

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 171**

**Senator DeMora**

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To amend sections 123.28, 123.281, and 307.696 and	1
to enact section 123.282 of the Revised Code to	2
condition public funds for sports facilities on	3
the sport franchise's performance and other	4
criteria, and to name this act the Public Access	5
to Professional Sports Act.	6

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

<b>Section 1.</b> That sections 123.28, 123.281, and 307.696 be	7
amended and section 123.282 of the Revised Code be enacted to	8
read as follows:	9

<b>Sec. 123.28.</b> As used in this section and in section	10
123.281 of the Revised Code:	11

(A) "Culture" means any of the following:	12
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(1) Visual, musical, dramatic, graphic, design, and other	13
arts, including, but not limited to, architecture, dance,	14
literature, motion pictures, music, painting, photography,	15
sculpture, and theater, and the provision of training or	16
education in these arts;	17

(2) The presentation or making available, in museums or	18
other indoor or outdoor facilities, of principles of science and	19
their development, use, or application in business, industry, or	20

commerce or of the history, heritage, development, presentation, 21  
and uses of the arts described in division (A) (1) of this 22  
section and of transportation; 23

(3) The preservation, presentation, or making available of 24  
features of archaeological, architectural, environmental, or 25  
historical interest or significance in a state historical 26  
facility or a local historical facility. 27

(B) "Cultural organization" means either of the following: 28

(1) A governmental agency or Ohio nonprofit corporation, 29  
including the Ohio history connection, that provides programs or 30  
activities in areas directly concerned with culture; 31

(2) A regional arts and cultural district as defined in 32  
section 3381.01 of the Revised Code. 33

(C) "Cultural project" means all or any portion of an Ohio 34  
cultural facility for which the general assembly has made an 35  
appropriation or has specifically authorized the spending of 36  
money or the making of rental payments relating to the financing 37  
of construction. 38

(D) "Cooperative use agreement" means a contract between 39  
the Ohio facilities construction commission and a cultural 40  
organization providing the terms and conditions of the 41  
cooperative use of an Ohio cultural facility. 42

(E) "Costs of operation" means amounts required to manage 43  
an Ohio cultural facility that are incurred following the 44  
completion of construction of its cultural project, provided 45  
that both of the following apply: 46

(1) Those amounts either: 47

(a) Have been committed to a fund dedicated to that 48

purpose; 49

(b) Equal the principal of any endowment fund, the income 50  
from which is dedicated to that purpose. 51

(2) The commission and the cultural organization have 52  
executed an agreement with respect to either of those funds. 53

(F) "Governmental agency" means a state agency, a state 54  
institution of higher education as defined in section 3345.12 of 55  
the Revised Code, a municipal corporation, county, township, or 56  
school district, a port authority created under Chapter 4582. of 57  
the Revised Code, any other political subdivision or special 58  
district in this state established by or pursuant to law, or any 59  
combination of these entities; except where otherwise indicated, 60  
the United States or any department, division, or agency of the 61  
United States, or any agency, commission, or authority 62  
established pursuant to an interstate compact or agreement. 63

(G) "Local contributions" means the value of an asset 64  
provided by or on behalf of a cultural organization from sources 65  
other than the state, the value and nature of which shall be 66  
approved by the Ohio facilities construction commission, in its 67  
sole discretion. "Local contributions" may include the value of 68  
the site where a cultural project is to be constructed. All 69  
"local contributions," except a contribution attributable to 70  
such a site, shall be for the costs of construction of a 71  
cultural project or the creation or expansion of an endowment 72  
for the costs of operation of a cultural facility. 73

(H) "Local historical facility" means a site or facility, 74  
other than a state historical facility, of archaeological, 75  
architectural, environmental, or historical interest or 76  
significance, or a facility, including a storage facility, 77

appurtenant to the operations of such a site or facility, that 78  
is owned by a cultural organization and is used for or in 79  
connection with cultural activities, including the presentation 80  
or making available of culture to the public. 81

(I) "Manage," "operate," or "management" means the 82  
provision of, or the exercise of control over the provision of, 83  
activities: 84

