimum standards for 1574  
jails or with the minimum standards and minimum renovation, 1575  
modification, and construction criteria for jails. 1576

(C) Upon the request of an administrator of a jail 1577  
facility, the chief executive of a municipal corporation, or a 1578

board of county commissioners, the director of rehabilitation 1579  
and correction or the director's designee shall grant a variance 1580  
from the minimum standards for jails in Ohio for a facility that 1581  
is subject to one of those minimum standards when the director 1582  
determines that strict compliance with the minimum standards 1583  
would cause unusual, practical difficulties or financial 1584  
hardship, that existing or alternative practices meet the intent 1585  
of the minimum standards, and that granting a variance would not 1586  
seriously affect the security of the facility, the supervision 1587  
of the inmates, or the safe, healthful operation of the 1588  
facility. If the director or the director's designee denies a 1589  
variance, the applicant may appeal the denial pursuant to 1590  
section 119.12 of the Revised Code. 1591

(D) The following powers and duties shall be exercised by 1592  
the division of parole and community services unless assigned to 1593  
another division by the director: 1594

(1) The investigation and supervision of county and 1595  
municipal jails, workhouses, minimum security jails, and other 1596  
correctional institutions and agencies; 1597

(2) The review and approval of plans submitted to the 1598  
department of rehabilitation and correction pursuant to division 1599  
(E) of this section; 1600

(3) The management and supervision of the adult parole 1601  
authority created by section 5149.02 of the Revised Code; 1602

(4) The review and approval of proposals for community- 1603  
based correctional facilities and programs and district 1604  
community-based correctional facilities and programs that are 1605  
submitted pursuant to division (B) of section 2301.51 of the 1606  
Revised Code; 1607

(5) The distribution of funds made available to the 1608  
division for purposes of assisting in the renovation, 1609  
maintenance, and operation of community-based correctional 1610  
facilities and programs and district community-based 1611  
correctional facilities and programs in accordance with section 1612  
5120.112 of the Revised Code; 1613

(6) The performance of the duty imposed upon the 1614  
department of rehabilitation and correction in section 5149.31 1615  
of the Revised Code to establish and administer a program of 1616  
subsidies to eligible municipal corporations, counties, and 1617  
groups of contiguous counties for the development, 1618  
implementation, and operation of community-based corrections 1619  
programs; 1620

(7) Licensing halfway houses and community residential 1621  
centers for the care and treatment of adult offenders in 1622  
accordance with section 2967.14 of the Revised Code; 1623

(8) Contracting with a public or private agency or a 1624  
department or political subdivision of the state that operates a 1625  
licensed halfway house or community residential center for the 1626  
provision of housing, supervision, and other services to 1627  
parolees, releasees, persons placed under a residential 1628  
sanction, persons under transitional control, and other eligible 1629  
offenders in accordance with section 2967.14 of the Revised 1630  
Code; 1631

(9) Periodically assessing the jail facility needs of the 1632  
state and conducting on-site visits to county jails in 1633  
accordance with section 342.02 of the Revised Code. 1634

Other powers and duties may be assigned by the director of 1635  
rehabilitation and correction to the division of parole and 1636

community services. This section does not apply to the 1637  
department of youth services or its institutions or employees. 1638

(E) No plan for any new jail, workhouse, or lockup, and no 1639  
plan for a substantial addition or alteration to an existing 1640  
jail, workhouse, or lockup, shall be adopted unless the 1641  
officials responsible for adopting the plan have submitted the 1642  
plan to the department of rehabilitation and correction for 1643  
approval, and the department has approved the plan as provided 1644  
in division (D) (2) of this section. 1645

Sec. 5705.234. (A) As used in this section, "basic project 1646  
cost," "jail facility," and "multicounty jail facility" have the 1647  
same meanings as in section 342.01 of the Revised Code. 1648

