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Sub. 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, Miller, A., Miller, J., Bird, Blackshear, Brown, Callender, Click, Denson, Galonski, Ghanbari, Ginter, Hicks-Hudson, Hillyer, Hoops, John, Lanese, Lepore-Hagan, Loychik, McClain, Miller, K., O'Brien, Roemer, Schmidt, Smith, K., Sobecki, Stein, Sweeney, Upchurch, Weinstein, Wiggam, Wilkin, Young, T., Speaker Cupp

A BILL

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

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

Section 1. That sections 307.01, 307.021, 2301.51, and 9
5120.10 be amended and sections 342.01, 342.02, 342.03, 342.04, 10
342.05, 342.06, 342.07, 342.08, 342.09, 342.10, 342.11, 342.12, 11
342.13, 342.14, 342.15, 342.16, and 5705.234 of the Revised Code 12
be enacted to read as follows: 13

Sec. 307.01. (A) A courthouse, ~~jail,~~ public comfort 14

station, offices for county officers, and a county home shall be 15
provided by the board of county commissioners when, in its 16
judgment, any of them are needed. Subject to Chapter 342. of the 17
Revised Code, a jail shall be provided by the board of county 18
commissioners when, in its judgment, it is needed. The buildings 19
and offices shall be of such style, dimensions, and expense as 20
the board determines. All new jails and renovations to existing 21
jails shall be designed, and all existing jails shall be 22
operated in such a manner as to comply substantially with the 23
minimum standards for jails in Ohio adopted by the department of 24
rehabilitation and correction. The board shall also provide 25
equipment, stationery, and postage, as it considers reasonably 26
necessary for the proper and convenient conduct of county 27
offices, and such facilities as will result in expeditious and 28
economical administration of such offices, except that, for the 29
purpose of obtaining federal or state reimbursement, the board 30
may impose on the public children services agency reasonable 31
charges, not exceeding the amount for which reimbursement will 32
be made and consistent with cost-allocation standards adopted by 33
the department of job and family services, for the provision of 34
office space, supplies, stationery, utilities, telephone use, 35
postage, and general support services. 36

The board of county commissioners shall provide all rooms, 37
fireproof and burglarproof vaults, safes, and other means of 38
security in the office of the county treasurer that are 39
necessary for the protection of public moneys and property in 40
the office. 41

(B) The court of common pleas shall annually submit a 42
written request for an appropriation to the board of county 43
commissioners that shall set forth estimated administrative 44
expenses of the court that the court considers reasonably 45

necessary for its operation. The board shall conduct a public hearing with respect to the written request submitted by the court and shall appropriate the amount of money each year that it determines, after conducting the public hearing and considering the written request of the court, is reasonably necessary to meet all administrative expenses of the court.

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

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

(D) The board of county commissioners may provide offices for or lease offices to a county land reutilization corporation organized under Chapter 1724. of the Revised Code and, in

connection with such a lease, charge rentals that are at or 76
below the market rentals for such offices, if the board 77
determines that providing offices for or leasing offices to the 78
corporation will promote economic development or the general 79
welfare of the people of the county through a plan of providing 80
affordable housing, land reutilization, and community 81
development. 82

Sec. 307.021. (A) It is hereby declared to be a public 83
purpose and function of the state, and a matter of urgent 84
necessity, that the state acquire, construct, or renovate 85
capital facilities for use as county, multicounty, municipal- 86
county, and multicounty-municipal jail facilities or workhouses, 87
as single-county or district community-based correctional 88
facilities authorized under section 2301.51 of the Revised Code, 89
as minimum security misdemeanor jails under sections 341.34 and 90
753.21 of the Revised Code, and as single-county or joint-county 91
juvenile facilities authorized under section 2151.65 of the 92
Revised Code in order to comply with constitutional standards 93
and laws for the incarceration of alleged and convicted 94
offenders against state and local laws, and for use as county 95
family court centers. For these purposes, counties and municipal 96
corporations are designated as state agencies to perform duties 97
of the state in relation to such facilities, workhouses, jails, 98
and centers, and such facilities, workhouses, jails, and centers 99
are designated as state capital facilities. The treasurer of 100
state is authorized to issue revenue obligations under Chapter 101
154. of the Revised Code to pay all or part of the cost of such 102
state capital facilities as are designated by law. 103

The office of the sheriff, due to its responsibilities 104
concerning alleged and convicted offenders against state laws, 105
is designated as the state agency having jurisdiction over such 106

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

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

(C) A county or counties or a municipal corporation or 138
municipal corporations may contribute to the cost of capital 139
facilities authorized under this section. 140

(D) A county or counties, and any municipal corporations, 141
shall lease capital facilities described in this section that 142
are constructed, reconstructed, or otherwise improved, which 143
facilities are financed by the treasurer of state pursuant to 144
Chapter 154. of the Revised Code, for the use of the county or 145
counties and any municipal corporations, and may enter into 146
other agreements ancillary to the construction, reconstruction, 147
improvement, financing, leasing, or operation of such capital 148
facilities, including, but not limited to, any agreements 149
required by the applicable bond proceedings authorized by 150
Chapter 154. of the Revised Code. 151

Such lease may obligate the county or counties and any 152
municipal corporation, as using state agencies under Chapter 153
154. of the Revised Code, to occupy and operate such capital 154
facilities for such period of time as may be specified by law 155
and to pay such rent as the treasurer of state determines to be 156
appropriate. Notwithstanding any other section of the Revised 157
Code, any county or counties or municipal corporation may enter 158
into such a lease, and any such lease is legally sufficient to 159
obligate the political subdivision for the term stated in the 160
lease. Any such lease constitutes an agreement described in 161
division (D) of section 154.06 of the Revised Code. 162

(E) If rental payments required from the county or 163
counties or municipal corporation by a lease established 164
pursuant to this section are not paid in accordance with such 165
lease, the funds which otherwise would be apportioned to the 166
lessees from the county undivided local government fund, 167

pursuant to sections 5747.51 to 5747.53 of the Revised Code, 168
shall be reduced by the amount of rent owed. The county 169
treasurer immediately shall pay the amount of such reductions to 170
the treasurer of state. 171

(F) Any lease of capital facilities authorized by this 172
section, the rentals of which are payable in whole or in part 173
from appropriations made by the general assembly, is governed by 174
Chapter 154. of the Revised Code. Such rentals constitute 175
available receipts as defined in section 154.24 of the Revised 176
Code and may be pledged for the payment of bond service charges 177
as provided in that section. 178

(G) Any provision of section 123.01 of the Revised Code 179
that applies to buildings and facilities also applies to the 180
buildings and facilities described in this section, unless it is 181
inconsistent with this section. 182

(H) This section applies to the acquisition, construction, 183
and renovation of jail facilities constructed pursuant to 184
Chapter 342. of the Revised Code. 185

Sec. 342.01. As used in this chapter: 186

"Basic project cost" means an amount determined in 187
accordance with rules adopted under section 111.15 of the 188
Revised Code by the Ohio facilities construction commission. The 189
basic project cost calculation shall take into consideration the 190
square footage and cost per square foot necessary for the jail 191
facilities, the variation across the state in construction and 192
related costs, the cost of the installation of site utilities 193
and site preparation, the cost of demolition of all or part of 194
any existing jail facilities that are abandoned under the 195
project, the cost of insuring the project until it is completed, 196

any contingency reserve amount prescribed by the commission 197
under division (P) of section 342.06 of the Revised Code, and 198
the professional planning, administration, and design fees that 199
a county may have to pay to undertake a jail facilities project. 200

"Installation of site utilities" means the installation of 201
a site domestic water system, site fire protection system, site 202
gas distribution system, site sanitary system, site storm 203
drainage system, site electrical service, site generator system, 204
and site telephone and data system. 205

"Jail facility" means a county, multicounty, municipal- 206
county, or multicounty-municipal jail facility or workhouse, a 207
minimum security jail under sections 341.34 and 753.21 of the 208
Revised Code, or a single-county or joint-county juvenile 209
facility authorized under section 2151.65 of the Revised Code, 210
or another residential facility used for the confinement of 211
alleged or convicted offenders that is operated by a county or a 212
combination of a county or counties and other political 213
subdivisions of this state. 214

"Multicounty jail facility" means a jail facility intended 215
to serve two or more counties, and that may be located wholly in 216
one county or partly in one or more counties that have made an 217
agreement under section 342.12 of the Revised Code. 218

"Net bonded indebtedness" means the difference between the 219
sum of the par value of all outstanding and unpaid bonds and 220
notes that a board of county commissioners is obligated to pay, 221
and the amount held in a sinking fund and other indebtedness 222
retirement funds for their redemption. 223

"Project" means a project to construct or acquire jail 224
facilities, or to reconstruct or make additions to existing jail 225

facilities. 226

"Site preparation" means the earthwork necessary for 227
preparation of the building foundation system, the paved 228
pedestrian and vehicular circulation system, and lawn and 229
planting on the project site. 230

Sec. 342.02. (A) The department of taxation shall rank 231
each county based on its financial need with a percentile 232
ranking using the following funding formula: 233

