

**As Reported by the House Infrastructure and Rural Development  
Committee**

**134th General Assembly**

**Regular Session  
2021-2022**

**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.**

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**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 46

hearing with respect to the written request submitted by the 47  
court and shall appropriate the amount of money each year that 48  
it determines, after conducting the public hearing and 49  
considering the written request of the court, is reasonably 50  
necessary to meet all administrative expenses of the court. 51

If the court considers the appropriation made by the board 52  
pursuant to this division insufficient to meet all the 53  
administrative expenses of the court, it shall commence an 54  
action under Chapter 2731. of the Revised Code in the court of 55  
appeals for the judicial district for a determination of the 56  
duty of the board of county commissioners to appropriate the 57  
amount of money in dispute. The court of appeals shall give 58  
priority to the action filed by the court of common pleas over 59  
all cases pending on its docket. The burden shall be on the 60  
court of common pleas to prove that the appropriation requested 61  
is reasonably necessary to meet all its administrative expenses. 62  
If, prior to the filing of an action under Chapter 2731. of the 63  
Revised Code or during the pendency of the action, any judge of 64  
the court exercises the contempt power of the court of common 65  
pleas in order to obtain the amount of money in dispute, the 66  
judge shall not order the imprisonment of any member of the 67  
board of county commissioners notwithstanding sections 2705.02 68  
to 2705.06 of the Revised Code. 69

(C) Division (B) of this section does not apply to 70  
appropriations for the probate court or the juvenile court that 71  
are subject to section 2101.11 or 2151.10 of the Revised Code. 72

(D) The board of county commissioners may provide offices 73  
for or lease offices to a county land reutilization corporation 74  
organized under Chapter 1724. of the Revised Code and, in 75  
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 107

security misdemeanor jail capital facilities in any one county 108  
or over any district community-based correctional facilities. 109  
The corrections commission, due to its responsibilities in 110  
relation to such offenders, is designated as the state agency 111  
having jurisdiction over any such multicounty, municipal-county, 112  
or multicounty-municipal jail, workhouse, or correctional 113  
capital facilities. The office of the chief of police or marshal 114  
of a municipal corporation, due to its responsibilities 115  
concerning certain alleged and convicted criminal offenders, is 116  
designated as the state agency having jurisdiction over any such 117  
municipal corporation minimum security misdemeanor jail capital 118  
facilities in the municipal corporation. The juvenile court, as 119  
defined in section 2151.011 of the Revised Code, is designated 120  
as the branch of state government having jurisdiction over any 121  
such family court center or single-county or joint-county 122  
juvenile capital facilities. It is hereby determined and 123  
declared that such capital facilities are for the purpose of 124  
housing such state agencies, their functions, equipment, and 125  
personnel. 126

(B) The capital facilities provided for in this section 127  
may be included in capital facilities in which one or more 128  
governmental entities are participating or in which other 129  
facilities of the county or counties, or any municipal 130  
corporations, are included pursuant to division (B) of section 131  
154.24 of the Revised Code or in an agreement between any county 132  
or counties and any municipal corporation or municipal 133  
corporations for participating in the joint construction, 134  
acquisition, or improvement of public works, public buildings, 135  
or improvements benefiting the parties in the same manner as set 136  
forth in section 153.61 of the Revised Code. 137

(C) A county or counties or a municipal corporation or 138

municipal corporations may contribute to the cost of capital facilities authorized under this section. 139  
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(D) A county or counties, and any municipal corporations, shall lease capital facilities described in this section that are constructed, reconstructed, or otherwise improved, which facilities are financed by the treasurer of state pursuant to Chapter 154. of the Revised Code, for the use of the county or counties and any municipal corporations, and may enter into other agreements ancillary to the construction, reconstruction, improvement, financing, leasing, or operation of such capital facilities, including, but not limited to, any agreements required by the applicable bond proceedings authorized by Chapter 154. of the Revised Code. 141  
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Such lease may obligate the county or counties and any municipal corporation, as using state agencies under Chapter 154. of the Revised Code, to occupy and operate such capital facilities for such period of time as may be specified by law and to pay such rent as the treasurer of state determines to be appropriate. Notwithstanding any other section of the Revised Code, any county or counties or municipal corporation may enter into such a lease, and any such lease is legally sufficient to obligate the political subdivision for the term stated in the lease. Any such lease constitutes an agreement described in division (D) of section 154.06 of the Revised Code. 152  
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(E) If rental payments required from the county or counties or municipal corporation by a lease established pursuant to this section are not paid in accordance with such lease, the funds which otherwise would be apportioned to the lessees from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 163  
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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