(B) The board of county commissioners of any county, after 1649  
receiving conditional approval from the department of 1650  
rehabilitation and correction under section 342.05 of the 1651  
Revised Code of a project involving the construction, 1652  
acquisition, reconstruction, or expansion of a jail facility, 1653  
may declare by resolution that the amount of taxes which may be 1654  
raised within the ten-mill limitation are insufficient to fund 1655  
the county's share of the basic project cost, or to maintain and 1656  
operate the jail facility, and that it is necessary to do one or 1657  
both of the following: 1658

(1) Levy a tax in excess of the ten-mill limitation to 1659  
fund maintenance and operating expenses of the jail facility; 1660

(2) Issue general obligation bonds for the county's share 1661  
of the basic project cost and levy an additional tax in excess 1662  
of the ten-mill limitation to pay debt charges on the bonds and 1663  
any anticipatory securities. 1664

(C) A resolution adopted under division (B) of this 1665



section shall conform to the requirements of section 5705.19 of 1666  
the Revised Code, except that: 1667

(1) A tax proposed under division (B)(1) of this section 1668  
may be levied for any specified number of years, or for a 1669  
continuing period of time, as specified in the resolution. 1670

(2) A tax proposed under division (B)(2) of this section 1671  
to pay debt charges on bonds and anticipatory securities may be 1672  
levied for the maximum number of years over which the principal 1673  
of the bonds proposed under that division may be paid. 1674

(3) A resolution that proposes both the levy described in 1675  
division (B)(1) of this section and the bond issue and levy 1676  
described in division (B)(2) of this section shall enumerate the 1677  
total rate of the proposed tax and the portion of that rate 1678  
attributed to each levy. 1679

(4) The resolution shall specify the percentage of the 1680  
basic project cost to be supplied by the county and the 1681  
percentage of such cost to be supplied by the state. 1682

(5) If the jail facility is a multicounty jail facility, 1683  
the resolution shall specify the name of each contracting county 1684  
and the percentage of the basic project cost to be supplied by 1685  
each such county. 1686

(D) On adoption of a resolution that proposes a bond issue 1687  
and tax levy under division (B)(2) of this section, the board of 1688  
county commissioners shall certify a copy to the county auditor. 1689  
The county auditor promptly shall estimate and certify to the 1690  
board the average annual property tax rate required throughout 1691  
the stated maturity of the bonds to pay debt charges on the 1692  
bonds, in the same manner as under division (C) of section 1693  
133.18 of the Revised Code. 1694

Division (B) of section 5705.03 of the Revised Code 1695  
applies to the tax levy proposed under division (B)(1) of this 1696  
section but does not apply to the tax levy proposed under 1697  
division (B)(2) of this section. 1698

(E) A resolution adopted under this section shall go into 1699  
immediate effect upon its passage, and no publication of it is 1700  
necessary other than that provided in the notice of election. 1701  
The board of county commissioners shall certify a copy of the 1702  
resolution and, if applicable, a copy of the auditor's estimate 1703  
under division (D) of this section, to the board of elections. 1704

The board of elections shall make the arrangements for 1705  
submission of the question or questions proposed under this 1706  
section to the electors of the county, and the election shall be 1707  
conducted, canvassed, and certified in the same manner as 1708  
regular elections in the county for the election of county 1709  
officers. The resolution shall be submitted to the electors as 1710  
one ballot question, with a favorable vote indicating approval 1711  
of all levies proposed by the board of county commissioners. The 1712  
board of elections shall publish notice of the election in a 1713  
newspaper of general circulation in the county once a week for 1714  
two consecutive weeks, or as provided in section 7.16 of the 1715  
Revised Code, before the election. If a board of elections 1716  
operates and maintains a web site, that board also shall post 1717  
notice of the election on its web site for thirty days before 1718  
the election. The notice of election shall state all of the 1719  
following: 1720

(1) The time and place of the election; 1721

(2) The percentage of the basic project cost to be 1722  
supplied by the county and the percentage of such cost to be 1723  
supplied by the state; 1724