(1) Relating to culture for an Ohio cultural facility, 85  
including as applicable, but not limited to, providing for 86  
displays, exhibitions, specimens, and models; booking of 87  
artists, performances, or presentations; scheduling; and hiring 88  
or contracting for directors, curators, technical and scientific 89  
staff, ushers, stage managers, and others directly related to 90  
the cultural activities in the facility; but not including 91  
general building services; 92

(2) Relating to sports and athletic events for an Ohio 93  
sports facility, including as applicable, but not limited to, 94  
providing for booking of athletes, teams, and events; 95  
scheduling; and hiring or contracting for staff, ushers, 96  
managers, and others directly related to the sports and athletic 97  
events in the facility; but not including general building 98  
services. 99

(J) "Ohio cultural facility" means any of the following: 100

(1) The theaters located in the state office tower at 77 101  
South High street in Columbus; 102

(2) Any cultural facility in this state that is managed 103  
directly by, or is subject to a cooperative use or management 104  
agreement with, the Ohio facilities construction commission. 105

(3) A state historical facility or a local historical 106

facility. 107

(K) "Construction" includes acquisition, including 108  
acquisition by lease-purchase, demolition, reconstruction, 109  
alteration, renovation, remodeling, enlargement, improvement, 110  
site improvements, and related equipping and furnishing. 111

(L) "State historical facility" means a site or facility 112  
that has all of the following characteristics: 113

(1) It is created, supervised, operated, protected, 114  
maintained, and promoted by the Ohio history connection pursuant 115  
to the Ohio history connection's performance of public functions 116  
under sections 149.30 and 149.302 of the Revised Code. 117

(2) Its title must reside wholly or in part with the 118  
state, the Ohio history connection, or both the state and the 119  
Ohio history connection. 120

(3) It is managed directly by or is subject to a 121  
cooperative use or management agreement with the Ohio facilities 122  
construction commission and is used for or in connection with 123  
cultural activities, including the presentation or making 124  
available of culture to the public. 125

(M) "Ohio sports facility" means all or a portion of a 126  
stadium, arena, tennis facility, motorsports complex, or other 127  
capital facility in this state. A primary purpose of the 128  
facility shall be to provide a site or venue for the 129  
presentation to the public of motorsports events, professional 130  
tennis tournaments, or events of one or more major or minor 131  
league professional athletic or sports teams that are associated 132  
with the state or with a city or region of the state. The 133  
facility shall be, in the case of a motorsports complex, owned 134  
by the state or governmental agency, or in all other instances, 135

owned by or located on real property owned by the state or a 136  
governmental agency, and includes all parking facilities, 137  
walkways, and other auxiliary facilities, equipment, 138  
furnishings, and real and personal property and interests and 139  
rights therein, that may be appropriate for or used for or in 140  
connection with the facility or its operation, for capital costs 141  
of which state funds are spent pursuant to this section and 142  
section 123.281 of the Revised Code. A facility constructed as 143  
an Ohio sports facility may be both an Ohio cultural facility 144  
and an Ohio sports facility. 145

(N) "Motorsports" means sporting events in which motor 146  
vehicles are driven on a clearly demarcated tracked surface. 147

(O) "Professional sports franchise" means a sports 148  
franchise that is a member of the national football league, 149  
national hockey league, major league baseball, major league 150  
soccer, or the national basketball association, or a successor 151  
entity to one of these entities. 152

**Sec. 123.281.** (A) The Ohio facilities construction 153  
commission shall provide for the construction of a cultural 154  
project in conformity with Chapter 153. of the Revised Code, 155  
except for construction services provided on behalf of the state 156  
by a governmental agency or a cultural organization in 157  
accordance with divisions (B) and (C) of this section. 158

(B) In order for a governmental agency or a cultural 159  
organization to provide construction services on behalf of the 160  
state for a cultural project, other than a state historical 161  
facility, for which the general assembly has made an 162  
appropriation or specifically authorized the spending of money 163  
or the making of rental payments relating to the financing of 164  
the construction, the governmental agency or cultural 165

organization shall submit to the Ohio facilities construction 166  
commission a cooperative use agreement that includes, but is not 167  
limited to, provisions that: 168

