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S.B. 171
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. DeMora

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SUMMARY

- Conditions the award of public funds for sports facilities upon a sports franchise's performance.
- Requires sports franchises accepting public funds to agree to provide free viewing access to games and conduct community engagement.
- Requires sports franchises accepting county funds to agree to allocate 5% of home game tickets to be sold at a discounted rate to Ohioans.
- Names the bill the "Public Access to Professional Sports Act."

DETAILED ANALYSIS

Under existing law, the state, through the Ohio Facilities Construction Commission ("OFCC"), or a county, through a board of county commissioners ("board"), may provide funding for the construction of cultural projects, including sports facilities. The bill, titled the Public Access to Professional Sports Act,[1] adds additional conditions that professional sports franchises must meet to receive public funding for their facilities.

The bill defines a professional sports franchise as a sports franchise that is a member of the National Football League, National Hockey League, Major League Baseball, Major League Soccer, National Basketball Association, or a successor to any of the aforementioned.[2]

Under the bill, to receive public funds, including state bond proceeds, for a sports facility, a professional sports franchise must agree to make all regular season and playoff games viewable via a standard television antenna, on basic cable, or a free online platform that does not collect

[1] Section 3.

[2] R.C. 123.28(O).

a significant amount of personal data, and the franchise may not enter into an exclusive broadcasting agreement with a subscription-based streaming service unless an option for free viewing access also is provided.[3] The franchise also is required to conduct community engagement activities, such as making charitable contributions, sponsoring youth programs, and partnerships with local organizations.[4]

In addition to the above, to receive county funds under the bill, a franchise is required to allocate at least 5% of tickets for each home game to be sold at a discounted rate (costing no more than 50% of the average ticket price for that game) to Ohioans, with priority given to low-income residents, students, and veterans. The tickets must be sold through a transparent process that ensure eligible customers have fair access to the tickets.[5]

To ensure these conditions are met, the franchise is required to submit an annual compliance report to the OFCC or the board detailing the total amount of state or county funds received, how the funds have been spent, the media by which games may be viewed or accessed by the public, the measures taken to provide this access, a description of any community engagement activities undertaken, and, if funded by a county, the measures taken to provide discounted tickets. This report is required to be posted on the OFCC's or county's public website.[6]

If the franchise fails to make games viewable to the public and, if applicable, provide discounted tickets as required by the bill, the professional sports franchise may be fined up to $250,000 per violation. The fines are to be paid to the OFCC's Cultural and Sports Facilities Building Fund or the county general fund, as applicable. If the franchise is fined two or more times, it is ineligible to receive further public funding for five years.[7]

Additionally, if the professional sports franchise leaves the state before the expiration of the franchise's lease of the publicly funded sports facility, the franchise must reimburse the OFCC, county, or municipal corporation for all public funds received by the franchise from that entity. The OFCC, county, or municipal corporation and the franchise are required to agree upon a repayment plan or, failing that, submit to binding arbitration.[8]

The bill also prohibits any state funds, including state bond proceeds, or county funds from being spent on sports facilities that would serve as the home venue for a franchise that has not won at least half of its games in three of the previous five regular seasons. If a franchise is less than five years old, it may receive funds if, for at least two seasons, the franchise has sold

[3] R.C. 123.281(H), 123.282(A)(1) and (2), and 307.696(H)(3)(a) and (b).

[4] R.C. 123.282(A)(3) and 307.696(H)(3)(d).

[5] R.C. 307.696(H)(3)(c).

[6] R.C. 123.282(A)(4) and 307.696(H)(3)(e).

[7] R.C. 123.282(A)(5) and 307.696(H)(3)(f).

[8] R.C. 123.282(A)(6) and 307.696(H)(3)(g).

tickets to games, and has won games, in an amount roughly equal to the median performance of other teams in the same league as the franchise, as determined by the OFCC.[9]

If a franchise knowingly misrepresents or attempts to misrepresent its performance record, it may be fined up to $500,000 and is ineligible to receive further public funding for up to five years.[10]

The bill requires the OFCC to report a violation of the bill's provisions to the Attorney General, who shall enforce the bill's provisions.[11]

The provisions of the bill go into effect 180 days after the bill is enacted.[12]

HISTORY

Action	Date
Introduced	04-08-25

ANSB0171IN-136/ks

[9] R.C. 123.282(B) and 307.696(H)(1) and (2).

[10] R.C. 123.282(C) and 307.696(I).

[11] R.C. 123.282(D).

[12] Section 4.