(1) The department shall determine the total value of all 234
property in the county listed and assessed for taxation on the 235
tax list as reported by the department in the current fiscal 236
year, and list each county in order of total value, ascending, 237
so that the county with the lowest value is number one on the 238
list; 239

(2) The department also shall rank each county based on 240
the estimate of the gross amount of taxable retail sales sourced 241
to the county as reported by the department for the preceding 242
fiscal year, computed by dividing the total amount of tax 243
revenue received by the county during that period from taxes 244
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 245
of the Revised Code by the aggregate tax rate currently levied 246
by the county under sections 5739.021 and 5739.026 of the 247
Revised Code, and list each county in order of total value, 248
ascending, so that the county with the lowest value is number 249
one on the list, except that any county that does not currently 250
levy taxes under section 5739.021 or 5739.026 of the Revised 251
Code shall be ranked at number eighty-eight on the list; 252

(3) The department shall then, for each county, add the 253
numbered rank calculated under division (A) (1) of this section 254

to the numbered rank calculated under division (A) (2) of this 255
section, and shall order the counties according the sum of the 256
two ranks, the county with the lowest sum being number one on 257
the list. The percentile ranking shall be determined by taking 258
the county's ranking on this final list, dividing it by eighty- 259
eight, and multiplying it by one hundred. 260

(4) If the sum calculated under division (A) (3) of this 261
section is the same for two or more counties, the county with 262
the lowest population shall receive the lowest final ranking. 263
The final ranking for the counties should be numbers one through 264
eighty-eight. 265

Every other year, on even-numbered years, the department 266
shall conduct the financial ranking described in this division 267
and report the ranking to the department of rehabilitation and 268
correction and the Ohio facilities construction commission. 269

(B) (1) Upon receiving the financial ranking under division 270
(A) of this section, the commission shall select a number of 271
counties among the lowest ranking counties, the number of 272
counties selected depending upon the commission's projections of 273
the moneys available and moneys necessary to undertake projects 274
under this chapter for that year, and invite the selected 275
counties to apply for assistance under this chapter. Two or more 276
counties may jointly apply for assistance under this chapter as 277
long as at least one of the counties was invited to apply. The 278
application shall be made on a form and in a manner prescribed 279
by the commission. Upon the application of a county so invited, 280
the commission may shortlist applicants before proceeding, and 281
shall proceed with a needs assessment under division (B) (2) of 282
this section. 283

(2) Upon the application and shortlisting of invited 284

counties to receive assistance under this chapter, the 285
commission shall conduct a needs assessment, or cause a needs 286
assessment to be conducted, to determine the jail facility needs 287
of the applicant county. The needs assessment, subject to 288
division (B) (3) of this section, shall include an on-site 289
assessment of applicable jail facilities identified as having 290
jail facility needs. The on-site assessment shall assess the 291
county's need to construct or acquire new jail facilities and 292
may include an assessment of the county's need for facility 293
additions or for the reconstruction of existing facilities in 294
lieu of constructing or acquiring replacement facilities. 295

(3) Before conducting an on-site assessment of a county, 296
at the request of the board of county commissioners, the 297
commission shall examine any jail facilities needs assessment 298
that the county has conducted and any master plan developed for 299
meeting the facility needs of the county. If the commission 300
determines that the county's needs assessment or master plan is 301
sufficient for its purposes, and that any additional needs 302
assessment is not necessary, the commission may waive the on- 303
site assessment under division (B) (2) of this section. 304

(4) Upon conducting the on-site assessment, the commission 305
shall make a determination of all of the following: 306

(a) The need of the county for additional jail facilities, 307
or for renovations or improvements to existing jail facilities, 308
based on whether and to what extent existing facilities comply 309
with the standards adopted under division (C) of this section; 310

(b) The number of jail facilities to be included in a 311
project; 312

(c) The estimated annual, monthly, or daily cost of 313

operating the facility once it is operational, as reported and 314
certified by the county auditor; 315

(d) The estimated basic project cost of constructing, 316
acquiring, reconstructing, or making additions to each facility; 317

(e) The amount of the basic project cost that the county 318
can supply through the means described in division (A) (2) of 319
section 342.04 of the Revised Code; 320

(f) The amount of the cost to be supplied by the state 321
under section 342.04 of the Revised Code; 322

(g) The amount of the state's portion to be encumbered in 323
accordance with section 342.04 of the Revised Code in the 324
current and subsequent fiscal years from funds appropriated for 325
purposes of this chapter. 326

(5) If the project involves a multicounty jail facility, 327
the commission may determine a multicounty jail facility ranking 328
cost for each county involved. 329

(C) The commission, in conjunction with the department of 330
rehabilitation and correction, shall develop a set of standards 331
by which the commission may evaluate the condition of existing 332
jail facilities to determine need under this chapter. These 333
standards shall include the standards developed under section 334
5120.10 of the Revised Code, and other standards that the 335
commission and the department consider appropriate. In 336
developing or changing these standards, the commission and the 337
department shall solicit input from sheriffs and boards of 338
county commissioners or from organizations representing sheriffs 339
or boards of county commissioners in this state. 340

(D) The commission shall then choose from among the 341
applicant counties which counties will receive state funding 342

under this chapter. The commission shall choose based on the 343
results of the financial ranking conducted under division (A) of 344
this section, the results of the needs assessment conducted 345
under division (B) of this section, and the requirements 346
described in sections 342.03 and 342.04 of the Revised Code. If 347
a chosen project is subsequently denied approval by the 348
controlling board under section 342.05 of the Revised Code, or 349
canceled for some other reason, the commission may choose 350
another applicant county under this division that applied for 351
assistance but was not selected under this division. If no 352
counties meet that description, the commission may invite 353
additional counties to apply for assistance under this section. 354

Sec. 342.03. The Ohio facilities construction commission, 355
following the completion of a needs assessment conducted under 356
section 342.02 of the Revised Code, shall make a determination 357
in favor of constructing, acquiring, reconstructing, or making 358
additions to a jail facility only upon evidence that the 359
proposed project conforms to the construction and renovation 360
standards described in divisions (D) and (E) of section 5120.10 361
of the Revised Code, and that it keeps with the needs of the 362
county as determined by the needs assessment conducted under 363
section 342.02 of the Revised Code. Exceptions shall be 364
authorized only in those areas where topography, sparsity of 365
population, and other factors make larger jail facilities 366
impracticable. 367

If the board of county commissioners or the commission 368
determines that an existing jail facility should be renovated 369
instead of acquiring a comparable jail facility by new 370
construction, the commission may approve the expenditure of 371
project funds for the renovation of that jail facility up to but 372
not exceeding one hundred per cent of the estimated cost of 373

acquiring a comparable jail facility by new construction, if the 374
commission determines that the renovated jail facility will be 375
operationally efficient, will be adequate for the future needs 376
of the county, and will comply with the standards described in 377
section 342.02 of the Revised Code. 378

Sec. 342.04. (A) (1) A project proposed under sections 379
342.02 and 342.03 of the Revised Code may be approved only upon 380
submission of evidence to the Ohio facilities construction 381
commission by the board of county commissioners or, in the case 382
of a multicounty jail facility, by a multicounty jail facility 383
commission, that the county or counties involved in the project 384
will generate adequate revenue to fund the county portion of the 385
basic project cost and the operations and maintenance of the 386
proposed jail facility or facilities. 387

(2) A county may generate the revenue described in 388
division (A) (1) of this section by any of the following means, 389
provided the revenue may be lawfully used for that purpose: 390

(a) Unencumbered funds of the county; 391

(b) Issuance of bonds previously authorized by the 392
electors of the county; 393

(c) Local donated contributions as authorized under 394
section 342.07 of the Revised Code; 395

(d) A bond issue or tax levy under section 5705.234 of the 396
Revised Code; 397

(e) The proceeds of any other tax levy that may be 398
lawfully used for that purpose, including a tax levied under 399
division (LL) of section 5705.19 of the Revised Code or section 400
5705.233 of the Revised Code. 401

(3) The commission shall not accept a proposal by a county 402
or a multicounty jail facility commission to rent any portion of 403
the jail facility or facilities to other political subdivisions 404
as evidence that the county or multicounty jail facility 405
commission will generate adequate revenue as described in 406
division (A) (1) of this section. 407

(4) Evidence submitted under division (A) (1) of this 408
section shall not be considered sufficient until it has been 409
certified as true and accurate by the county auditor of each 410
participating county. 411

(B) Except as otherwise provided in divisions (C) and (D) 412
of this section, the portion of the basic project cost supplied 413
by each county shall be one per cent of the basic project costs 414
times the percentile in which the county ranks according to the 415
department of taxation's ranking under section 342.02 of the 416
Revised Code, for the fiscal year preceding the fiscal year in 417
which the controlling board approved the county's or counties' 418
project under section 342.05 of the Revised Code. 419

The amount of the county's or counties' share determined 420
under this section shall be calculated only as of the date the 421
controlling board approved the project. 422

(C) At no time shall a county's, or all of the counties', 423
portion of the basic project cost be greater than seventy-five 424
per cent of the total basic project cost. 425

