

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 599

Representative Hagan, R.

**Cosponsors: Representatives Foley, Antonio, Murray, Driehaus, Reece,
Yuko**

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A B I L L

To amend sections 154.23, 307.673, 351.14, 351.26, 1
and 3383.07 and to enact section 9.75 of the 2
Revised Code to prohibit a professional sports 3
team for whom a sports facility was constructed 4
using public funds from entering into a contract 5
that prohibits the broadcast of the sports team's 6
games based upon the number of tickets sold. 7

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

Section 1. That sections 154.23, 307.673, 351.14, 351.26, and 8
3383.07 be amended and section 9.75 of the Revised Code be enacted 9
to read as follows: 10

Sec. 9.75. (A) As used in this section: 11

(1) "Owner" means any person that owns or operates a 12
professional sports team. 13

(2) "Political subdivision" has the same meaning as in 14
section 9.23 of the Revised Code. 15

(3) "Sports team" means a major or minor league professional 16
athletic or sports team. 17

(B) No sports team for whom a sports facility is or was constructed in whole or in part using funds from a political subdivision and that plays games in that sports facility on a regular basis shall agree, either directly or pursuant to a league or conference contract, to a provision in a contract that prohibits the local television or radio broadcast of a game the sports team plays in the sports facility based upon the number of tickets sold for the game.

(C) The political subdivision that provides funding as described in division (B) of this section and that believes that a sports team has violated that division may bring an action against the owner or institution affiliated with that sports team, as applicable, in a court of competent jurisdiction. If the court determines that the sports team has violated that division, the owner or institution, as applicable, shall pay to the political subdivision an amount equal to the amount of the public funding described in that division expended for the construction of the sports facility. If the sports facility was constructed on behalf of more than one sports team, the owner or institution shall pay an amount proportionate to the amount the sports team uses the sports facility in comparison to any other sports team that uses the sports facility on a regular basis.

Sec. 154.23. (A) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the issuing authority may issue obligations pursuant to this chapter to pay costs of capital facilities for Ohio cultural facilities and Ohio sports facilities.

(B) The Ohio public facilities commission may lease any capital facilities for Ohio cultural facilities or Ohio sports facilities to, and make or provide for other agreements with respect to the use or purchase of such capital facilities with,

the Ohio cultural facilities commission and, with the Ohio 49
cultural facilities commission's approval, any governmental agency 50
having authority under law to operate such capital facilities. Any 51
lease or agreement shall be subject to Chapter 3383. of the 52
Revised Code. 53

(C) For purposes of this section, "available receipts" means 54
any revenues or receipts derived by the Ohio public facilities 55
commission from the operation, leasing, or other disposition of 56
capital facilities financed under this section, the proceeds of 57
obligations issued under this section and section 154.11 or 154.12 58
of the Revised Code, and also means any gifts, grants, donations, 59
and pledges, and receipts thereon, available for the payment of 60
bond service charges on obligations issued under this section. The 61
issuing authority may pledge all, or such portion as it 62
determines, of the available receipts to the payment of bond 63
service charges on obligations issued under this section and 64
section 154.11 or 154.12 of the Revised Code and for the 65
establishment and maintenance of any reserves, as provided in the 66
bond proceedings, and make other provisions therein with respect 67
to such available receipts as authorized by this chapter, which 68
provisions shall be controlling notwithstanding any other 69
provision of law pertaining thereto. 70

(D) There is hereby created one or more funds, as determined 71
by the issuing authority in the bond proceedings, designated as 72
the "Ohio cultural facilities commission bond service fund" with, 73
if more than one such fund, such further identifying name as the 74
issuing authority determines, which shall be in the custody of the 75
treasurer of state but shall be separate and apart from and not a 76
part of the state treasury. All money received by or on account of 77
the issuing authority or the Ohio cultural facilities commission 78
and required by the applicable bond proceedings to be deposited, 79
transferred, or credited to the Ohio cultural facilities 80

commission bond service fund, and all other money transferred or 81
allocated to or received for the purposes of that fund shall be 82
deposited with the treasurer of state and credited to the 83
applicable fund, subject to applicable provisions of the bond 84
proceedings, but without necessity of any act or appropriation. 85
The Ohio cultural facilities commission bond service funds are 86
trust funds and are hereby pledged to the payment of bond service 87
charges on the applicable obligations issued pursuant to this 88
section and section 154.11 or 154.12 of the Revised Code to the 89
extent provided in the applicable bond proceedings, and payment 90
thereof from such funds shall be made or provided for by the 91
treasurer of state in accordance with the applicable bond 92
proceedings without necessity for any act or appropriation. 93