<u>(d) The estimated basic project cost of constructing,</u>	316
<u>acquiring, reconstructing, or making additions to each facility;</u>	317
<u>(e) The amount of the basic project cost that the county</u>	318
<u>can supply through the means described in division (A) (2) of</u>	319
<u>section 342.04 of the Revised Code;</u>	320
<u>(f) The amount of the cost to be supplied by the state</u>	321
<u>under section 342.04 of the Revised Code;</u>	322
<u>(g) The amount of the state's portion to be encumbered in</u>	323
<u>accordance with section 342.04 of the Revised Code in the</u>	324
<u>current and subsequent fiscal years from funds appropriated for</u>	325
<u>purposes of this chapter.</u>	326
<u>(5) If the project involves a multicounty jail facility,</u>	327
<u>the commission may determine a multicounty jail facility ranking</u>	328
<u>cost for each county involved.</u>	329
<u>(C) The commission, in conjunction with the department of</u>	330
<u>rehabilitation and correction, shall develop a set of standards</u>	331
<u>by which the commission may evaluate the condition of existing</u>	332
<u>jail facilities to determine need under this chapter. These</u>	333
<u>standards shall include the standards developed under section</u>	334
<u>5120.10 of the Revised Code, and other standards that the</u>	335
<u>commission and the department consider appropriate. In</u>	336
<u>developing or changing these standards, the commission and the</u>	337
<u>department shall solicit input from sheriffs and boards of</u>	338
<u>county commissioners or from organizations representing sheriffs</u>	339
<u>or boards of county commissioners in this state.</u>	340
<u>(D) The commission shall then choose from among the</u>	341
<u>applicant counties which counties will receive state funding</u>	342
<u>under this chapter. The commission shall choose based on the</u>	343
<u>results of the financial ranking conducted under division (A) of</u>	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 commissioners available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the county's project construction fund; 554  
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(C) Dedication of any local donated contribution as provided for under section 342.07 of the Revised Code; 559  
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(D) Ownership of or interest in the project during the period of construction, which shall be divided between the Ohio facilities construction commission and the board of county commissioners in proportion to their respective contributions to the county's project construction fund; 561  
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(E) Maintenance of the state's interest in the project until any obligations issued for the project under this chapter are no longer outstanding; 566  
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(F) The insurance of the project by the county from the time there is an insurable interest therein and so long as the state retains any ownership or interest in the project pursuant to division (D) of this section, in amounts and against risks as the Ohio facilities construction commission shall require; provided, that the cost of any required insurance until the project is completed shall be a part of the basic project cost; 569  
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(G) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to section 342.05 of the Revised Code; 576  
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(H) Authorization of the board of county commissioners to advertise for and receive construction bids for the project, for 581  
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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 projects; 886  
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(b) Transferred to a special fund of the county treasury to be used solely for maintaining the jail facilities included in the project; or 888  
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(c) Transferred to the county's permanent improvement fund. 891  
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(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to this chapter. 893  
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(3) Any other surplus remaining in the county's project construction fund shall be transferred to the commission and the board of county commissioners in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditures pursuant to this chapter. 897  
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**Sec. 342.12.** (A) Two or more boards of county commissioners under this chapter may, by agreement, build a multicounty jail facility. The terms of this agreement may be added to an agreement under section 342.06 of the Revised Code, or may be made a supplemental agreement. The boards of county commissioners of each county may, at their discretion, form a multicounty jail facilities commission to carry out the tasks of this section. The commission, if formed, shall administer the agreement. 903  
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(B) The contracting counties may agree to apportion their share of the cost according to their need as ranked by the 912  
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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 941  
commissioners fulfill its obligations under this chapter once an 942