(D) If the controlling board approves a project for a 426
county that previously received assistance under this chapter 427
within twenty years of the date the previous project was 428
approved by the controlling board, that county's portion of the 429
basic project cost for the new project shall be the lesser of 430

the following: 431

(1) The portion calculated under division (B) of this 432
section; 433

(2) The greater of the following: 434

(a) The required percentage of the basic project costs for 435
the new project or, if the project is a multicounty jail 436
facility, the county's required percentage of the basic project 437
costs pursuant to an agreement under section 342.12 of the 438
Revised Code; 439

(b) The percentage of the basic project cost paid by the 440
county for the previous project. 441

Sec. 342.05. (A) If the Ohio facilities construction 442
commission makes a determination under sections 342.01 to 342.04 443
of the Revised Code in favor of constructing, acquiring, 444
reconstructing, or making additions to a jail facility, the 445
project shall be conditionally approved. The conditional 446
approval shall be submitted to the controlling board for 447
approval. The controlling board shall approve or reject the 448
commission's determination, the amount of the state's portion of 449
the basic project cost, and the amount of the state's portion to 450
be encumbered in the current fiscal year. If approved by the 451
controlling board, the commission shall certify the conditional 452
approval to the board of county commissioners, or to the 453
multicounty jail facilities commission in the case of a 454
multicounty jail facilities project undertaken pursuant to 455
section 342.12 of the Revised Code, and shall encumber from the 456
total funds appropriated for the purpose of this chapter the 457
amount approved under this section to be encumbered in the 458
current fiscal year. 459

The basic project cost for a project approved under this 460
section shall not exceed the cost that otherwise would have to 461
be incurred if the jail facilities to be constructed, acquired, 462
or reconstructed, or the additions to be made to jail 463
facilities, under the project meet, but do not exceed, the 464
specifications for plans and materials for jail facilities 465
adopted by the commission. 466

(B) No project proposed by a county that previously 467
received assistance under this chapter and that levied a tax 468
under section 5705.234 of the Revised Code for the purpose of 469
qualifying for that previous assistance shall be approved by the 470
controlling board in the twenty years following the controlling 471
board's approval of the previous project unless the board of 472
county commissioners demonstrates to the satisfaction of the 473
commission that the county has experienced, since approval of 474
its prior project, an exceptional increase in need beyond the 475
county's design capacity under that prior project as determined 476
by the commission. 477

If the commission finds that a county's existing jail 478
facilities are adequate to meet all of the county's needs, the 479
commission may determine that no additional state assistance be 480
awarded to a county under this section. 481

(C) Not later than one hundred twenty days after receiving 482
notice of an approval, the board of county commissioners, or the 483
multicounty jail facilities commission as applicable, shall 484
accept or deny the commission's conditional approval. 485
Additionally, if one or more counties must issue bonds or levy a 486
tax under section 5705.234 of the Revised Code to provide 487
adequate revenue for its portion of the basic project costs or 488
for the maintenance and operation of the jail facility or 489

facilities, the electors of the county or counties shall approve 490
the bond issue or levy not later than thirteen months after the 491
date the county received the commission's conditional approval. 492
If the commission's conditional approval lapses under this 493
division, the amount reserved and encumbered for the project 494
shall be released. If the amount reserved and encumbered for the 495
county's or counties' project is released, the county or 496
counties shall be given first priority for project funding as 497
the funds become available. 498

Sec. 342.06. If the requisite favorable vote on an 499
election described in section 5705.234 of the Revised Code is 500
obtained or the county's share of the basic project cost is 501
otherwise met in accordance with section 342.04 of the Revised 502
Code, the Ohio facilities construction commission shall enter 503
into a written agreement with the board of county commissioners, 504
or with the multicounty jail facilities commission in the case 505
of a multicounty jail facilities project undertaken pursuant to 506
section 342.12 of the Revised Code, for the construction of the 507
project. The agreement shall include at least the following 508
provisions: 509

(A) The sale and issuance of bonds or notes in 510
anticipation thereof, as soon as practicable after the execution 511
of the agreement, in an amount equal to the county's portion of 512
the basic project cost, dedicated by the board of county 513
commissioners to payment of the county's portion of the basic 514
project cost of the project; provided, that if at that time the 515
county treasurer of each county in which the facility is located 516
has not commenced the collection of taxes for the year in which 517
the controlling board approved the project, the board of county 518
commissioners shall authorize the issuance of a first 519
installment of bond anticipation notes in an amount specified by 520

the agreement. If a first installment of bond anticipation notes 521
is issued, the board of county commissioners shall, as soon as 522
practicable after the county treasurer of each county in which 523
the facilities are located has commenced the collection of taxes 524
on the general duplicate of real and public utility property for 525
the year in which the controlling board approved the project, 526
authorize the issuance of a second and final installment of bond 527
anticipation notes or a first and final issue of bonds. 528

The combined value of the first and second installment of 529
bond anticipation notes or the value of the first and final 530
issue of bonds shall be equal to the county's portion of the 531
basic project cost. The proceeds of any of these bonds shall be 532
used first to retire any bond anticipation notes. Otherwise, the 533
proceeds of any of these bonds and of any bond anticipation 534
notes, except the premium and accrued interest thereon, shall be 535
deposited in the county's project construction fund. In 536
determining the amount of net bonded indebtedness for the 537
purpose of fixing the amount of an issue of either bonds or bond 538
anticipation notes, gross indebtedness shall be reduced by 539
moneys in the bond retirement fund only to the extent of the 540
moneys therein on the first day of the year preceding the year 541
in which the controlling board approved the project. The maximum 542
amount of indebtedness to be incurred by any board of county 543
commissioners as its share of the cost of the project is either 544
an amount that will cause its net bonded indebtedness, as of the 545
first day of the year following the year in which the 546
controlling board approved the project, to be within five 547
thousand dollars of the required level of indebtedness, or an 548
amount equal to the required percentage of the basic project 549
costs, whichever is greater. All bonds and bond anticipation 550
notes shall be issued in accordance with Chapter 133. of the 551

Revised Code, and notes may be renewed as provided in section 552
133.22 of the Revised Code. 553

(B) The transfer of the funds of the board of county 554
commissioners available for the project, together with the 555
proceeds of the sale of the bonds or notes, except premium, 556
accrued interest, and interest included in the amount of the 557
issue, to the county's project construction fund; 558

(C) Dedication of any local donated contribution as 559
provided for under section 342.07 of the Revised Code; 560

(D) Ownership of or interest in the project during the 561
period of construction, which shall be divided between the Ohio 562
facilities construction commission and the board of county 563
commissioners in proportion to their respective contributions to 564
the county's project construction fund; 565

(E) Maintenance of the state's interest in the project 566
until any obligations issued for the project under this chapter 567
are no longer outstanding; 568

(F) The insurance of the project by the county from the 569
time there is an insurable interest therein and so long as the 570
state retains any ownership or interest in the project pursuant 571
to division (D) of this section, in amounts and against risks as 572
the Ohio facilities construction commission shall require; 573
provided, that the cost of any required insurance until the 574
project is completed shall be a part of the basic project cost; 575

(G) The certification by the director of budget and 576
management that funds are available and have been set aside to 577
meet the state's share of the basic project cost as approved by 578
the controlling board pursuant to section 342.05 of the Revised 579
Code; 580

(H) Authorization of the board of county commissioners to 581
advertise for and receive construction bids for the project, for 582
and on behalf of the Ohio facilities construction commission, 583
and to award contracts in the name of the state subject to 584
approval by the commission; 585

(I) Provisions for the disbursement of moneys from the 586
county's project account upon issuance by the Ohio facilities 587
construction commission or the commission's designated 588
representative of vouchers for work done to be certified to the 589
commission by the county auditor; 590

(J) Disposal of any balance left in the county's project 591
construction fund upon completion of the project; 592

(K) Provision for deposit of an executed copy of the 593
agreement in the office of the commission; 594

(L) Provision for termination of the contract and release 595
of the funds encumbered at the time of the conditional approval, 596
if the proceeds of the sale of the bonds of the board of county 597
commissioners are not paid into the county's project 598
construction fund and if bids for the construction of the 599
project have not been taken within this period after the 600
execution of the agreement as may be fixed by the Ohio 601
facilities construction commission; 602

(M) A requirement that the county maintain the project in 603
accordance with a facilities maintenance plan approved by the 604
commission; 605

(N) Provision that all state funds reserved and encumbered 606
to pay the state share of the cost of the project and the funds 607
provided by the county to pay for its share of the project cost 608
be spent on the construction and acquisition of the project 609

simultaneously in proportion to the state's and the county's 610
respective shares of that basic project cost as determined under 611
section 342.04 of the Revised Code. However, if the board 612
certifies to the commission that expenditure by the county is 613
necessary to maintain the federal tax status or tax-exempt 614
status of notes or bonds issued by the county to pay for its 615
share of the project cost or to comply with applicable temporary 616
investment periods or spending exceptions to rebate as provided 617
for under federal law in regard to those notes or bonds, the 618
board may commit to spend, or may spend, a greater portion of 619
the funds it provides during any specific period than otherwise 620
would be required under this division. 621