(E) This section is to be applied with other applicable 94
provisions of this chapter. 95

(F)(1) As used in this division, "owner" and "sports team" 96
have the same meanings as in section 9.75 of the Revised Code. 97

(2) No sports team for whom an Ohio sports facility is or was 98
constructed in whole or in part using financing under this section 99
and that plays games in that Ohio sports facility on a regular 100
basis shall agree, either directly or pursuant to a league or 101
conference contract, to a provision in a contract that prohibits 102
the local television or radio broadcast of a game the sports team 103
plays in the Ohio sports facility based upon the number of tickets 104
sold for the game. 105

(3) If the issuing authority or commission believes that a 106
sports team has violated division (F)(2) of this section, the 107
issuing authority or commission may bring an action against the 108
owner of that sports team in a court of competent jurisdiction. If 109
the court determines that the sports team has violated that 110
division, the owner shall pay to the issuing authority or 111
commission an amount equal to the amount of public financing 112

expended under this section for the construction of the Ohio sports facility. If the Ohio sports facility was constructed on behalf of more than one sports team, the owner shall pay an amount proportionate to the amount the sports team uses the Ohio sports facility in comparison to any other sports team that uses the Ohio sports facility on a regular basis.

Sec. 307.673. This section applies only in a county in which a tax is levied under section 307.697, 4301.421, 5743.024, or 5743.323 of the Revised Code on ~~the effective date of this amendment~~ July 19, 1995.

(A) As used in this section:

(1) "County taxes" means taxes levied by a board of county commissioners under division (D) of section 307.697, division (B) of section 4301.421, division (C) of section 5743.024, and section 5743.323 of the Revised Code.

(2) "Corporation" means a nonprofit corporation organized under the laws of this state and that includes among the purposes for which it is incorporated the authority to acquire, construct, renovate, equip, lease, manage, or operate a sports facility.

(3) "Cooperative agreement" means an agreement entered into pursuant to this section.

(4) "Cost of a sports facility" means the cost of acquiring, constructing, renovating, equipping, or improving one or more sports facilities, including reconstructing, rehabilitating, remodeling, and enlarging; the cost of equipping and furnishing such a facility; and all financing costs pertaining thereto, including the cost of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of costs; the costs of refinancing obligations issued by, or reimbursement of money advanced by, the parties to

the cooperative agreement or other persons, the proceeds of which 143
obligations were used to pay the costs of the sports facility; the 144
cost of tests and inspections; the cost of any indemnity or surety 145
bonds and premiums on insurance, all related direct and 146
administrative costs pertaining thereto, fees and expenses of 147
trustees, depositories, and paying agents for the obligations, 148
capitalized interest on the obligations, amounts necessary to 149
establish reserves as required by the obligation proceedings, the 150
reimbursement of money advanced or applied by the parties to the 151
cooperative agreement or other persons for the payment of any item 152
of costs of the sports facility, and all other expenses necessary 153
or incident to planning or determining the feasibility or 154
practicability with respect to the sports facility; and any other 155
such expenses as may be necessary or incident to the acquisition, 156
construction, reconstruction, rehabilitation, remodeling, 157
renovation, enlargement, improvement, equipping, and furnishing of 158
the sports facility, the financing of the sports facility, placing 159
the sports facility in use and operation, including any one, part 160
of, or combination of such classes of costs and expenses. 161

(5) "Financing costs" has the same meaning as in section 162
133.01 of the Revised Code. 163