(1) Specify how the proposed project will support culture; 169

(2) Specify that the governmental agency or cultural 170  
organization has local contributions amounting to not less than 171  
fifty per cent of the total state funding for the cultural 172  
project; 173

(3) Specify that the funds shall be used only for 174  
construction; 175

(4) Identify the facility to be constructed, renovated, 176  
remodeled, or improved; 177

(5) Specify that the project scope meets the intent and 178  
purpose of the project appropriation and that the project can be 179  
completed and ready to support culture without exceeding 180  
appropriated funds; 181

(6) Specify that the governmental agency or cultural 182  
organization shall hold the Ohio facilities construction 183  
commission harmless from all liability for the operation and 184  
maintenance costs of the facility; 185

(7) Specify that the agreement or any actions taken under 186  
it are not subject to Chapter 123. or 153. of the Revised Code, 187  
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 188  
and 153.011 of the Revised Code, and are subject to Chapter 189  
4115. of the Revised Code; and 190

(8) Provide that amendments to the agreement shall require 191  
the approval of the Ohio facilities construction commission. 192

(C) In order for a cultural organization to provide 193

construction services on behalf of the state for a state 194  
historical facility for which the general assembly has made an 195  
appropriation or specifically authorized the spending of money 196  
or the making of rental payments relating to the financing of 197  
the construction, the cultural organization shall submit to the 198  
Ohio facilities construction commission a cooperative use 199  
agreement that includes, but is not limited to, provisions that: 200

    (1) Specify how the proposed project will support culture; 201

    (2) Specify that the funds shall be used only for 202  
construction; 203

    (3) Specify that not more than three per cent of the funds 204  
may be used by the cultural organization to administer the 205  
project; 206

    (4) Identify the facility to be constructed, renovated, 207  
remodeled, or improved; 208

    (5) Specify that the project scope meets the intent and 209  
purpose of the project appropriation and that the project can be 210  
completed and ready to support culture without exceeding 211  
appropriated funds; 212

    (6) Specify that the cultural organization shall hold the 213  
Ohio facilities construction commission harmless from all 214  
liability for the operation and maintenance costs of the 215  
facility; 216

    (7) Specify that the agreement or any actions taken under 217  
it are not subject to Chapter 123., 153., or 4115. of the 218  
Revised Code, except for sections 123.20, 123.201, 123.21, 219  
123.28, and 123.281 of the Revised Code; and 220

    (8) Provide that amendments to the agreement shall require 221



the approval of the Ohio facilities construction commission. 222

(D) For an Ohio sports facility that is financed in part 223  
by obligations issued under Chapter 154. of the Revised Code, 224  
construction services shall be provided on behalf of the state 225  
by or at the direction of the governmental agency or nonprofit 226  
corporation that will own or be responsible for the management 227  
of the facility. Any construction services to be provided by a 228  
governmental agency or nonprofit corporation shall be specified 229  
in a cooperative use agreement between the Ohio facilities 230  
construction commission and the governmental agency or nonprofit 231  
corporation. The agreement and any actions taken under it are 232  
not subject to Chapter 123. or 153. of the Revised Code, except 233  
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 234  
153.011 of the Revised Code, and are subject to Chapter 4115. of 235  
the Revised Code. 236

(E) State funds shall not be used to pay or reimburse more 237  
than fifteen per cent of the initial estimated construction cost 238  
of an Ohio sports facility, excluding any site acquisition cost, 239  
and no state funds, including any state bond proceeds, shall be 240  
spent on any Ohio sports facility under this chapter unless, 241  
with respect to that facility, all of the following apply: 242

(1) The Ohio facilities construction commission has 243  
received a financial and development plan satisfactory to it, 244  
and provision has been made, by agreement or otherwise, 245  
satisfactory to the commission, for a contribution amounting to 246  
not less than eighty-five per cent of the total estimated 247  
construction cost of the facility, excluding any site 248  
acquisition cost, from sources other than the state. 249

(2) The general assembly has specifically authorized the 250  
spending of money on, or made an appropriation for, the 251

construction of the facility, or for rental payments relating to 252  
state financing of all or a portion of the costs of constructing 253  
the facility. Authorization to spend money, or an appropriation, 254  
for planning or determining the feasibility of or need for the 255  
facility does not constitute authorization to spend money on, or 256  
an appropriation for, costs of constructing the facility. 257