(O) A provision stipulating that the Ohio facilities 622
construction commission may prohibit the board from proceeding 623
with any project if the commission determines that the site is 624
not suitable for construction purposes. The commission may 625
perform soil tests in its determination of whether a site is 626
appropriate for construction purposes. 627

(P) A provision stipulating that, unless otherwise 628
authorized by the commission, any contingency reserve portion of 629
the construction budget prescribed by the commission shall be 630
used only to pay costs resulting from unforeseen job conditions, 631
to comply with rulings regarding building and other codes, to 632
pay costs related to design clarifications or corrections to 633
contract documents, and to pay the costs of settlements or 634
judgments related to the project. 635

Sec. 342.07. (A) As used in this section, "local donated 636
contribution" means any of the following: 637

(1) Any moneys irrevocably donated or granted to a board 638
of county commissioners by a source other than the state that 639

the board has the authority to apply to the county's project 640
under this chapter and that the board has pledged for that 641
purpose by resolution adopted by a majority of its members; 642

(2) Any irrevocable letter of credit issued on behalf of a 643
county that the board has encumbered for payment of the county's 644
share of its project under this chapter that has been approved 645
by the Ohio facilities construction commission; 646

(3) Any cash a county has on hand that the board has 647
encumbered for payment of the county's share of its project 648
under this chapter that has been approved by the commission, 649
including any year-end operating fund balances that can be spent 650
for jail facilities; 651

(4) Any moneys spent by a source other than the county or 652
the state for construction or renovation of specific jail 653
facilities that have been approved by the commission as part of 654
the basic project cost of the county's project. The board, the 655
commission, and the entity providing the local donated 656
contribution under division (A)(4) of this section shall enter 657
into an agreement identifying the jail facilities to be acquired 658
by the expenditures made by that entity. The agreement shall 659
include stipulations that require an audit by the commission of 660
these expenditures made on behalf of the county and that specify 661
the maximum amount of credit to be allowed for those 662
expenditures. Upon completion of the construction or renovation, 663
the commission shall determine the actual amount that the 664
commission will credit, at the request of the board, toward the 665
county's portion of the basic project cost, or any project cost 666
overruns. The actual amount of the credit shall not exceed the 667
lesser of the amount specified in the agreement or the actual 668
cost of the construction or renovation. 669

(B) A board of county commissioners may apply a local 670
donated contribution to the county's share of the basic project 671
cost or use the contribution for maintenance and operation of 672
the jail facility or facilities that are constructed, acquired, 673
reconstructed, or expanded by the project. 674

(C) If the county is required to issue bonds or levy tax 675
under section 5705.234 of the Revised Code as a condition of 676
receiving assistance under this chapter, the board of county 677
commissioners may, with the approval of the Ohio facilities 678
construction commission, reduce the principal amount of bonds 679
issued or the rate of the tax levied under that section by an 680
amount commensurate with the local donated contributions applied 681
to the same purposes. The commission shall not approve a board 682
of county commissioners' proposal to reduce the amount of bonds 683
issued or the rate of a tax levied under section 5705.234 of the 684
Revised Code unless the board demonstrates to the satisfaction 685
of the commission that the revenue generated under the proposal, 686
when supplemented by the local donated contributions, is 687
sufficient to pay the county's share of the basic project cost 688
and provide for operation and maintenance of the jail facility 689
or facilities. 690

(D) Except as provided in division (E) of this section, no 691
state moneys shall be released for a project to which this 692
section applies until both of the following have occurred: 693

(1) Any local donated contribution authorized under this 694
section is first deposited into the county's project 695
construction fund. 696

(2) The board and the commission have included a 697
stipulation in their agreement entered into under section 342.06 698
of the Revised Code under which the board will deposit into a 699

fund approved by the commission according to a schedule that 700
does not extend beyond the anticipated completion date of the 701
project the total amount of any local donated contribution 702
dedicated by the board for that purpose. 703

(E) If any local donated contribution described in 704
division (A) (4) of this section has been approved under this 705
section, the state moneys may be released even if the entity 706
providing the local donated contribution has not spent the 707
moneys so dedicated as long as the agreement required under that 708
division has been executed. 709

Sec. 342.08. (A) Promptly after the board of county 710
commissioners, or the multicounty jail facilities commission, 711
and the Ohio facilities construction commission have entered 712
into the written agreement, the board or boards of county 713
commissioners shall issue its bonds or notes in anticipation of 714
the agreement pursuant to the provision of the agreement 715
required by division (A) of section 342.06 of the Revised Code, 716
or required by section 342.12 of the Revised Code in the case of 717
an agreement between boards of county commissioners for a 718
multicounty jail facilities project, and deposit the proceeds of 719
the agreement in the county's project construction fund pursuant 720
to the provision of the agreement required by division (B) of 721
section 342.06 of the Revised Code. The board of county 722
commissioners or the multicounty jail facilities commission, if 723
applicable, with the approval of the Ohio facilities 724
construction commission, also shall employ a qualified 725
professional person to prepare preliminary plans, working 726
drawings, specifications, estimates of cost, and such data as 727
the board of county commissioners, or the multicounty jail 728
facilities commission if applicable, and the Ohio facilities 729
construction commission consider necessary for the project. When 730

the preliminary plans and preliminary estimates of cost have 731
been prepared, and approved by the board or boards of county 732
commissioners, if applicable, the plans shall be submitted to 733
the Ohio facilities construction commission and the department 734
of rehabilitation and correction for approval, modification, or 735
rejection. The Ohio facilities construction commission shall 736
consult with the department to ensure that the plans and 737
materials proposed for use in the project comply with 738
specifications for plans and materials that shall be established 739
by the commission in accordance with division (C) of section 740
342.02 of the Revised Code. When these preliminary plans and 741
preliminary estimates of cost and any modifications thereof have 742
been approved by the commission and the board or boards of 743
county commissioners, if applicable, the board or boards shall 744
cause the qualified professional person to prepare the working 745
drawings, specifications, and estimates of cost. 746

(B) Whenever project plans submitted to the commission for 747
approval under division (A) of this section propose to locate a 748
facility on a state route or United States highway or within one 749
mile of a state route or United States highway, the commission 750
shall send a copy of the plans to the director of 751
transportation. The director shall review the plans to determine 752
the feasibility of the proposed ingress and egress to the 753
facility, the traffic circulation pattern on roadways around the 754
facility, and any improvements that would be necessary to 755
conform the roadways to provisions of the manual adopted by the 756
department of transportation under section 4511.09 of the 757
Revised Code or state or federal law. The director shall provide 758
a written summary of the director's findings to the commission 759
in a timely manner. The commission shall consider the findings 760
in deciding whether to approve the plans. 761

Sec. 342.09. When the working drawings, specifications, 762
and estimates of cost have been approved by the board of county 763
commissioners, or the multicounty jail facilities commission if 764
applicable, and the Ohio facilities construction commission 765
pursuant to section 342.08 of the Revised Code, or section 766
342.12 of the Revised Code if applicable, the board of county 767
commissioners or the multicounty jail facilities commission 768
shall advertise for construction bids in accordance with section 769
307.86 of the Revised Code. These notices shall state that plans 770
and specifications for the project are on file in the office of 771
the Ohio facilities construction commission, at the office of 772
the department of rehabilitation and correction, and other 773
places as may be designated in the notice, and the time and 774
place when and where bids will be received. 775

The form of proposal to be submitted by bidders shall be 776
supplied by the Ohio facilities construction commission. Bidders 777
may be permitted to bid on all or any of the branches of work 778
and materials to be furnished and supplied. 779

When the construction bids for all branches of work and 780
materials have been tabulated, the commission shall prepare a 781
revised estimate of the basic project cost based upon the lowest 782
responsive and responsible bids received. If the revised 783
estimate exceeds the estimated basic project cost as approved by 784
the controlling board pursuant to section 342.05 of the Revised 785
Code, no contracts may be entered into pursuant to this section 786
unless this revised estimate is approved by the commission and 787
by the controlling board. When this revised estimate has been 788
prepared, and after approvals are given, if necessary, and if 789
the board or boards of county commissioners have caused to be 790
transferred to the project construction fund the proceeds from 791
the sale of the first or first and final installment of its 792

bonds or bond anticipation notes pursuant to the provision of 793
the written agreement required by section 342.07 of the Revised 794
Code, and section 342.12 of the Revised Code if applicable, and 795
when the director of budget and management has certified that 796
there is a balance in the appropriation, not otherwise obligated 797
to pay precedent obligations, pursuant to which the state's 798
share of this revised estimate is required to be paid, the 799
contract for all branches of work and materials to be furnished 800
and supplied, or for any branch thereof as determined by the 801
board of county commissioners or the multicounty jail facilities 802
commission if applicable, shall be awarded by the board of 803
county commissioners or the multicounty jail facilities 804
commission to the lowest responsible and responsive bidder 805
subject to the approval of the Ohio facilities construction 806
commission. The award shall be made not later than sixty days 807
after the date on which the bids are opened, and the successful 808
bidder shall enter into a contract not later than ten days after 809
the successful bidder is notified of the award of the contract. 810