(6) "Obligations" means obligations issued or incurred to pay 164
the cost of a sports facility, including bonds, notes, 165
certificates of indebtedness, commercial paper, and other 166
instruments in writing, anticipatory securities as defined in 167
section 133.01 of the Revised Code, issued or incurred by an 168
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 169
this section, or otherwise, to evidence the issuer's obligation to 170
repay borrowed money, or to pay interest, by, or to pay at any 171
future time other money obligations of, the issuer of the 172
obligations, including obligations of an issuer or lessee to make 173
payments under an installment sale, lease, lease-purchase, or 174

similar agreement. 175

(7) "Owner" means any person that owns or operates a 176
professional athletic or sports team, that is party to a 177
cooperative agreement, or that has a lease or other agreement with 178
a party to a cooperative agreement, and that commits to use the 179
sports facility that is the subject of the cooperative agreement 180
for all of the team's home games for the period specified in that 181
agreement. 182

(8) "Payments," when used with reference to obligations, 183
means payments of the principal, including any mandatory sinking 184
fund deposits and mandatory redemption payments, interest and any 185
redemption premium, and lease rentals, lease-purchase payments and 186
other amounts payable under obligations in the form of installment 187
sale, lease, lease-purchase, or similar agreements. 188

(9) "Person" has the same meaning as defined in section 189
133.01 of the Revised Code. 190

(10) "Port authority" means a port authority created under 191
Chapter 4582. of the Revised Code. 192

(11) "Sports facility" means a facility, including a stadium, 193
that is intended to house or provide a site for one or more major 194
league professional athletic or sports teams or activities, 195
together with all spectator facilities, parking facilities, 196
walkways, and auxiliary facilities, real and personal property, 197
property rights, easements, leasehold estates, and interests that 198
may be appropriate for, or used in connection with, the operation 199
of the sports facility. 200

(B) The board of county commissioners of a county, the 201
legislative authority of a municipal corporation, a port 202
authority, a corporation, and an owner, or any combination 203
thereof, may enter into one or more cooperative agreements under 204
which the parties enter into one or more of the agreements 205

described in divisions (B)(1) to (5) of this section.	206
(1) The board of county commissioners agrees to do one or more of the following:	207 208
(a) Levy a tax under division (D) of section 307.697, division (B) of section 4301.421, division (C) of section 5743.024, and section 5743.323 of the Revised Code and make available all or a portion of the revenue from those taxes for the payment of the cost of the sports facility or to make payments on obligations;	209 210 211 212 213 214
(b) Issue or incur obligations of the county pursuant to Chapter 133. of the Revised Code or this section;	215 216
(c) Make available all or a portion of the revenue from those taxes or of the proceeds from the issuance of those obligations to the municipal corporation, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	217 218 219 220 221
(d) Acquire, construct, renovate, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	222 223 224
(e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility.	225 226 227 228 229
(2) The port authority agrees to do one or more of the following:	230 231
(a) Issue or incur obligations of the port authority pursuant to Chapter 133. or 4582. of the Revised Code or this section;	232 233
(b) Make available all or a portion of the proceeds from the issuance of those obligations to the municipal corporation,	234 235

county, or corporation for the payment of the cost of a sports facility or the payment of obligations;	236 237
(c) Acquire, construct, renovate, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	238 239 240
(d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, county, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility.	241 242 243 244 245
(3) The legislative authority of the municipal corporation agrees to do one or more of the following:	246 247
(a) Make available the revenue from taxes levied by the legislative authority for the payment of the cost of a sports facility or to make payments on obligations;	248 249 250
(b) Issue or incur obligations of the municipal corporation pursuant to Chapter 133. of the Revised Code or otherwise;	251 252
(c) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	253 254 255 256
(d) Acquire, construct, renovate, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	257 258 259
(e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the county, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility.	260 261 262 263 264
(4) The corporation agrees to do one or more of the	265