(3) If state bond proceeds are being used for the Ohio 258  
sports facility, the state or a governmental agency owns or has 259  
sufficient property interests in the facility or in the site of 260  
the facility or in the portion or portions of the facility 261  
financed from proceeds of state bonds, which may include, but is 262  
not limited to, the right to use or to require the use of the 263  
facility for the presentation of sport and athletic events to 264  
the public at the facility. 265

(F) In addition to the requirements of division (E) of 266  
this section, no state funds, including any state bond proceeds, 267  
shall be spent on any Ohio sports facility that is a motorsports 268  
complex, unless, with respect to that facility, both of the 269  
following apply: 270

(1) Motorsports events shall be presented at the facility 271  
pursuant to a lease entered into with the owner of the facility. 272  
The term of the lease shall be for a period of not less than the 273  
greater of the useful life of the portion of the facility 274  
financed from proceeds of state bonds as determined using the 275  
guidelines for maximum maturities as provided under divisions 276  
(B) and (C) of section 133.20 of the Revised Code, or the period 277  
of time remaining to the date of payment or provision for 278  
payment of outstanding state bonds allocable to costs of the 279  
facility, all as determined by the director of budget and 280  
management and certified by the executive director of the Ohio 281

facilities construction commission and to the treasurer of 282  
state. 283

(2) Any motorsports organization that commits to using the 284  
facility for an established period of time shall give the 285  
political subdivision in which the facility is located not less 286  
than six months' advance notice if the organization intends to 287  
cease utilizing the facility prior to the expiration of that 288  
established period. Such a motorsports organization shall be 289  
liable to the state for any state funds used on the construction 290  
costs of the facility. 291

(G) In addition to the requirements of division (E) of 292  
this section, no state bond proceeds shall be spent on any Ohio 293  
sports facility that is a tennis facility, unless the owner or 294  
manager of the facility provides contractual commitments from a 295  
national or international professional tennis organization in a 296  
form acceptable to the Ohio facilities construction commission 297  
that assures that one or more sanctioned professional tennis 298  
events will be presented at the facility during each year that 299  
the bonds remain outstanding. 300

(H) In addition to the requirements of division (E) of 301  
this section, no state funds, including any state bond proceeds, 302  
shall be spent on any Ohio sports facility that would serve as 303  
the home site or venue for the presentation of events of a 304  
professional sports franchise, unless the professional sports 305  
franchise complies with section 123.282 of the Revised Code. 306

**Sec. 123.282.** (A) No state funds, including any state bond 307  
proceeds, shall be spent on any Ohio sports facility that would 308  
serve as the home site or venue for the presentation of events 309  
of a professional sports franchise, unless the professional 310  
sports franchise enters into an agreement with the Ohio 311

facilities construction commission that contains all of the 312  
following provisions: 313

(1) The professional sports franchise shall ensure that 314  
all regular season and playoff games are viewable by the public 315  
through at least one of the following mediums: 316

(a) A television broadcast that may be received through 317  
standard television antennae; 318

(b) A basic cable service, which has the same meaning as 319  
in the "Cable Communications Policy Act of 1984," 47 U.S.C. 522; 320

(c) A freely accessible online platform operated by the 321  
franchise or league that does not require a subscription fee or 322  
collect a significant amount of personal data. 323

(2) The professional sports franchise shall not enter into 324  
an exclusive broadcasting agreement with a subscription-based 325  
streaming service unless an option for free viewing access is 326  
also provided. 327

(3) The professional sports franchise shall conduct 328  
community engagement activities, which may include charitable 329  
contributions, youth programs, and partnerships with local 330  
organizations. 331

(4) The professional sports franchise shall submit an 332  
annual compliance report to the Ohio facilities construction 333  
commission detailing all of the following, which the commission 334  
shall make publicly accessible on the commission's web site: 335

(a) The total amount of state funds received, and how the 336  
funds have been used; 337