Subject to the approval of the Ohio facilities 811
construction commission, the board of county commissioners or 812
multicounty jail facilities commission may reject all bids and 813
readvertise. Any contract made under this section shall be made 814
in the name of the state and executed on its behalf by the 815
president of the board of county commissioners and the county 816
auditor of each participating county. 817

The provisions of sections 9.312 and 307.86 of the Revised 818
Code, which are applicable to construction contracts, shall 819
apply to construction contracts for the project. 820

The remedies afforded to any subcontractor, materials 821
supplier, laborer, mechanic, or persons furnishing material or 822

machinery for the project under sections 1311.26 to 1311.32 of 823
the Revised Code, shall apply to contracts entered into under 824
this section and the itemized statement required by section 825
1311.26 of the Revised Code shall be filed with the board of 826
county commissioners or the multicounty jail facilities 827
commission if applicable. 828

Notwithstanding the requirements of this section, a 829
county, with the approval of the commission, may utilize any 830
otherwise lawful alternative construction delivery method for 831
the construction of the project. 832

Sec. 342.10. For any project undertaken with financial 833
assistance from the state under this chapter, the amount of 834
state appropriations to be encumbered for the project in each 835
fiscal year shall be determined by the Ohio facilities 836
construction commission based on the project's estimated 837
construction schedule for that year. In each fiscal year 838
subsequent to the first year in which state appropriations are 839
encumbered for the project, the commission shall grant the 840
project priority for state funds over projects for which initial 841
state funding is sought. 842

Sec. 342.11. (A) The Ohio facilities construction 843
commission shall request that the controlling board transfer to 844
the county's project construction fund the necessary amounts 845
from amounts appropriated by the general assembly and set aside 846
for this purpose, from time to time as may be necessary to pay 847
obligations chargeable to the fund when due. All investment 848
earnings of a county's project construction fund shall be 849
credited to the fund. 850

(B) (1) The county auditor shall disburse funds from the 851
county's project construction fund, including investment 852

earnings credited to the fund, only upon the approval of the 853
commission or the commission's designated representative. The 854
commission or the commission's designated representative shall 855
issue vouchers against the fund, in amounts and at times as 856
required by the contracts for construction of the project. 857

(2) Notwithstanding anything to the contrary in division 858
(B) (1) of this section, the board of county commissioners may, 859
by a duly adopted resolution, choose to use all or part of the 860
investment earnings of the county's project construction fund 861
that are attributable to the county's contribution to the fund 862
to pay the cost of jail facilities or portions or components of 863
jail facilities that are not included in the county's basic 864
project cost but that are related to the county's project. If 865
the board of county commissioners adopts a resolution in favor 866
of using those investment earnings as authorized under division 867
(B) (2) of this section, the county auditor shall disburse the 868
amount as designated and directed by the board. However, if the 869
board chooses to use any part of the investment earnings for 870
jail facilities or portions or components of jail facilities 871
that are not included in the basic project cost, as authorized 872
under division (B) (2) of this section, and, subsequently, the 873
cost of the project exceeds the amount in the project 874
construction fund, the board shall restore to the project 875
construction fund the full amount of the investment earnings 876
used under division (B) (2) of this section before any additional 877
state moneys shall be released for the project. 878

(C) After a certificate of completion has been issued for 879
a project under section 342.15 of the Revised Code, all of the 880
following apply: 881

(1) At the discretion of the board of county 882

commissioners, any investment earnings remaining in the project 883
construction fund that are attributable to the county's 884
contribution to the fund shall be: 885

(a) Retained in the project construction fund for future 886
projects; 887

(b) Transferred to a special fund of the county treasury 888
to be used solely for maintaining the jail facilities included 889
in the project; or 890

(c) Transferred to the county's permanent improvement 891
fund. 892

(2) Any investment earnings remaining in the project 893
construction fund that are attributable to the state's 894
contribution to the fund shall be transferred to the commission 895
for expenditure pursuant to this chapter. 896

(3) Any other surplus remaining in the county's project 897
construction fund shall be transferred to the commission and the 898
board of county commissioners in proportion to their respective 899
contributions to the fund. The commission shall use the money 900
transferred to it under this division for expenditures pursuant 901
to this chapter. 902

Sec. 342.12. (A) Two or more boards of county 903
commissioners under this chapter may, by agreement, build a 904
multicounty jail facility. The terms of this agreement may be 905
added to an agreement under section 342.06 of the Revised Code, 906
or may be made a supplemental agreement. The boards of county 907
commissioners of each county may, at their discretion, form a 908
multicounty jail facilities commission to carry out the tasks of 909
this section. The commission, if formed, shall administer the 910
agreement. 911

(B) The contracting counties may agree to apportion their 912
share of the cost according to their need as ranked by the 913
department of taxation under section 342.02 of the Revised Code. 914
Each county shall fund its portion of the cost as otherwise 915
provided in this chapter. If the electors of one of the counties 916
fail to approve the tax levy or the issuance of bonds necessary 917
to fund the county's portion of the cost under section 5705.234 918
of the Revised Code within ninety days of the most recent 919
election in which the electors of a contracting county have 920
approved the tax levy or issuance of bonds, the other 921
contracting counties are not obliged to pay any portion of the 922
cost of the county in which the levy or issuance was not 923
approved. 924

(C) An agreement under division (A) of this section shall 925
do all of the following: 926

(1) Prescribe the structure, management, and 927
responsibilities of the multicounty jail facilities commission; 928

(2) Provide for a process to establish the annual budget 929
for the commission that includes a requirement that the annual 930
budget be approved by all of the boards of county commissioners 931
of the member counties; 932

(3) Apportion the annual operating costs of the commission 933
to each member county; 934

(4) Designate the expenditure of funds from the county 935
jail facilities construction fund of each member county; 936

(5) Provide for the timing of necessary elections in each 937
county, in accordance with division (B) of this section, for the 938
purpose of levies adopted under and bonds issued under section 939
5705.234 of the Revised Code; 940

(6) Provide that each contracting board of county commissioners fulfill its obligations under this chapter once an agreement is reached; 941
942
943

(7) Allocate interest in real property purchased with moneys in each county's project construction fund; 944
945

(8) Address amendments to the contract. 946

(D) An agreement to build a multicounty jail facility under this section is subject to the approval of the Ohio facilities construction commission. 947
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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. 950
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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 and may be used to pay the costs of administering the program under this chapter. 957
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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. 962
963
964

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. 965
966
967

Sec. 342.15. (A) When all of the following have occurred, 968

a project undertaken under this chapter shall be considered 969
complete and the Ohio facilities construction commission shall 970
issue a certificate of completion to the board of county 971
commissioners, or to a multicounty jail facilities commission if 972
applicable: 973

(1) All facilities to be constructed under the project, as 974
specified in the project agreement entered into under section 975
342.06 of the Revised Code, have been completed in compliance 976
with the standards described in division (C) of section 342.02 977
of the Revised Code, and the board has received a permanent 978
certificate of occupancy for each of those facilities. 979

(2) The commission has completed a final accounting of the 980
county's project construction fund and has determined that all 981
payments from the fund were made in compliance with all policies 982
of the commission. 983

(3) Any litigation concerning the project has been finally 984
resolved with no chance of appeal. 985

(4) All construction management services typically 986
provided by the commission to counties have been delivered and 987
the commission has canceled any remaining encumbrance of funds 988
for those services. 989

(B) The commission may issue a certificate of completion 990
to a board of county commissioners, or to a multicounty jail 991
facilities commission if applicable, before all of the 992
conditions described in division (A) of this section being 993
satisfied, if the commission determines that the circumstances 994
preventing the conditions from being satisfied are so minor in 995
nature that the project should be considered complete. When 996
issuing a certificate of completion under this division, the 997

<u>commission may specify any of the following:</u>	998
<u>(1) Any construction or work that has yet to be completed</u>	999
<u>and the manner in which the board or multicounty jail facilities</u>	1000
<u>commission shall oversee its completion, which may include</u>	1001
<u>procedures for reporting progress to the Ohio facilities</u>	1002
<u>construction commission and for accounting of expenditures;</u>	1003
<u>(2) Terms and conditions for the resolution of any pending</u>	1004
<u>litigation;</u>	1005
<u>(3) Any remaining responsibilities of the construction</u>	1006
<u>manager regarding the project.</u>	1007
<u>(C) The Ohio facilities construction commission may issue</u>	1008
<u>a certificate of completion to a board of county commissioners</u>	1009
<u>or multicounty jail facilities commission that does not</u>	1010
<u>voluntarily participate in the process of closing out the</u>	1011
<u>county's project, if the construction manager for the project</u>	1012
<u>verifies that all facilities to be constructed under the</u>	1013
<u>project, as specified in the project agreement entered into</u>	1014
<u>under section 342.06 of the Revised Code, have been completed</u>	1015
<u>and the commission determines that those facilities have been</u>	1016
<u>occupied for at least one year. In that case, all funds due to</u>	1017
<u>the commission under division (C) of section 342.11 of the</u>	1018
<u>Revised Code shall be returned to the commission not later than</u>	1019
<u>thirty days after receipt of the certificate of completion. If</u>	1020
<u>the funds due to the commission have not been returned within</u>	1021
<u>sixty days after receipt of the certificate of completion, the</u>	1022
<u>auditor of state shall issue a finding for recovery against the</u>	1023
<u>county and shall request legal action under section 117.42 of</u>	1024
<u>the Revised Code.</u>	1025
<u>(D) Upon issuance of a certificate of completion under</u>	1026

this section, the Ohio facilities construction commission's 1027
ownership of and interest in the project, as specified in 1028
division (D) of section 342.06 of the Revised Code, shall cease. 1029
This cessation shall not alter or otherwise affect the state's 1030
or the commission's interest in the project or any limitations 1031
on the use of the project as specified in the project agreement 1032
pursuant to divisions (E) and (J) of that section or as 1033
specified in section 342.14 of the Revised Code. 1034