following:	266
(a) Issue or incur obligations;	267
(b) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, municipal corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	268 269 270 271
(c) Acquire, construct, renovate, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	272 273 274
(d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, agree that the corporation will administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility.	275 276 277 278 279
(5) The owner agrees to do one or more of the following:	280
(a) Use the sports facility that is the subject of the cooperative agreement for all of the home games of the owner's professional athletic or sports team for a specified period;	281 282 283
(b) Administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility.	284 285
(C) Any obligations may be secured by a trust agreement between the issuer of obligations and a corporate trustee that is a trust company or bank having the powers of a trust company in or outside this state and authorized to exercise corporate trust powers in this state. Proceeds from the issuance of any obligations or the taxes levied and collected by any party to the cooperative agreement may be deposited with and administered by a trustee pursuant to the trust agreement.	286 287 288 289 290 291 292 293
(D) Any contract for the acquisition, construction, renovation, or equipping of a sports facility entered into,	294 295

assigned, or assumed under this section shall provide that all 296
laborers and mechanics employed in the acquisition, construction, 297
renovation, or equipping of the sports facility shall be paid at 298
the prevailing rates of wages of laborers and mechanics for the 299
class of work called for, as those wages are determined in 300
accordance with Chapter 4115. of the Revised Code. 301

(E)(1) No sports team for whom a sports facility was 302
constructed in whole or in part using financing through a 303
cooperative agreement entered into under this section shall agree, 304
either directly or pursuant to a league or conference contract, to 305
a provision in a contract that prohibits the local television or 306
radio broadcast of a game the sports team plays in the sports 307
facility based upon the number of tickets sold for the game. 308

(2) A county, port authority, or municipal corporation that 309
entered into a cooperative agreement with an owner under division 310
(B) of this section and that believes that a sports team has 311
violated division (E)(1) of this section may bring an action 312
against the owner in a court of competent jurisdiction. If the 313
court determines that the sports team has violated that division, 314
the owner shall pay to the county, port authority, or municipal 315
corporation an amount equal to the amount of financing expended 316
pursuant to the cooperative agreement for the construction of the 317
sports facility. If the sports facility was constructed on behalf 318
of more than one sports team, the owner shall pay an amount 319
proportionate to the amount the sports team uses the sports 320
facility in comparison to any other sports team that uses the 321
sports facility on a regular basis. The county, port authority, or 322
municipal corporation shall divide the amount the county, port 323
authority, or municipal corporation receives from the owner under 324
division (E)(2) of this section among themselves based upon the 325
amount of financing the county, port authority, or municipal 326
corporation provided. 327

Sec. 351.14. (A) A convention facilities authority may at any 328
time issue revenue bonds and notes in such principal amount as, in 329
the opinion of the authority, are necessary for the purpose of 330
paying the cost of one or more facilities or parts thereof. An 331
authority may at any time issue renewal notes, issue bonds to pay 332
such notes and, whenever it deems refunding expedient, refund any 333
bonds by the issuance of convention facilities authority revenue 334
refunding bonds whether the bonds to be refunded have or have not 335
matured, and issue bonds partly to refund bonds then outstanding, 336
and partly for any other authorized purpose. The refunding bonds 337
shall be sold and the proceeds applied to the purchase, 338
redemption, or payment of the bonds to be refunded. Except as may 339
otherwise be expressly provided by the authority, every issue of 340
its bonds or notes shall be general obligations of the authority 341
payable out of the authority's revenues that are pledged for such 342
payment, without preference or priority of the first bonds issued, 343
subject only to any agreements with the holders of particular 344
bonds or notes pledging any particular revenues. Such pledge shall 345
be valid and binding from the time the pledge is made, and the 346
revenues so pledged and thereafter received by the authority shall 347
immediately be subject to the lien of such pledge without any 348
physical delivery thereof or further act. The lien of any such 349
pledge is valid and binding as against all parties having claims 350
of any kind in tort, contract, or otherwise against the authority, 351
irrespective of whether such parties have notice thereof. Neither 352
the resolution nor any trust agreement by which a pledge is 353
created need be filed or recorded except in the authority's 354
records. 355