(b) The media by which games may be viewed or accessed by 338  
the public, and the measures taken to provide this access; 339

(c) Descriptions of any community engagement activities, 340  
including charitable contributions, youth programs, and 341  
partnerships with local organizations. 342

(5) The professional sports franchise shall pay to the 343  
Ohio facilities construction commission's cultural and sports 344  
facilities building fund a penalty of up to two hundred fifty 345  
thousand dollars per violation, as determined by the attorney 346  
general according to the procedures of Chapter 119. of the 347  
Revised Code, if the franchise does not comply with divisions 348  
(A) (1) or (2) of this section, and shall be ineligible for 349  
further state funds for a period of five years if the franchise 350  
is fined two or more times under this division. 351

(6) If the professional sports franchise leaves the state 352  
before the expiration of the franchise's lease term of a lease 353  
of an Ohio sports facility that has received funding under this 354  
section, the franchise shall reimburse the Ohio facilities 355  
construction commission to the cultural and sports facilities 356  
building fund all state funds the professional sports franchise 357  
received under this section, under a mutually agreed upon 358  
payment plan between the state and the professional sports 359  
franchise, and if no payment plan can be mutually agreed upon, 360  
the parties shall apply for a decision by arbitration under the 361  
procedures of Chapter 2711. of the Revised Code. When an 362  
application is made, neither party shall initiate, and no court 363  
shall permit the maintenance of, an action in court for decision 364  
of the same issues sought to be determined in the arbitration 365  
application. The award made by the arbitrator may include the 366  
costs of arbitration. The arbitration shall be binding on all 367  
parties. 368

(B) (1) Except as provided in division (B) (2) of this 369

section, no state funds, including any state bond proceeds, 370  
shall be spent on any Ohio sports facility that would serve as 371  
the home site or venue for the presentation of events of a 372  
professional sports franchise, unless, in three out of the last 373  
five regular seasons, the professional sports franchise has won 374  
at least half of its games, as determined by the Ohio facilities 375  
construction commission. 376

(2) State funds may be spent as described in division (B) 377  
(1) of this section on a professional sports franchise that has 378  
been in existence for less than five years if the professional 379  
sports franchise demonstrates that, for at least two seasons, 380  
the professional sports franchise has performed competitively, 381  
to the satisfaction of the Ohio facilities construction 382  
commission. A professional sports franchise has performed 383  
competitively if the franchise has sold tickets to games, and 384  
has won games, of an amount roughly equal to the median 385  
performance of other teams in the same league as the 386  
professional sports franchise. 387

(3) The Ohio facilities construction commission, in 388  
consultation with the department of development, shall adopt 389  
rules under Chapter 119. of the Revised Code to determine how to 390  
evaluate a professional sports franchise's performance record 391  
under divisions (B) (1) and (2) of this section. 392

(C) A professional sports franchise that knowingly 393  
misrepresents or attempts to misrepresent its performance record 394  
as described in division (B) of this section shall be fined up 395  
to five hundred thousand dollars, as determined by the attorney 396  
general according to the procedures of Chapter 119. of the 397  
Revised Code, and may not receive state funds for up five years 398  
from the date of violation. 399

(D) The Ohio facilities construction commission shall 400  
report a violation of divisions (A) or (C) of this section to 401  
the attorney general, and the attorney general shall enforce 402  
these provisions. 403

**Sec. 307.696.** (A) As used in this section: 404

(1) "County taxes" means taxes levied by the county 405  
pursuant to sections 307.697, 4301.421, 5743.024, and 5743.323 406  
of the Revised Code. 407

(2) "Corporation" means a nonprofit corporation that is 408  
organized under the laws of this state for the purposes of 409  
operating or constructing and operating a sports facility in the 410  
county and that may also be organized under the laws of this 411  
state for the additional purposes of conducting redevelopment 412  
and economic development activities within the host municipal 413  
corporation. 414

(3) "Sports facility" means a sports facility that is 415  
intended to house major league professional athletic teams, 416  
including a stadium, together with all parking facilities, 417  
walkways, and other auxiliary facilities, real and personal 418  
property, property rights, easements, and interests that may be 419  
appropriate for, or used in connection with, the operation of 420  
the facility. 421