(3) If the jail facility is a multicounty jail facility, 1725  
the name of each contracting county and the percentage of the 1726  
basic project cost to be supplied by each such county; 1727

(4) The proposed rate of each tax and the number of years 1728  
it will be in effect or, if applicable, that it will be in 1729  
effect for a continuing period of time; 1730

(5) If applicable, the principal amount of the proposed 1731  
bond issue and the maximum number of years over which the 1732  
principal of the bonds may be paid. 1733

(F) The ballot for an election under this section shall 1734  
include the following language, as applicable: 1735

"Shall \_\_\_\_\_ (name of county) be authorized to do the 1736  
following: 1737

(1) Levy an additional property tax to pay for maintenance 1738  
and operating expenses of a jail facility at a rate not 1739  
exceeding \_\_\_\_\_ mills for each one dollar of tax valuation, 1740  
which amounts to \_\_\_\_\_ (rate expressed in cents or dollars and 1741  
cents) for each one hundred dollars of tax valuation, for 1742  
\_\_\_\_\_ (number of years of the levy, or a continuing period of 1743  
time)? 1744

(2) Issue bonds for the purpose of \_\_\_\_\_ in the 1745  
principal amount of \$ \_\_\_\_\_, to be repaid annually over a 1746  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 1747  
the ten-mill limitation, estimated by the county auditor to 1748  
average over the bond repayment period \_\_\_\_\_ mills for each one 1749  
dollar of tax valuation, which amounts to \_\_\_\_\_ (rate expressed 1750  
in cents or dollars and cents) for each one hundred dollars of 1751  
tax valuation, to pay the annual debt charges on the bonds, and 1752  
to pay debt charges on any notes issued in anticipation of those 1753

bonds?" 1754

(G) The board of elections promptly shall certify the 1755  
results of the election to the tax commissioner and the county 1756  
auditor. If approved by a majority of the electors voting on the 1757  
question, the board of county commissioners may proceed with 1758  
issuance of the bonds and the levy and collection of the 1759  
property tax for the debt service on the bonds and any 1760  
anticipatory securities in the same manner and subject to the 1761  
same limitations as for securities issued under section 133.18 1762  
of the Revised Code, and with the levy and collection of the 1763  
property tax or taxes for maintenance and operating expenses of 1764  
the jail facility and to fund the county's share of the basic 1765  
project cost at the additional rate or any lesser rate in excess 1766  
of the ten-mill limitation, as applicable. Any securities issued 1767  
by the board of commissioners under this section are Chapter 1768  
133. securities, as that term is defined in section 133.01 of 1769  
the Revised Code. 1770

(H) After the approval of a tax described under division 1771  
(B) (1) of this section and before the time the first collection 1772  
and distribution from the levy can be made, the board of county 1773  
commissioners may anticipate a fraction of the proceeds of the 1774  
levy and issue anticipation notes in a principal amount not 1775  
exceeding fifty per cent of the total estimated proceeds of the 1776  
tax to be collected during the first year of the levy. 1777

Anticipation notes issued under this section shall be 1778  
issued as provided in section 133.24 of the Revised Code. Those 1779  
notes shall have principal payments during each year after the 1780  
year of their issuance over a period not to exceed five years, 1781  
and may have a principal payment in the year of their issuance. 1782

(I) A tax levied under division (B) (1) of this section for 1783

a specified number of years may be renewed or replaced in the 1784  
same manner as a tax for current operating expenses or permanent 1785  
improvements levied under section 5705.19 of the Revised Code. A 1786  
tax levied under this section for a continuing period of time 1787  
may be decreased in accordance with section 5705.261 of the 1788  
Revised Code. 1789