(B) Whether or not the bonds or notes are of such form and 356
character as to be negotiable instruments, the bonds or notes 357
shall have all the qualities and incidents of negotiable 358
instruments, subject only to the provisions of the bonds or notes 359

for registration. 360

(C) The bonds and notes shall be authorized by resolution of 361
the authority, shall bear such date or dates, and shall mature at 362
such time or times, in the case of any such note or any renewals 363
thereof not exceeding twenty years from the date of issue of such 364
original note and in the case of any such bond or any refunding 365
bonds not exceeding forty years from the date of issue, and shall 366
be executed in such manner as such resolution may provide. The 367
bonds and notes shall bear interest at such rate or rates, be in 368
such denominations, be in such form, either coupon or registered, 369
carry such registration privileges, be payable in such medium of 370
payment, at such place or places, and be subject to such terms of 371
redemption as the authority may authorize. Bonds and notes of the 372
authority may be sold by the authority, at public or private sale, 373
at or at not less than such price or prices as the authority 374
determines. In case any officer whose signature or a facsimile of 375
whose signature, appears on any bonds, notes, or coupons ceases to 376
be such officer before delivery of bonds or notes, such signature 377
or facsimile shall nevertheless be sufficient for all purposes as 378
if ~~he~~ the officer had remained in office until such delivery, and 379
in case the seal of the authority has been changed after a 380
facsimile has been imprinted on such bonds or notes, such 381
facsimile seal will continue to be sufficient for all purposes. 382

(D) Any resolution or resolutions authorizing any bonds or 383
notes or any issue thereof may contain provisions, subject to such 384
agreements with bondholders or noteholders as may then exist, 385
which provisions shall be a part of the contract with the holders 386
thereof, as to: the pledging of any or all of the authority's 387
revenues to secure the payment of the bonds or notes or of any 388
issue thereof; the use and disposition of revenues of the 389
convention facilities authority; a covenant to fix, alter, and 390
collect rentals and other charges so that pledged revenues will be 391

sufficient to pay costs of operation, maintenance, and repairs, 392
pay principal of and interest on bonds or notes secured by the 393
pledge of such revenues, and provide such reserves as may be 394
required by the applicable resolution or trust agreement; the 395
setting aside of reserve funds, sinking funds, or replacement and 396
improvement funds and the regulation and disposition thereof; the 397
crediting of the proceeds of the sale of bonds or notes to and 398
among the funds referred to or provided for in the resolution 399
authorizing the issuance of the bonds or notes; the use, lease, 400
sale, or other disposition of any recreational facility or any 401
other assets of the authority; limitations on the purpose to which 402
the proceeds of sale of bonds or notes may be applied and the 403
pledging of such proceeds to secure the payment of the bonds or 404
notes or of any issue thereof; as to notes issued in anticipation 405
of the issuance of bonds, the agreement of the authority to do all 406
things necessary for the authorization, issuance, and sale of such 407
bonds in such amounts as may be necessary for the timely 408
retirement of such notes; limitations on the issuance of 409
additional bonds or notes; the terms upon which additional bonds 410
or notes may be issued and secured; the refunding of outstanding 411
bonds or notes; the procedure, if any, by which the terms of any 412
contract with bondholders or noteholders may be amended or 413
abrogated, the amount of bonds or notes the holders of which must 414
consent thereto, and the manner in which such consent may be 415
given; limitations on the amount of moneys to be expended by the 416
authority for operating, administrative, or other expenses of the 417
authority; securing any bonds or notes by a trust agreement in 418
accordance with section 351.16 of the Revised Code; any other 419
matters, of like or different character, that in any way affect 420
the security or protection of the bonds or notes. 421

(E) Neither the members of the authority's board of directors 422
nor any person executing the bonds or notes shall be liable 423
personally on the bonds or notes or be subject to any personal 424

liability or accountability by reason of the issuance thereof. 425

(F)(1) As used in this division, "owner" and "sports team" 426
have the same meanings as in section 9.75 of the Revised Code. 427

(2) No sports team for whom a sports facility is or was 428
constructed in whole or in part using financing provided under 429
this section and that plays games in that sports facility on a 430
regular basis shall agree, either directly or pursuant to a league 431
or conference contract, to a provision in a contract that 432
prohibits the local television or radio broadcast of a game the 433
sports team plays in the sports facility based upon the number of 434
tickets sold for the game. 435