(4) "Construction" includes, but is not limited to, 422  
providing fixtures, furnishings, and equipment and providing for 423  
capital repairs and improvements. 424

(5) "Debt service charges" means the interest, principal, 425  
premium, if any, carrying and redemption charges, and expenses 426  
on bonds issued by either the county or the corporation to: 427

(a) Construct a sports facility or provide for related 428

redevelopment or economic development as provided in this 429  
section; 430

(b) Acquire real and personal property, property rights, 431  
easements, or interests that may be appropriate for, or used in 432  
connection with, the operation of the facility; and 433

(c) Make site improvements to real property, including, 434  
but not limited to, demolition, excavation, and installation of 435  
footers, pilings, and foundations. 436

(6) "Host municipal corporation" means the municipal 437  
corporation within the boundaries of which the sports facility 438  
is located, and with which a national football league, major 439  
league baseball, or national basketball association sports 440  
franchise is associated on March 20, 1990. 441

(B) A-Subject to division (H) of this section, a board of 442  
county commissioners of a county that levies a tax under section 443  
307.697, 4301.421, or 5743.024 of the Revised Code may enter 444  
into an agreement with a corporation operating in the county, 445  
and, if there is a host municipal corporation all or a part of 446  
which is located in the county, shall enter into an agreement 447  
with a corporation operating in the county and the host 448  
municipal corporation, under which: 449

(1) (a) The corporation agrees to construct and operate a 450  
sports facility in the county and to pledge and contribute all 451  
or any part of the revenues derived from its operation, as 452  
specified in the agreement, for the purposes described in 453  
division (C) (1) of this section; and 454

(b) The board agrees to levy county taxes and pledge and 455  
contribute any part or all of the revenues therefrom, as 456  
specified in the agreement, for the purposes described in 457



division (C) (1) of this section; or 458

(2) (a) The corporation agrees to operate a sports facility 459  
constructed by the county and to pledge and contribute all or 460  
any part of the revenues derived from its operation, as 461  
specified in the agreement, for the purposes described in 462  
division (C) (2) of this section; and 463

(b) The board agrees to issue revenue bonds of the county, 464  
use the proceeds from the sale of the bonds to construct a 465  
sports facility in the county, and to levy county taxes and 466  
pledge and contribute all or any part of the revenues therefrom, 467  
as specified in the agreement, for the purposes described in 468  
division (C) (2) of this section; and, if applicable 469

(3) The host municipal corporation agrees to expend the 470  
unused pledges and contributions and surplus revenues as 471  
described in divisions (C) (1) and (2) of this section for 472  
redevelopment and economic development purposes related to the 473  
sports facility. 474

(C) (1) The primary purpose of the pledges and 475  
contributions described in division (B) (1) of this section is 476  
payment of debt service charges. To the extent the pledges and 477  
contributions are not used by the county or corporation for 478  
payment of debt service charges, the county or corporation, 479  
pursuant to the agreement provided for in division (B) of this 480  
section, shall provide the unused pledges and contributions, 481  
together with surplus revenues of the sports facility not needed 482  
for debt service charges or the operation and maintenance of the 483  
sports facility, to the host municipal corporation, or a 484  
nonprofit corporation, which may be the corporation acting on 485  
behalf of the host municipal corporation, for redevelopment and 486  
economic development purposes related to the sports facility. If 487

the county taxes are also levied for the purpose of making 488  
permanent improvements, the agreement shall include a schedule 489  
of annual pledges and contributions by the county for the 490  
payment of debt service charges. The county's pledge and 491  
contribution provided for in the agreement shall be for the 492  
period stated in the agreement but not to exceed twenty years. 493  
The agreement shall provide that any such bonds and notes shall 494  
be secured by a trust agreement between the corporation or other 495  
bond issuer and a corporate trustee that is a trust company or 496  
bank having the powers of a trust company within or without the 497  
state, and the trust agreement shall pledge or assign to the 498  
retirement of the bonds or notes, all moneys paid by the county 499  
for that purpose under this section. A county tax, all or any 500  
part of the revenues from which are pledged under an agreement 501  
entered into by a board of county commissioners under this 502  
section shall not be subject to diminution by initiative or 503  
referendum, or diminution by statute, unless provision is made 504  
therein for an adequate substitute therefor reasonably 505  
satisfactory to the trustee under the trust agreement that 506  
secures the bonds and notes. 507