**Sec. 5739.021.** (A) For the purpose of providing additional 1790  
general revenues for the county, supporting criminal and 1791  
administrative justice services in the county, funding a 1792  
regional transportation improvement project under section 1793  
5595.06 of the Revised Code, or any combination of the 1794  
foregoing, and to pay the expenses of administering such levy, 1795  
any county may levy a tax at the rate of not more than one per 1796  
cent upon every retail sale made in the county, except sales of 1797  
watercraft and outboard motors required to be titled pursuant to 1798  
Chapter 1548. of the Revised Code and sales of motor vehicles, 1799  
and may increase the rate of an existing tax to not more than 1800  
one per cent. The rate of any tax levied pursuant to this 1801  
section shall be a multiple of one-twentieth of one per cent. 1802  
The rate levied under this section in any county other than a 1803  
county that adopted a charter under Article X, Section 3, Ohio 1804  
Constitution, may exceed one per cent, but may not exceed one 1805  
and one-half per cent minus the amount by which the rate levied 1806  
under section 5739.023 of the Revised Code by the county transit 1807  
authority exceeds one per cent. 1808

The tax shall be levied and the rate increased pursuant to 1809  
a resolution of the board of county commissioners. The 1810  
resolution shall state the purpose for which the tax is to be 1811  
levied and the number of years for which the tax is to be 1812  
levied, or that it is for a continuing period of time. If the 1813  
tax is to be levied for the purpose of providing additional 1814

general revenues and for the purpose of supporting criminal and 1815  
administrative justice services, the resolution shall state the 1816  
rate or amount of the tax to be apportioned to each such 1817  
purpose. The rate or amount may be different for each year the 1818  
tax is to be levied, but the rates or amounts actually 1819  
apportioned each year shall not be different from that stated in 1820  
the resolution for that year. Any amount by which the rate of 1821  
the tax exceeds one per cent shall be apportioned exclusively 1822  
for the construction, operation, acquisition, equipping, or 1823  
repair of a detention facility in the county. 1824

If the resolution is adopted as an emergency measure 1825  
necessary for the immediate preservation of the public peace, 1826  
health, or safety, it must receive an affirmative vote of all of 1827  
the members of the board of county commissioners and shall state 1828  
the reasons for such necessity. The board shall deliver a 1829  
certified copy of the resolution to the tax commissioner, not 1830  
later than the sixty-fifth day prior to the date on which the 1831  
tax is to become effective, which shall be the first day of the 1832  
calendar quarter. A resolution proposing to levy a tax at a rate 1833  
that would cause the rate levied under this section to exceed 1834  
one per cent may not be adopted as an emergency measure. 1835

Prior to the adoption of any resolution under this 1836  
section, the board of county commissioners shall conduct two 1837  
public hearings on the resolution, the second hearing to be not 1838  
less than three nor more than ten days after the first. Notice 1839  
of the date, time, and place of the hearings shall be given by 1840  
publication in a newspaper of general circulation in the county, 1841  
or as provided in section 7.16 of the Revised Code, once a week 1842  
on the same day of the week for two consecutive weeks, the 1843  
second publication being not less than ten nor more than thirty 1844  
days prior to the first hearing. 1845

Except as provided in division (B)(1) or (3) of this 1846  
section, the resolution shall be subject to a referendum as 1847  
provided in sections 305.31 to 305.41 of the Revised Code. 1848

If a petition for a referendum is filed, the county 1849  
auditor with whom the petition was filed shall, within five 1850  
days, notify the board of county commissioners and the tax 1851  
commissioner of the filing of the petition by certified mail. If 1852  
the board of elections with which the petition was filed 1853  
declares the petition invalid, the board of elections, within 1854  
five days, shall notify the board of county commissioners and 1855  
the tax commissioner of that declaration by certified mail. If 1856  
the petition is declared to be invalid, the effective date of 1857  
the tax or increased rate of tax levied by this section shall be 1858  
the first day of a calendar quarter following the expiration of 1859  
sixty-five days from the date the commissioner receives notice 1860  
from the board of elections that the petition is invalid. 1861