(3) The authority that provided financing under this section 436
for a sports facility and that believes that a sports team has 437
violated division (F)(2) of this section may bring an action 438
against the owner of that sports team in a court of competent 439
jurisdiction. If the court determines that the sports team has 440
violated that division, the owner shall pay to the authority an 441
amount equal to the amount of financing expended under this 442
section for the construction of the sports facility. If the sports 443
facility was constructed on behalf of more than one sports team, 444
the owner shall pay an amount proportionate to the amount the 445
sports team uses the sports facility in comparison to any other 446
sports team that uses the sports facility on a regular basis. 447

Sec. 351.26. (A) The board of directors of a convention 448
facilities authority may adopt a resolution requesting the board 449
of county commissioners of the county in which the convention 450
facilities authority has its territory to propose the question of 451
a tax to be levied pursuant to this section and section 4301.424 452
or sections 5743.026 and 5743.324 of the Revised Code for the 453
purpose of construction or renovation of a sports facility. The 454
board of directors shall certify a copy of the resolution to the 455

board of county commissioners not later than one hundred five days 456
prior to the day of the election at which the board of directors 457
requests the board of county commissioners to submit the question 458
of the tax. The resolution shall state the rate at which the tax 459
would be levied, the purpose for which the tax would be levied, 460
the number of years the tax would be levied, the section of the 461
Revised Code under which the tax would be levied, and the date of 462
the election at which the board of directors requests the board of 463
county commissioners to submit the question of the tax, all of 464
which are subject to the limitations of this section and section 465
4301.424 or sections 5743.026 and 5743.324 of the Revised Code. 466

Upon receiving a copy of such a resolution from the board of 467
directors, the board of county commissioners shall adopt a 468
resolution either approving or rejecting the proposal, and certify 469
a copy of its resolution to the board of directors. If the board 470
of county commissioners approves the proposal, the board of county 471
commissioners shall propose the question of levying a tax pursuant 472
to section 4301.424 of the Revised Code or pursuant to sections 473
5743.026 and 5743.324 of the Revised Code, as specified in the 474
board of directors' resolution, for the purpose of construction or 475
renovation of a sports facility. 476

(B) The form of the ballot in an election held on the 477
question of levying a tax proposed pursuant to section 4301.424 or 478
5743.026 of the Revised Code shall be as follows or in any other 479
form acceptable to the secretary of state: 480

"For the purpose of paying the costs of 481
(constructing or renovating) a sports facility, shall (an) excise 482
tax(es) be levied by the county for the convention 483
facilities authority of county at the rate of 484
(dollars on each gallon of spirituous liquor sold in the county by 485
the Ohio division of liquor control, cents per gallon on the sale 486
of beer at wholesale in the county, cents per gallon on the sale 487

of wine and mixed beverages at wholesale in the county, or mills 488
per cigarette on the sale of cigarettes at wholesale in the 489
county), for years? 490

	Yes	
	No	"

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For an election in which questions under section 4301.424 or 495
5743.026 of the Revised Code are joined as a single question, the 496
form of the ballot shall be as above, except each of the proposed 497
taxes shall be listed. 498

(C) No tax shall be levied under this section on or after 499
September 23, 2008. This division does not prevent the collection 500
of any tax levied under this section before that date so long as 501
that tax remains effective. 502

(D)(1) As used in this division, "owner" and "sports team" 503
have the same meanings as in section 9.75 of the Revised Code. 504

(2) No sports team for whom a sports facility was constructed 505
in whole or in part using financing provided under this section 506
and that plays games in that sports facility on a regular basis 507
shall agree, either directly or pursuant to a league or conference 508
contract, to a provision in a contract that prohibits the local 509
television or radio broadcast of a game the sports team plays in 510
the sports facility based upon the number of tickets sold for the 511
game. 512

(3) The authority that provided financing under this section 513
for a sports facility and that believes that a sports team has 514
violated division (D)(2) of this section may bring an action 515
against the owner of that sports team in a court of competent 516
jurisdiction. If the court determines that the sports team has 517
violated that division, the owner shall pay to the authority an 518

amount equal to the amount of financing expended under this 519
section for the construction of the sports facility. If the sports 520
facility was constructed on behalf of more than one sports team, 521
the owner shall pay an amount proportionate to the amount the 522
sports team uses the sports facility in comparison to any other 523
sports team that uses the sports facility on a regular basis. 524

