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Substitute Bill Comparative Synopsis

Sub. H.B. 101

134th General Assembly

House Infrastructure and Rural Development

S. Ben Fogle, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_0110-7)
Needs assessment (<i>R.C. 342.01, 342.02, and 342.12</i>)	
Ranks all 88 counties in a single needs assessment that combines financial factors with need factors – i.e., the condition of the facility and its current needs of the county – to determine a percentile ranking.	Creates a two-tiered ranking system to determine need in counties. First, the Department of Taxation conducts a financial ranking of all counties, using a specified ranking formula. Then, from among the lowest ranking counties, the Ohio Facilities Construction Commission (OFCC) invites a certain number to apply, the number being based off of the estimated moneys available that year. Then, once the counties have applied, the OFCC shortlists the applying counties and conducts an on-site assessment.

Previous Version (As Introduced)	Latest Version (I_134_0110-7)
<p>Requires DRC to conduct an on-site evaluation for all applicant counties, with the OFCC then conducting a subsequent needs assessment.</p>	<p>Requires the OFCC to conduct, or cause to be conducted (meaning it may hire a third-party) the on-site assessment. From these, the OFCC makes its final choices based on the condition of the facility and the needs of the county.</p>
<p>Defines “installation of site utilities,” which is considered part of the “basic project cost” as determined upon conducting an on-site assessment, as the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, site electrical service, and site telephone and data system.</p>	<p>Same, but includes site generator system in the definition.</p>
<p>Defines “basic project cost” and specifies the OFCC must adopt rules and specifies what must be included.</p>	<p>Same, but also includes any contingency reserve amount prescribed by the OFCC.</p>
<p>Among the many determinations made during the on-site assessment, requires a determination of the needs of the county for additional jail facilities.</p>	<p>Same, but also includes a determination on the need of the county for renovation or improvements to existing jail facilities.</p>
<p>No provision.</p>	<p>Allows the OFCC to waive the requirement for an on-site assessment if the county has already conducted an on-site assessment, and the OFCC determines the county’s evaluation is sufficient.</p>
<p>Requires the OFCC to calculate, among other things for the purpose of the needs assessment, the estimated annual, monthly, or daily cost of operating the facility once it is operational.</p>	<p>Requires the county auditor instead to report and certify to the OFCC the estimated annual, monthly, or daily cost of operating the facility once it is operational.</p>

Previous Version (As Introduced)	Latest Version (I_134_0110-7)
Funding formula (R.C. 342.02)	
Ranks counties according to their capacity to generate sales and use tax revenue.	Ranks counties according to their property tax values, and an estimate of the gross amount of taxable retail sales sourced to the county for the preceding fiscal year, each accounting for half of the ranking. The formula is specified.
Evaluation standards and certificates of completion (R.C. 342.02, 342.03, and 342.15)	
<p>Requires the OFCC, working in conjunction with the DRC, to develop a set of minimum standards by which the condition, construction, and design of existing jail facilities may be evaluated to determine need.</p> <p>No provision.</p> <p>No provision.</p>	<p>Requires the OFCC and the DRC, working in conjunction, to develop a set of standards to evaluate the condition of existing facilities. The construction and design of existing facilities must be evaluated using existing DRC standards.</p> <p>When developing or changing these standards, the OFCC and DRC must solicit input from sheriffs and boards of county commissioners.</p> <p>Requires the project to conform to the minimum standards before a certificate of completion may be issued.</p>
DRC duties transferred to OFCC (R.C. 342.02, 342.07, 342.16, and 5120.10 and conforming changes in other sections)	
<p>Requires DRC to do the following:</p> <ul style="list-style-type: none"> ▪ Conduct the needs assessment, including the on-site assessment; ▪ Develop the funding formula (in conjunction with the OFCC); ▪ Accept applications and approve or reject a project; ▪ Approve multi-county jail facility agreements; ▪ Approve certain county encumbrances for expenditure on a jail facilities project under R.C. 342.07; 	<p>Requires the OFCC to do everything on the list to the left, except that the DRC still must assist the OFCC in developing standards by which need is determined in the needs assessment. Also clarifies that certain bidding notices and project specifications must be on file with the DRC as well as the OFCC.</p>

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<ul style="list-style-type: none"> ▪ Establish application guidelines for counties; and ▪ Assist the OFCC in the corrective action program. <p>Requires the DRC to periodically assess the jail facility needs of the state and conduct on-site visits to county jails in accordance with R.C. 342.02.</p>	<p>Rewords the provision to require the DRC to work in conjunction with the OFCC in accordance with Chapter 342 of the Revised Code.</p>
Waiving design standards (R.C. 342.05)	
<p>Allows the OFCC, in its discretion, to waive design specifications it has adopted for projects when assessing applications for additional assistance.</p>	<p>No provision.</p>
Local donated contributions (R.C. 342.07)	
<p>Prohibits state moneys from being released for a project unless the board and the commission have included a stipulation in their agreement requiring the board to deposit local donated contributions into a fund approved by the OFCC according to a schedule that does not extend beyond the anticipated completion date of the project.</p> <p>No provision.</p>	<p>Additionally requires that any local donated contribution is first deposited into the county's project construction fund before state moneys may be released.</p> <p>Provides that if any local donated contribution from an outside entity towards the basic project cost has been approved by the OFCC, the state moneys may be released even if the entity providing the contribution has not spent the moneys so dedicated as long as the agreement between the entity, county, and OFCC has been executed</p>
Competitive bidding (R.C. 342.09)	
<p>Requires projects to be awarded to the lowest responsible bidder.</p>	<p>Requires projects to be awarded to the lowest responsible and responsive bidder.</p>

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No provision.	Clarifies that, notwithstanding any other bidding requirements, a county may utilize any otherwise lawful alternative construction delivery method for the construction of the project.
Uses of appropriations (R.C. 342.13)	
Specifies that funds may be used for the purposes of the bill's provisions as prescribed by the General Assembly.	Additionally specifies that funds may be used to pay the costs of administering the program.