(2) The primary purpose of the pledges and contributions 508  
described in division (B) (2) of this section is payment of debt 509  
service charges. To the extent the pledges and contributions are 510  
not used by the county for payment of debt service charges, the 511  
county or corporation, pursuant to the agreement provided for in 512  
division (B) of this section, shall provide the unused pledges 513  
and contributions, together with surplus revenues of the sports 514  
facility not needed for debt service charges or the operation 515  
and maintenance of the sports facility, to the host municipal 516  
corporation, or a nonprofit corporation, which may be the 517  
corporation, acting on behalf of the host municipal corporation, 518

for redevelopment and economic development purposes related to 519  
the sports facility. The corporation's pledge and contribution 520  
provided for in the agreement shall be until all of the bonds 521  
issued for the construction of the facility have been retired. 522

(D) A pledge of money by a county under this section shall 523  
not be indebtedness of the county for purposes of Chapter 133. 524  
of the Revised Code. 525

(E) If the terms of the agreement so provide, the board of 526  
county commissioners may acquire, make site improvements to, 527  
including, but not limited to, demolition, excavation, and 528  
installation of footers, pilings, and foundations, and lease 529  
real property for the sports facility to a corporation that 530  
constructs a sports facility under division (B)(1) of this 531  
section. The agreement shall specify the term, which shall not 532  
exceed thirty years and shall be on such terms as are set forth 533  
in the agreement. The purchase, improvement, and lease may be 534  
the subject of an agreement between the county and a municipal 535  
corporation located within the county pursuant to section 153.61 536  
or 307.15 of the Revised Code, and are not subject to the 537  
limitations of sections 307.02 and 307.09 of the Revised Code. 538

(F) The corporation shall not enter into any construction 539  
contract or contract for the purchase of services for use in 540  
connection with the construction of a sports facility prior to 541  
the corporation's adoption and implementation of a policy on the 542  
set aside of contracts for bidding by or award to minority 543  
business enterprises, as defined in division (E)(1) of section 544  
122.71 of the Revised Code. Sections 4115.03 to 4115.16 of the 545  
Revised Code apply to a sports facility constructed under this 546  
section. 547

(G) Not more than one-half of the total costs, including 548

debt service charges and cost of operation, of a project 549  
undertaken pursuant to an agreement entered into under division 550  
(B) of this section shall be paid from county taxes. Nothing in 551  
this section authorizes the use of revenues from county taxes or 552  
proceeds from the sale of bonds issued by the board of county 553  
commissioners for payment of costs of operation of a sports 554  
facility. 555

(H) (1) Except as described in division (H) (2) of this 556  
section, if the corporation under division (B) of this section 557  
is a professional sports franchise, as defined in section 123.28 558  
of the Revised Code, no county funds shall be spent on any Ohio 559  
sports facility that would serve as the home site or venue for 560  
the presentation of events of a professional sports franchise, 561  
unless, in three out of the last five regular seasons, the 562  
professional sports franchise has won at least half of its 563  
games, as determined by the board of county commissioners, using 564  
the standards described in division (B) (3) of section 123.282 of 565  
the Revised Code. 566

(2) County funds may be spent as described in division (H) 567  
(1) of this section on a professional sports franchise that has 568  
been in existence for less than five years if the professional 569  
sports franchise demonstrates that, for at least two regular 570  
seasons, the professional sports franchise has performed 571  
competitively, to the satisfaction of the board of county 572  
commissioners, using the standards described in divisions (B) (2) 573  
and (3) of section 123.282 of the Revised Code. 574

(3) The agreement between the board of county 575  
commissioners, the professional sports franchise, and if 576  
applicable, the municipal corporation shall contain the 577  
following terms and conditions: 578

(a) The professional sports franchise shall ensure that 579  
all regular season and playoff games are viewable by the public 580  
through at least one of the following mediums: 581

(i) A television broadcast that may be received through 582  
standard television antennae; 583