Sec. 3383.07. (A) The Ohio facilities construction commission 525
shall provide for the construction of a cultural project in 526
conformity with Chapter 153. of the Revised Code, except as 527
follows: 528

(1) For a cultural project other than a state historical 529
facility, construction services may be provided on behalf of the 530
state by the Ohio cultural facilities commission, or by a 531
governmental agency or a cultural organization that occupies, will 532
occupy, or is responsible for the Ohio cultural facility, as 533
determined by the Ohio cultural facilities commission. For a 534
project receiving a state appropriation of fifty thousand dollars 535
or less, the Ohio cultural facilities commission may delegate to 536
its executive director the authority to approve the provision of 537
construction services by such an agency or organization, but not 538
the authority to disapprove that provision. Construction services 539
to be provided by a governmental agency or a cultural organization 540
shall be specified in an agreement between the Ohio cultural 541
facilities commission and the governmental agency or cultural 542
organization. The agreement, or any actions taken under it, are 543
not subject to Chapter 123. or 153. of the Revised Code, except 544
for sections 123.081 and 153.011 of the Revised Code, and shall be 545
subject to Chapter 4115. of the Revised Code. 546

(2) For a cultural project that is a state historical 547
facility, construction services may be provided by the Ohio 548
cultural facilities commission or by a cultural organization that 549

occupies, will occupy, or is responsible for the facility, as 550
determined by the Ohio cultural facilities commission. For a 551
facility receiving a state appropriation of fifty thousand dollars 552
or less, the Ohio cultural facilities commission may delegate to 553
its executive director the authority to approve the provision of 554
construction services by such an organization, but not the 555
authority to disapprove that provision. The construction services 556
to be provided by the cultural organization shall be specified in 557
an agreement between the Ohio cultural facilities commission and 558
the cultural organization. That agreement, and any actions taken 559
under it, are not subject to Chapter 123., 153., or 4115. of the 560
Revised Code. 561

(B) For an Ohio sports facility that is financed in part by 562
obligations issued pursuant to Chapter 154. of the Revised Code, 563
construction services shall be provided on behalf of the state by 564
or at the direction of the governmental agency or nonprofit 565
corporation that will own or be responsible for the management of 566
the facility, all as determined by the Ohio cultural facilities 567
commission. For a facility receiving a state appropriation of 568
fifty thousand dollars or less, the Ohio cultural facilities 569
commission may delegate to its executive director the authority to 570
approve the provision of construction services by or at the 571
direction of the agency or corporation, but not the authority to 572
disapprove that provision. Any construction services to be 573
provided by a governmental agency or nonprofit corporation shall 574
be specified in an agreement between the Ohio cultural facilities 575
commission and the governmental agency or nonprofit corporation. 576
That agreement, and any actions taken under it, are not subject to 577
Chapter 123. or 153. of the Revised Code, except for sections 578
123.081 and 153.011 of the Revised Code, and shall be subject to 579
Chapter 4115. of the Revised Code. 580

(C) General building services for an Ohio cultural facility 581

shall be provided by the Ohio cultural facilities commission or by 582
a cultural organization that occupies, will occupy, or is 583
responsible for the facility, as determined by the Ohio cultural 584
facilities commission. For a facility receiving a state 585
appropriation of fifty thousand dollars or less, the Ohio cultural 586
facilities commission may delegate to its executive director the 587
authority to approve the provision of general building services by 588
such an organization, but not the authority to disapprove that 589
provision. Alternatively, the Ohio building authority may elect to 590
provide those services for Ohio cultural facilities financed with 591
proceeds of state bonds issued by the authority. The costs of 592
management and general building services shall be paid by the 593
cultural organization that occupies, will occupy, or is 594
responsible for the facility as provided in an agreement between 595
the Ohio cultural facilities commission and the cultural 596
organization, except that the state may pay for general building 597
services for state-owned cultural facilities constructed on 598
state-owned land. 599