(B)(1) A resolution that is not adopted as an emergency 1862  
measure may direct the board of elections to submit the question 1863  
of levying the tax or increasing the rate of tax to the electors 1864  
of the county at a special election held on the date specified 1865  
by the board of county commissioners in the resolution, provided 1866  
that the election occurs not less than ninety days after a 1867  
certified copy of such resolution is transmitted to the board of 1868  
elections and the election is not held in August of any year. A 1869  
resolution proposing to levy a tax at a rate that would cause 1870  
the rate levied under this section to exceed one per cent may 1871  
not go into effect unless the question is submitted to electors 1872  
under this division. Upon transmission of the resolution to the 1873  
board of elections, the board of county commissioners shall 1874  
notify the tax commissioner in writing of the levy question to 1875  
be submitted to the electors. No resolution adopted under this 1876

division shall go into effect unless approved by a majority of 1877  
those voting upon it, and, except as provided in division (B) (3) 1878  
of this section, shall become effective on the first day of a 1879  
calendar quarter following the expiration of sixty-five days 1880  
from the date the tax commissioner receives notice from the 1881  
board of elections of the affirmative vote. 1882

(2) A resolution that is adopted as an emergency measure 1883  
shall go into effect as provided in division (A) of this 1884  
section, but may direct the board of elections to submit the 1885  
question of repealing the tax or increase in the rate of the tax 1886  
to the electors of the county at the next general election in 1887  
the county occurring not less than ninety days after a certified 1888  
copy of the resolution is transmitted to the board of elections. 1889  
Upon transmission of the resolution to the board of elections, 1890  
the board of county commissioners shall notify the tax 1891  
commissioner in writing of the levy question to be submitted to 1892  
the electors. The ballot question shall be the same as that 1893  
prescribed in section 5739.022 of the Revised Code. The board of 1894  
elections shall notify the board of county commissioners and the 1895  
tax commissioner of the result of the election immediately after 1896  
the result has been declared. If a majority of the qualified 1897  
electors voting on the question of repealing the tax or increase 1898  
in the rate of the tax vote for repeal of the tax or repeal of 1899  
the increase, the board of county commissioners, on the first 1900  
day of a calendar quarter following the expiration of sixty-five 1901  
days after the date the board and tax commissioner receive 1902  
notice of the result of the election, shall, in the case of a 1903  
repeal of the tax, cease to levy the tax, or, in the case of a 1904  
repeal of an increase in the rate of the tax, cease to levy the 1905  
increased rate and levy the tax at the rate at which it was 1906  
imposed immediately prior to the increase in rate. 1907



(3) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B) (2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt any resolution authorized by this section as an emergency measure.

(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.023 or 5739.026 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.021 of the Revised Code.

The additional tax levied by the county shall be collected 1938  
pursuant to section 5739.025 of the Revised Code. If the 1939  
additional tax or some portion thereof is levied for the purpose 1940  
of criminal and administrative justice services or specifically 1941  
for the purpose of constructing, operating, acquiring, 1942  
equipping, or repairing a detention facility, the revenue from 1943  
the tax, or the amount or rate apportioned to that purpose, 1944  
shall be credited to one or more special funds created in the 1945  
county treasury for receipt of that revenue. 1946

Any tax levied pursuant to this section is subject to the 1947  
exemptions provided in section 5739.02 of the Revised Code and 1948  
in addition shall not be applicable to sales not within the 1949  
taxing power of a county under the Constitution of the United 1950  
States or the Ohio Constitution. 1951

(F) For purposes of this section, a copy of a resolution 1952  
is "certified" when it contains a written statement attesting 1953  
that the copy is a true and exact reproduction of the original 1954  
resolution. 1955

(G) If a board of commissioners intends to adopt a 1956  
resolution to levy a tax in whole or in part for the purpose of 1957  
criminal and administrative justice services, the board shall 1958  
prepare and make available at the first public hearing at which 1959  
the resolution is considered a statement containing the 1960  
following information: 1961