Sec. 342.16. (A) The corrective action program is 1035
established to provide funding for the correction of work, in 1036
connection with a project funded under this chapter, that is 1037
found after occupancy of the facility to be defective or to have 1038
been omitted. 1039

(B) The Ohio facilities construction commission may 1040
provide funding under this section only if at least one 1041
contracting county notifies the executive director of the 1042
commission of the defective or omitted work within five years 1043
after occupancy of the facility for which the county seeks the 1044
funding. 1045

(C) The commission shall establish procedures and 1046
deadlines for counties to follow in applying for assistance 1047
under this section. The procedures shall include definitions of 1048
"defective" and "omitted," and shall require that remediation 1049
efforts focus first on engaging the respective contractors that 1050
designed and constructed the areas that have design or 1051
construction-related issues. The commission shall consider 1052
applications on a case-by-case basis, taking into account the 1053
amount of money appropriated and available for purposes of this 1054
section. 1055

(D) The commission may provide funding assistance 1056

necessary to take corrective measures after evaluating the 1057
defective or omitted work. 1058

(1) If the work to be corrected or remediated is part of a 1059
project not yet completed, the commission may amend the project 1060
agreement to increase the project budget and use corrective 1061
action funding to provide the state portion of the amendment. If 1062
the work to be corrected or remediated is part of a completed 1063
project and funds were retained or transferred pursuant to 1064
division (C) of section 342.11 of the Revised Code, the 1065
commission may enter into a new agreement to address the 1066
corrective action. 1067

(2) Whether or not the project is completed, the county or 1068
counties shall contribute a portion of the cost of the 1069
corrective action, to be determined in accordance with section 1070
342.04 of the Revised Code. 1071

(E) The commission shall assess responsibility for the 1072
defective or omitted work and seek cost recovery from 1073
responsible parties, if applicable. Any recovery of the expense 1074
of remediation shall be applied first to the county's or 1075
counties' portion of the cost of the corrective action. Any 1076
remaining funds shall be applied to the state portion. 1077

Sec. 2301.51. (A) (1) Any county that has a population of 1078
two hundred thousand or more is eligible to formulate a 1079
community-based correctional proposal pursuant to this section 1080
and Chapter 342. of the Revised Code, that, upon implementation, 1081
would provide a community-based correctional facility and 1082
program for the use of that county's court of common pleas in 1083
accordance with sections 2301.51 to 2301.58 of the Revised Code. 1084
Any county that has a population of two hundred thousand or more 1085
is eligible to formulate more than one community-based 1086

correctional proposal pursuant to this section upon approval of 1087
the director of rehabilitation and correction. In determining 1088
whether to grant approval to formulate more than one proposal, 1089
the director shall consider the rate at which the county commits 1090
felony offenders to the state correctional system. If a county 1091
formulates more than one proposal, each proposal shall be for a 1092
separate community-based correctional facility and program. 1093

(2) Two or more adjoining or neighboring counties that 1094
have an aggregate population of two hundred thousand or more are 1095
eligible to formulate a district community-based correctional 1096
proposal pursuant to this section that, upon implementation, 1097
would provide a district community-based correctional facility 1098
and program for the use of those counties' courts of common 1099
pleas in accordance with sections 2301.51 to 2301.58 of the 1100
Revised Code. Two or more adjoining or neighboring counties that 1101
have an aggregate population of two hundred thousand or more are 1102
eligible to formulate more than one district community-based 1103
correctional proposal upon approval of the director of 1104
rehabilitation and correction. In determining whether to grant 1105
approval for more than one proposal, the director shall consider 1106
the rate at which the counties commit felony offenders to the 1107
state correctional system. If two or more adjoining or 1108
neighboring counties formulate more than one proposal, each 1109
proposal shall be for a separate district community-based 1110
correctional facility and program. 1111

(3) (a) The formulation of a proposal for a community-based 1112
correctional facility or a district community-based correctional 1113
facility shall begin by the establishment of a judicial advisory 1114
board by judgment entry. The judicial advisory board shall 1115
consist of not less than three judges. Each general division 1116
judge of the court of common pleas in the county or counties 1117

wishing to formulate a proposal or to continue operation of an 1118
existing facility is eligible to become a member of the judicial 1119
advisory board but is not required to do so. In addition, a 1120
judicial advisory board may invite a ~~non-general~~ nongeneral 1121
division judge of a court of common pleas from within the county 1122
or counties proposing the creation of a community-based 1123
correctional facility or district community-based correctional 1124
facility or a general division judge of a court of common pleas 1125
from outside the county or counties proposing the creation of a 1126
community-based correctional facility or district community- 1127
based correctional facility who regularly sends offenders to its 1128
facility to become a member of that judicial advisory board. 1129

(b) A judge shall not receive any additional compensation 1130
for service on a judicial advisory board, but a judge may be 1131
reimbursed for reasonable and necessary expenses incurred as a 1132
result of service on the board. Service of a judge on a judicial 1133
advisory board pursuant to this section is a judicial function. 1134

(c) There shall be a facility governing board for each 1135
community-based correctional facility and program or district 1136
community-based correctional facility and program, whose members 1137
shall be appointed in accordance with division (E) of this 1138
section. 1139

The judicial advisory board shall meet at least once a 1140
year to provide advice to the facility governing board regarding 1141
the public safety needs of the community, admission criteria for 1142
any community-based correctional facility and program or 1143
district community-based correctional facility and program, and 1144
the general requirements of the community-based correctional 1145
facility and program or district community-based correctional 1146
facility and program. The judicial advisory board may meet as 1147

often as considered necessary by its members, may communicate 1148
directly with the division of parole and community services of 1149
the department of rehabilitation and correction, and may provide 1150
advice to the facility governing board specifically regarding 1151
the agreement entered into between the facility governing board 1152
and the division of parole and community services pursuant to 1153
section 5120.112 of the Revised Code. 1154

(4) A facility governing board shall formulate the 1155
proposal for a community-based correctional facility and program 1156
or district community-based correctional facility and program 1157
and shall govern the facility. 1158

(5) Chapter 2744. of the Revised Code applies to the 1159
county or counties served by a community-based correctional 1160
facility and program or district community-based correctional 1161
facility and program established and operated under sections 1162
2301.51 to 2301.58 of the Revised Code, to the community-based 1163
correctional facility and program or district community-based 1164
correctional facility and program so established and operated, 1165
and to the facility governing board of the community-based 1166
correctional facility and program or district community-based 1167
correctional facility and program so established and operated. 1168

(6) The members of the judicial advisory board and of the 1169
facility governing board of a community-based correctional 1170
facility and program or district community-based correctional 1171
facility and program established and operated under sections 1172
2301.51 to 2301.58 of the Revised Code shall be considered to be 1173
public officials or employees for purposes of Chapter 102. of 1174
the Revised Code and public officials or public servants for 1175
purposes of sections 2921.42 and 2921.43 of the Revised Code. 1176

(7) Each member of a facility governing board of a 1177

community-based correctional facility and program or district 1178
community-based correctional facility and program established 1179
and operated under sections 2301.51 to 2301.58 of the Revised 1180
Code shall attend orientation training developed by the judicial 1181
advisory board of the community-based correctional facility and 1182
program or district community-based correctional facility and 1183
program, as well as annual ethics training developed by the 1184
judicial advisory board in consultation with the Ohio ethics 1185
commission or provided by the Ohio ethics commission. 1186

(8) A community-based correctional facility and program or 1187
a district community-based correctional facility and program 1188
established by a judicial corrections board under a prior 1189
version of this section shall continue to exist under its 1190
existing contractual arrangements but, on and after ~~the~~ 1191
~~effective date of this amendment~~ October 12, 2006, shall be 1192
governed by a facility governing board and advised by a judicial 1193
advisory board created according to this section. Appointments 1194
to the facility governing board shall be made in accordance with 1195
the appointment procedure set forth in division (E) of this 1196
section. The judicial advisory board and the board or boards of 1197
county commissioners of the member counties shall make their 1198
respective appointments within thirty days after ~~the effective~~ 1199
~~date of this amendment~~ October 12, 2006. 1200

(B) (1) Each proposal for the establishment of a community- 1201
based correctional facility and program or district community- 1202
based correctional facility and program that is formulated 1203
pursuant to division (A) of this section shall be submitted by 1204
the facility governing board to the division of parole and 1205
community services for its approval under section 5120.10 of the 1206
Revised Code. 1207