<u>agreement is reached;</u>	943
<u>(7) Allocate interest in real property purchased with</u>	944
<u>moneys in each county's project construction fund;</u>	945
<u>(8) Address amendments to the contract.</u>	946
<u>(D) An agreement to build a multicounty jail facility</u>	947
<u>under this section is subject to the approval of the Ohio</u>	948
<u>facilities construction commission.</u>	949
<u>Sec. 342.13. There is created the jail facility building</u>	950
<u>fund in the state treasury consisting of any moneys transferred</u>	951
<u>or appropriated to the fund by the general assembly, and any</u>	952
<u>grants, gifts, or contributions received by the Ohio facilities</u>	953
<u>construction commission to be used for the purposes of the fund.</u>	954
<u>All investment earnings of the fund shall be credited to the</u>	955
<u>fund.</u>	956
<u>Moneys transferred or appropriated to the fund by the</u>	957
<u>general assembly and moneys in the fund from grants, gifts, and</u>	958
<u>contributions shall be used for the purposes of this chapter as</u>	959
<u>prescribed by the general assembly and may be used to pay the</u>	960
<u>costs of administering the program under this chapter.</u>	961
<u>Sec. 342.14. The Ohio facilities construction commission</u>	962
<u>shall have an interest in real property purchased with moneys in</u>	963
<u>the county's project construction fund.</u>	964
<u>Once obligations issued to finance a project under this</u>	965
<u>chapter are no longer outstanding, any interest held by the</u>	966
<u>commission shall be transferred to the county.</u>	967
<u>Sec. 342.15. (A) When all of the following have occurred,</u>	968
<u>a project undertaken under this chapter shall be considered</u>	969
<u>complete and the Ohio facilities construction commission shall</u>	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  
commission may specify any of the following: 998

(1) Any construction or work that has yet to be completed 999

and the manner in which the board or multicounty jail facilities 1000  
commission shall oversee its completion, which may include 1001  
procedures for reporting progress to the Ohio facilities 1002  
construction commission and for accounting of expenditures; 1003

(2) Terms and conditions for the resolution of any pending 1004  
litigation; 1005

(3) Any remaining responsibilities of the construction 1006  
manager regarding the project. 1007

(C) The Ohio facilities construction commission may issue 1008  
a certificate of completion to a board of county commissioners 1009  
or multicounty jail facilities commission that does not 1010  
voluntarily participate in the process of closing out the 1011  
county's project, if the construction manager for the project 1012  
verifies that all facilities to be constructed under the 1013  
project, as specified in the project agreement entered into 1014  
under section 342.06 of the Revised Code, have been completed 1015  
and the commission determines that those facilities have been 1016  
occupied for at least one year. In that case, all funds due to 1017  
the commission under division (C) of section 342.11 of the 1018  
Revised Code shall be returned to the commission not later than 1019  
thirty days after receipt of the certificate of completion. If 1020  
the funds due to the commission have not been returned within 1021  
sixty days after receipt of the certificate of completion, the 1022  
auditor of state shall issue a finding for recovery against the 1023  
county and shall request legal action under section 117.42 of 1024  
the Revised Code. 1025

(D) Upon issuance of a certificate of completion under 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 project not yet completed, the commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated is part of a completed project and funds were retained or transferred pursuant to division (C) of section 342.11 of the Revised Code, the commission may enter into a new agreement to address the corrective action. 1059  
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(2) Whether or not the project is completed, the county or counties shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 342.04 of the Revised Code. 1068  
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(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the county's or counties' portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion. 1072  
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**Sec. 2301.51.** (A) (1) Any county that has a population of two hundred thousand or more is eligible to formulate a community-based correctional proposal pursuant to this section and Chapter 342. of the Revised Code, that, upon implementation, would provide a community-based correctional facility and program for the use of that county's court of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Any county that has a population of two hundred thousand or more is eligible to formulate more than one community-based correctional proposal pursuant to this section upon approval of the director of rehabilitation and correction. In determining 1078  
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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