(1) For each of the two preceding fiscal years, the amount 1962  
of expenditures made by the county from the county general fund 1963  
for the purpose of criminal and administrative justice services; 1964

(2) For the fiscal year in which the resolution is 1965  
adopted, the board's estimate of the amount of expenditures to 1966

be made by the county from the county general fund for the 1967  
purpose of criminal and administrative justice services; 1968

(3) For each of the two fiscal years after the fiscal year 1969  
in which the resolution is adopted, the board's preliminary plan 1970  
for expenditures to be made from the county general fund for the 1971  
purpose of criminal and administrative justice services, both 1972  
under the assumption that the tax will be imposed for that 1973  
purpose and under the assumption that the tax would not be 1974  
imposed for that purpose, and for expenditures to be made from 1975  
the special fund created under division (E) of this section 1976  
under the assumption that the tax will be imposed for that 1977  
purpose. 1978

The board shall prepare the statement and the preliminary 1979  
plan using the best information available to the board at the 1980  
time the statement is prepared. Neither the statement nor the 1981  
preliminary plan shall be used as a basis to challenge the 1982  
validity of the tax in any court of competent jurisdiction, nor 1983  
shall the statement or preliminary plan limit the authority of 1984  
the board to appropriate, pursuant to section 5705.38 of the 1985  
Revised Code, an amount different from that specified in the 1986  
preliminary plan. 1987

(H) Upon receipt from a board of county commissioners of a 1988  
certified copy of a resolution required by division (A) or (D) 1989  
of this section, or from the board of elections of a notice of 1990  
the results of an election required by division (A) or (B)(1) or 1991  
(2) of this section, the tax commissioner shall provide notice 1992  
of a tax rate change in a manner that is reasonably accessible 1993  
to all affected vendors. The commissioner shall provide this 1994  
notice at least sixty days prior to the effective date of the 1995  
rate change. The commissioner, by rule, may establish the method 1996

by which notice will be provided. 1997

(I) As used in this section: 1998

(1) "Criminal and administrative justice services" means 1999  
the exercise by the county sheriff of all powers and duties 2000  
vested in that office by law; the exercise by the county 2001  
prosecuting attorney of all powers and duties vested in that 2002  
office by law; the exercise by any court in the county of all 2003  
powers and duties vested in that court; the exercise by the 2004  
clerk of the court of common pleas, any clerk of a municipal 2005  
court having jurisdiction throughout the county, or the clerk of 2006  
any county court of all powers and duties vested in the clerk by 2007  
law except, in the case of the clerk of the court of common 2008  
pleas, the titling of motor vehicles or watercraft pursuant to 2009  
Chapter 1548. or 4505. of the Revised Code; the exercise by the 2010  
county coroner of all powers and duties vested in that office by 2011  
law; making payments to any other public agency or a private, 2012  
nonprofit agency, the purposes of which in the county include 2013  
the diversion, adjudication, detention, or rehabilitation of 2014  
criminals or juvenile offenders; the operation and maintenance 2015  
of any detention facility; and the construction, operation, 2016  
acquisition, equipping, or repair of such a detention facility. 2017

(2) "Detention facility" has the same meaning as in 2018  
section 2921.01 of the Revised Code. 2019

(3) "Construction, operation, acquisition, equipping, or 2020  
repair" of a detention facility includes the payment of any debt 2021  
charges incurred in the issuance of securities pursuant to 2022  
Chapter 133. or 342. of the Revised Code for the purpose of 2023  
constructing, acquiring, equipping, or repairing such a 2024  
facility. 2025

**Section 2.** That existing sections 307.01, 307.021, 307.93, 2026  
341.12, 2301.51, 5120.10, and 5739.021 of the Revised Code are 2027  
hereby repealed. 2028

**Section 3.** That section 341.121 of the Revised Code is 2029  
hereby repealed. 2030