(2) No person shall be sentenced to or placed in a 1208
community-based correctional facility and program or to a 1209
district community-based correctional facility and program by a 1210
court pursuant to section 2929.16 or 2929.17 of the Revised Code 1211
or by the parole board pursuant to section 2967.28 of the 1212
Revised Code, or otherwise committed or admitted to a facility 1213
and program of that type until after the proposal for the 1214
establishment of the facility and program has been approved by 1215
the division of parole and community services under section 1216
5120.10 of the Revised Code. A person shall be sentenced to a 1217
facility and program of that type only pursuant to a sanction 1218
imposed by a court pursuant to section 2929.16 or 2929.17 of the 1219
Revised Code as the sentence or as any part of the sentence of 1220
the person or otherwise shall be committed or referred to a 1221
facility and program of that type only when authorized by law. 1222

(C) Upon the approval by the division of parole and 1223
community services of a proposal for the establishment of a 1224
community-based correctional facility and program or district 1225
community-based correctional facility and program submitted to 1226
it under division (B) of this section, the facility governing 1227
board that submitted the proposal may establish and operate the 1228
facility and program addressed by the proposal in accordance 1229
with the approved proposal and division (B) (2) of this section. 1230
The facility governing board may submit a request for funding of 1231
some or all of its community-based correctional facilities and 1232
programs or district community-based correctional facilities and 1233
programs to the board of county commissioners of the county, if 1234
the facility governing board serves a community-based 1235
correctional facility and program, or to the boards of county 1236
commissioners of all of the member counties, if the facility 1237
governing board serves a district community-based correctional 1238

facility and program. The board or boards may appropriate, but 1239
are not required to appropriate, a sum of money for funding all 1240
aspects of each facility and program as outlined in sections 1241
2301.51 to 2301.58 of the Revised Code. The facility governing 1242
board has no recourse against a board or boards of county 1243
commissioners if the board or boards of county commissioners do 1244
not appropriate money for funding any facility and program or if 1245
they appropriate money for funding a facility and program in an 1246
amount less than the total amount of the submitted request for 1247
funding. 1248

(D) (1) If a court of common pleas that is being served by 1249
a community-based correctional facility and program established 1250
pursuant to division (C) of this section determines that it no 1251
longer wants to be served by the facility and program, the 1252
facility governing board, upon the advice of the judicial 1253
advisory board, may dissolve the facility and program by 1254
notifying, in writing, the division of parole and community 1255
services of the determination to dissolve the facility and 1256
program. If the court is served by more than one community-based 1257
correctional facility and program, the facility governing board, 1258
upon the advice of the judicial advisory board, may dissolve 1259
some or all of the facilities and programs and, if it does not 1260
dissolve all of the facilities and programs, the facility 1261
governing board shall continue the operation of the remaining 1262
facilities and programs. 1263

(2) If all of the courts of common pleas being served by 1264
any district community-based correctional facility and program 1265
established pursuant to division (C) of this section determine 1266
that they no longer want to be served by the facility and 1267
program, the facility governing board, upon the advice of the 1268
judicial advisory board, may dissolve the facility and program 1269

by notifying, in writing, the division of parole and community 1270
services of the determination to dissolve the facility and 1271
program. If the courts are served by more than one district 1272
community-based correctional facility and program, the facility 1273
governing board, upon the advice of the judicial advisory board, 1274
may dissolve some or all of the facilities and programs, and, if 1275
it does not dissolve all of the facilities and programs, it 1276
shall continue the operation of the remaining facilities and 1277
programs. 1278

(3) If at least one, but not all, of the courts of common 1279
pleas being served by one or more district community-based 1280
correctional facilities and programs established pursuant to 1281
division (C) of this section determines that it no longer wants 1282
to be served by the facilities and programs, the court may 1283
terminate its involvement with each of the facilities and 1284
programs by entering upon the journal of the court the fact of 1285
the determination to terminate its involvement with the 1286
facilities and programs and by the court notifying, in writing, 1287
the division of parole and community services of the 1288
determination to terminate its involvement with the facilities 1289
and programs. 1290

If at least one, but not all, of the courts of common 1291
pleas being served by one or more district community-based 1292
correctional facilities and programs terminates its involvement 1293
with each of the facilities and programs in accordance with this 1294
division, the other courts of common pleas being served by the 1295
facilities and programs may continue to be served by each of the 1296
facilities and programs. A court may use a facility and program 1297
by remaining as a member county of the district community-based 1298
correctional facility and program or by making a written service 1299
agreement with the facility governing board without remaining as 1300

a member county. 1301

(E) A facility governing board of a community-based 1302
correctional facility and program shall consist of at least six 1303
members, each member serving a three-year term. A facility 1304
governing board of a district community-based correctional 1305
facility and program shall consist of at least six members, each 1306
member serving a three-year term, except that not more than one- 1307
half of the members shall be from any one county. 1308

The judicial advisory board shall appoint two-thirds of 1309
the members, and the board or boards of county commissioners of 1310
the member counties shall appoint the remaining one-third, or 1311
portion thereof, of the members. Of the initial appointments, 1312
one-third of the members shall be appointed for a one-year term, 1313
one-third of the members shall be appointed for a two-year term, 1314
and the remaining one-third or portion thereof of the members 1315
shall be appointed for a three-year term. Thereafter, terms of 1316
persons appointed to the facility governing board shall be for a 1317
three-year term, with each term ending on the same day of the 1318
same month of the year as did the term it succeeds. 1319

(F) Any member of a facility governing board may be 1320
reappointed to serve additional terms. Vacancies on the board 1321
shall be filled in the same manner as provided for original 1322
appointments. Any member of the board who is appointed to fill a 1323
vacancy occurring before the expiration of the term for which 1324
the member's predecessor was appointed shall hold office for the 1325
remainder of the predecessor's term. Members of the board shall 1326
not receive compensation for their services but may be 1327
reimbursed for reasonable and necessary expenses incurred as a 1328
result of service on the board. 1329

(G) Nothing in this section, sections 2301.52 to 2301.58, 1330

or section 5120.10, 5120.111, or 5120.122 of the Revised Code 1331
modifies or affects or shall be interpreted as modifying or 1332
affecting sections 5149.30 to 5149.37 of the Revised Code. 1333

Sec. 5120.10. (A) (1) The director of rehabilitation and 1334
correction, by rule, shall promulgate minimum standards for 1335
jails in Ohio, including minimum security jails dedicated under 1336
section 341.34 or 753.21 of the Revised Code. Whenever the 1337
director files a rule or an amendment to a rule in final form 1338
with both the secretary of state and the director of the 1339
legislative service commission pursuant to section 111.15 of the 1340
Revised Code, the director of rehabilitation and correction 1341
promptly shall send a copy of the rule or amendment, if the rule 1342
or amendment pertains to minimum jail standards, by ordinary 1343
mail to the political subdivisions or affiliations of political 1344
subdivisions that operate jails to which the standards apply. 1345

(2) The rules promulgated in accordance with division (A) 1346
(1) of this section shall serve as criteria for the 1347
investigative and supervisory powers and duties vested by 1348
division (D) of this section in the division of parole and 1349
community services of the department of rehabilitation and 1350
correction or in another division of the department to which 1351
those powers and duties are assigned. 1352

(B) The director may initiate an action in the court of 1353
common pleas of the county in which a facility that is subject 1354
to the rules promulgated under division (A) (1) of this section 1355
is situated to enjoin compliance with the minimum standards for 1356
jails or with the minimum standards and minimum renovation, 1357
modification, and construction criteria for jails. 1358

(C) Upon the request of an administrator of a jail 1359
facility, the chief executive of a municipal corporation, or a 1360

board of county commissioners, the director of rehabilitation 1361
and correction or the director's designee shall grant a variance 1362
from the minimum standards for jails in Ohio for a facility that 1363
is subject to one of those minimum standards when the director 1364
determines that strict compliance with the minimum standards 1365
would cause unusual, practical difficulties or financial 1366
hardship, that existing or alternative practices meet the intent 1367
of the minimum standards, and that granting a variance would not 1368
seriously affect the security of the facility, the supervision 1369
of the inmates, or the safe, healthful operation of the 1370
facility. If the director or the director's designee denies a 1371
variance, the applicant may appeal the denial pursuant to 1372
section 119.12 of the Revised Code. 1373

(D) The following powers and duties shall be exercised by 1374
the division of parole and community services unless assigned to 1375
another division by the director: 1376

(1) The investigation and supervision of county and 1377
municipal jails, workhouses, minimum security jails, and other 1378
correctional institutions and agencies; 1379

(2) The review and approval of plans submitted to the 1380
department of rehabilitation and correction pursuant to division 1381
(E) of this section; 1382

(3) The management and supervision of the adult parole 1383
authority created by section 5149.02 of the Revised Code; 1384

(4) The review and approval of proposals for community- 1385
based correctional facilities and programs and district 1386
community-based correctional facilities and programs that are 1387
submitted pursuant to division (B) of section 2301.51 of the 1388
Revised Code; 1389