(ii) A basic cable service, which has the same meaning as 584  
in the "Cable Communications Policy Act of 1984," 47 U.S.C. 522; 585

(iii) A freely accessible online platform operated by the 586  
franchise or league that does not require a subscription fee or 587  
collect a significant amount of personal data. 588

(b) The professional sports franchise shall not enter into 589  
an exclusive broadcasting agreement with a subscription-based 590  
streaming service unless an option for free viewing access is 591  
also provided. 592

(c) The professional sports franchise shall allocate at 593  
least five per cent of tickets for each home game to be sold at 594  
discounted rates to residents of this state. Priority shall be 595  
given to low income residents, students, and veterans. Such 596  
tickets shall be priced at no more than fifty per cent of the 597  
average ticket price for that game and shall be sold through a 598  
transparent process that ensures eligible customers have fair 599  
access. 600

(d) The professional sports franchise shall conduct 601  
community engagement activities, which may include charitable 602  
contributions, youth programs, and partnerships with local 603  
organizations. 604

(e) The professional sports franchise shall submit an 605  
annual compliance report to the board of county commissioners 606  
detailing all of the following, which the board shall make 607

publicly accessible on the county's web site: 608

(i) The total amount of county funds received, and how the 609  
funds have been used; 610

(ii) The media by which games may be viewed or accessed by 611  
the public, and the measures taken to provide this access; 612

(iii) The measures the franchise has taken to provide 613  
discounted tickets under division (H) (3) (c) of this section; 614

(iv) Descriptions of any community engagement activities, 615  
including charitable contributions, youth programs, and 616  
partnerships with local organizations. 617

(f) The professional sports franchise shall pay to the 618  
county general fund a penalty of up to two hundred fifty 619  
thousand dollars per violation, as determined by the attorney 620  
general according to the procedures of Chapter 119. of the 621  
Revised Code, if the franchise does not comply with division (H) 622  
(3) (a), (b), or (c) of this section, and shall be ineligible for 623  
further county funds for a period of five years if the franchise 624  
is fined two or more times under this division. 625

(g) If the professional sports franchise leaves the state, 626  
the franchise shall reimburse the county all county funds the 627  
professional sports franchise received under this section, and 628  
shall reimburse to a municipal corporation all municipal funds 629  
received from the municipal corporation in connection with an 630  
Ohio sports facility, under a mutually agreed upon payment plan 631  
between the county or municipal corporation and the professional 632  
sports franchise, and if no payment plan can be mutually agreed 633  
upon, the parties shall apply for a decision by arbitration 634  
under the procedures of Chapter 2711. of the Revised Code. When 635  
an application is made, neither party shall initiate, and no 636

court shall permit the maintenance of, an action in court for 637  
decision of the same issues sought to be determined in the 638  
arbitration application. The award made by the arbitrator may 639  
include the costs of arbitration. The arbitration shall be 640  
binding on all parties. 641

(I) A professional sports franchise that knowingly 642  
misrepresents or attempts to misrepresent its performance record 643  
as described in division (H) (1) or (2) of this section shall be 644  
fined up to five hundred thousand dollars, as determined by the 645  
attorney general according to the procedures of Chapter 119. of 646  
the Revised Code, and may not receive county funds for up five 647  
years from the date of violation. 648

**Section 2.** That existing sections 123.28, 123.281, and 649  
307.696 of the Revised Code are hereby repealed. 650

**Section 3.** This Act shall be known as the Public Access to 651  
Professional Sports Act. 652

**Section 4.** Sections 1, 2, and 3 of this act take effect 653  
one hundred eighty days after the effective date of this 654  
section. 655

**Section 5.** Section 123.28 of the Revised Code is presented 656  
in this act as a composite of the section as amended by both 657  
H.B. 64 and H.B. 141 of the 131st General Assembly. The General 658  
Assembly, applying the principle stated in division (B) of 659  
section 1.52 of the Revised Code that amendments are to be 660  
harmonized if reasonably capable of simultaneous operation, 661  
finds that the composite is the resulting version of the section 662  
in effect prior to the effective date of the section as 663  
presented in this act. 664