(5) The distribution of funds made available to the 1390
division for purposes of assisting in the renovation, 1391
maintenance, and operation of community-based correctional 1392
facilities and programs and district community-based 1393
correctional facilities and programs in accordance with section 1394
5120.112 of the Revised Code; 1395

(6) The performance of the duty imposed upon the 1396
department of rehabilitation and correction in section 5149.31 1397
of the Revised Code to establish and administer a program of 1398
subsidies to eligible municipal corporations, counties, and 1399
groups of contiguous counties for the development, 1400
implementation, and operation of community-based corrections 1401
programs; 1402

(7) Licensing halfway houses and community residential 1403
centers for the care and treatment of adult offenders in 1404
accordance with section 2967.14 of the Revised Code; 1405

(8) Contracting with a public or private agency or a 1406
department or political subdivision of the state that operates a 1407
licensed halfway house or community residential center for the 1408
provision of housing, supervision, and other services to 1409
parolees, releasees, persons placed under a residential 1410
sanction, persons under transitional control, and other eligible 1411
offenders in accordance with section 2967.14 of the Revised 1412
Code; 1413

(9) Working with the Ohio facilities construction 1414
commission in accordance with Chapter 342. of the Revised Code. 1415

Other powers and duties may be assigned by the director of 1416
rehabilitation and correction to the division of parole and 1417
community services. This section does not apply to the 1418

department of youth services or its institutions or employees. 1419

(E) No plan for any new jail, workhouse, or lockup, and no 1420
plan for a substantial addition or alteration to an existing 1421
jail, workhouse, or lockup, shall be adopted unless the 1422
officials responsible for adopting the plan have submitted the 1423
plan to the department of rehabilitation and correction for 1424
approval, and the department has approved the plan as provided 1425
in division (D) (2) of this section. 1426

Sec. 5705.234. (A) As used in this section, "basic project 1427
cost," "jail facility," and "multicounty jail facility" have the 1428
same meanings as in section 342.01 of the Revised Code. 1429

(B) The board of county commissioners of any county, after 1430
receiving conditional approval from the Ohio facilities 1431
construction commission under section 342.05 of the Revised Code 1432
of a project involving the construction, acquisition, 1433
reconstruction, or expansion of a jail facility, may declare by 1434
resolution that the amount of taxes which may be raised within 1435
the ten-mill limitation are insufficient to fund the county's 1436
share of the basic project cost, or to maintain and operate the 1437
jail facility, and that it is necessary to do one or both of the 1438
following: 1439

(1) Levy a tax in excess of the ten-mill limitation to 1440
fund maintenance and operating expenses of the jail facility; 1441

(2) Issue general obligation bonds for the county's share 1442
of the basic project cost and levy an additional tax in excess 1443
of the ten-mill limitation to pay debt charges on the bonds and 1444
any anticipatory securities. 1445

(C) A resolution adopted under division (B) of this 1446
section shall conform to the requirements of section 5705.19 of 1447

the Revised Code, except that: 1448

(1) A tax proposed under division (B)(1) of this section 1449
may be levied for any specified number of years, or for a 1450
continuing period of time, as specified in the resolution. 1451

(2) A tax proposed under division (B)(2) of this section 1452
to pay debt charges on bonds and anticipatory securities may be 1453
levied for the maximum number of years over which the principal 1454
of the bonds proposed under that division may be paid. 1455

(3) A resolution that proposes both the levy described in 1456
division (B)(1) of this section and the bond issue and levy 1457
described in division (B)(2) of this section shall enumerate the 1458
total rate of the proposed tax and the portion of that rate 1459
attributed to each levy. 1460

(4) The resolution shall specify the percentage of the 1461
basic project cost to be supplied by the county and the 1462
percentage of such cost to be supplied by the state. 1463

(5) If the jail facility is a multicounty jail facility, 1464
the resolution shall specify the name of each contracting county 1465
and the percentage of the basic project cost to be supplied by 1466
each such county. 1467

(D) On adoption of a resolution that proposes a bond issue 1468
and tax levy under division (B)(2) of this section, the board of 1469
county commissioners shall certify a copy to the county auditor. 1470
The county auditor promptly shall estimate and certify to the 1471
board the average annual property tax rate required throughout 1472
the stated maturity of the bonds to pay debt charges on the 1473
bonds, in the same manner as under division (C) of section 1474
133.18 of the Revised Code. 1475

Division (B) of section 5705.03 of the Revised Code 1476

applies to the tax levy proposed under division (B)(1) of this 1477
section but does not apply to the tax levy proposed under 1478
division (B)(2) of this section. 1479

(E) A resolution adopted under this section shall go into 1480
immediate effect upon its passage, and no publication of it is 1481
necessary other than that provided in the notice of election. 1482
The board of county commissioners shall certify a copy of the 1483
resolution and, if applicable, a copy of the auditor's estimate 1484
under division (D) of this section, to the board of elections. 1485

The board of elections shall make the arrangements for 1486
submission of the question or questions proposed under this 1487
section to the electors of the county, and the election shall be 1488
conducted, canvassed, and certified in the same manner as 1489
regular elections in the county for the election of county 1490
officers. The resolution shall be submitted to the electors as 1491
one ballot question, with a favorable vote indicating approval 1492
of all levies proposed by the board of county commissioners. The 1493
board of elections shall publish notice of the election in a 1494
newspaper of general circulation in the county once a week for 1495
two consecutive weeks, or as provided in section 7.16 of the 1496
Revised Code, before the election. If a board of elections 1497
operates and maintains a web site, that board also shall post 1498
notice of the election on its web site for thirty days before 1499
the election. The notice of election shall state all of the 1500
following: 1501

(1) The time and place of the election; 1502

(2) The percentage of the basic project cost to be 1503
supplied by the county and the percentage of such cost to be 1504
supplied by the state; 1505

(3) If the jail facility is a multicounty jail facility, 1506
the name of each contracting county and the percentage of the 1507
basic project cost to be supplied by each such county; 1508

(4) The proposed rate of each tax and the number of years 1509
it will be in effect or, if applicable, that it will be in 1510
effect for a continuing period of time; 1511

(5) If applicable, the principal amount of the proposed 1512
bond issue and the maximum number of years over which the 1513
principal of the bonds may be paid. 1514

(F) The ballot for an election under this section shall 1515
include the following language, as applicable: 1516

"Shall _____ (name of county) be authorized to do the 1517
following: 1518

(1) Levy an additional property tax to pay for maintenance 1519
and operating expenses of a jail facility at a rate not 1520
exceeding _____ mills for each one dollar of tax valuation, 1521
which amounts to _____ (rate expressed in cents or dollars and 1522
cents) for each one hundred dollars of tax valuation, for 1523
_____ (number of years of the levy, or a continuing period of 1524
time)? 1525

(2) Issue bonds for the purpose of _____ in the 1526
principal amount of \$ _____, to be repaid annually over a 1527
maximum period of _____ years, and levy a property tax outside 1528
the ten-mill limitation, estimated by the county auditor to 1529
average over the bond repayment period _____ mills for each one 1530
dollar of tax valuation, which amounts to _____ (rate expressed 1531
in cents or dollars and cents) for each one hundred dollars of 1532
tax valuation, to pay the annual debt charges on the bonds, and 1533
to pay debt charges on any notes issued in anticipation of those 1534

bonds?" 1535

(G) The board of elections promptly shall certify the 1536
results of the election to the tax commissioner and the county 1537
auditor. If approved by a majority of the electors voting on the 1538
question, the board of county commissioners may proceed with 1539
issuance of the bonds and the levy and collection of the 1540
property tax for the debt service on the bonds and any 1541
anticipatory securities in the same manner and subject to the 1542
same limitations as for securities issued under section 133.18 1543
of the Revised Code, and with the levy and collection of the 1544
property tax or taxes for maintenance and operating expenses of 1545
the jail facility and to fund the county's share of the basic 1546
project cost at the additional rate or any lesser rate in excess 1547
of the ten-mill limitation, as applicable. Any securities issued 1548
by the board of commissioners under this section are Chapter 1549
133. securities, as that term is defined in section 133.01 of 1550
the Revised Code. 1551

(H) After the approval of a tax described under division 1552
(B) (1) of this section and before the time the first collection 1553
and distribution from the levy can be made, the board of county 1554
commissioners may anticipate a fraction of the proceeds of the 1555
levy and issue anticipation notes in a principal amount not 1556
exceeding fifty per cent of the total estimated proceeds of the 1557
tax to be collected during the first year of the levy. 1558

Anticipation notes issued under this section shall be 1559
issued as provided in section 133.24 of the Revised Code. Those 1560
notes shall have principal payments during each year after the 1561
year of their issuance over a period not to exceed five years, 1562
and may have a principal payment in the year of their issuance. 1563

(I) A tax levied under division (B) (1) of this section for 1564

a specified number of years may be renewed or replaced in the 1565
same manner as a tax for current operating expenses or permanent 1566
improvements levied under section 5705.19 of the Revised Code. A 1567
tax levied under this section for a continuing period of time 1568
may be decreased in accordance with section 5705.261 of the 1569
Revised Code. 1570

Section 2. That existing sections 307.01, 307.021, 1571
2301.51, and 5120.10 of the Revised Code are hereby repealed. 1572