General building services for an Ohio sports facility shall 600
be provided by or at the direction of the governmental agency or 601
nonprofit corporation that will be responsible for the management 602
of the facility, all as determined by the Ohio cultural facilities 603
commission. For a facility receiving a state appropriation of 604
fifty thousand dollars or less, the Ohio cultural facilities 605
commission may delegate to its executive director the authority to 606
approve the provision of general building services by or at the 607
direction of the agency or corporation, but not the authority to 608
disapprove that provision. Any general building services to be 609
provided by a governmental agency or nonprofit corporation for an 610
Ohio sports facility shall be specified in an agreement between 611
the Ohio cultural facilities commission and the governmental 612
agency or nonprofit corporation. That agreement, and any actions 613
taken under it, are not subject to Chapter 123. or 153. of the 614

Revised Code, except for sections 123.081 and 153.011 of the 615
Revised Code, and shall be subject to Chapter 4115. of the Revised 616
Code. 617

(D) This division does not apply to a state historical 618
facility. No state funds, including any state bond proceeds, shall 619
be spent on the construction of any cultural project under this 620
chapter unless, with respect to the cultural project and to the 621
Ohio cultural facility related to the project, all of the 622
following apply: 623

(1) The Ohio cultural facilities commission has determined 624
that there is a need for the cultural project and the Ohio 625
cultural facility related to the project in the region of the 626
state in which the Ohio cultural facility is located or for which 627
the facility is proposed. For a project receiving a state 628
appropriation of fifty thousand dollars or less, the Ohio cultural 629
facilities commission may delegate to its executive director the 630
authority to determine need but only in the affirmative. 631

(2) The Ohio cultural facilities commission has determined 632
that, as an indication of substantial regional support for the 633
cultural project, the cultural organization has made provision 634
satisfactory to the Ohio cultural facilities commission, in its 635
sole discretion, for local contributions amounting to not less 636
than fifty per cent of the total state funding for the cultural 637
project. For a project receiving a state appropriation of fifty 638
thousand dollars or less, the Ohio cultural facilities commission 639
may delegate to its executive director the authority to determine 640
the adequacy of the regional support but only in the affirmative. 641

(3) The general assembly has specifically authorized the 642
spending of money on, or made an appropriation for, the 643
construction of the cultural project, or for rental payments 644
relating to the financing of the construction of the cultural 645
project. Authorization to spend money, or an appropriation, for 646

planning the cultural project does not constitute authorization to 647
spend money on, or an appropriation for, construction of the 648
cultural project. 649

(E) No state funds, including any state bond proceeds, shall 650
be spent on the construction of any state historical facility 651
under this chapter unless the general assembly has specifically 652
authorized the spending of money on, or made an appropriation for, 653
the construction of the state historical project related to the 654
facility, or for rental payments relating to the financing of the 655
construction of the state historical project. Authorization to 656
spend money, or an appropriation, for planning the state 657
historical project does not constitute authorization to spend 658
money on, or an appropriation for, the construction of the state 659
historical project. 660

(F) State funds shall not be used to pay or reimburse more 661
than fifteen per cent of the initial estimated construction cost 662
of an Ohio sports facility, excluding any site acquisition cost, 663
and no state funds, including any state bond proceeds, shall be 664
spent on any Ohio sports facility under this chapter unless, with 665
respect to that facility, all of the following apply: 666

(1) The Ohio cultural facilities commission has determined 667
that there is a need for the facility in the region of the state 668
for which the facility is proposed to provide the function of an 669
Ohio sports facility as provided for in this chapter. For a 670
facility receiving a state appropriation of fifty thousand dollars 671
or less, the Ohio cultural facilities commission may delegate to 672
its executive director the authority to determine need but only in 673
the affirmative. 674

(2) As an indication of substantial local support for the 675
facility, the Ohio cultural facilities commission has received a 676
financial and development plan satisfactory to it, and provision 677
has been made, by agreement or otherwise, satisfactory to the Ohio 678

cultural facilities commission, for a contribution amounting to 679
not less than eighty-five per cent of the total estimated 680
construction cost of the facility, excluding any site acquisition 681
cost, from sources other than the state. For a facility receiving 682
a state appropriation of fifty thousand dollars or less, the Ohio 683
cultural facilities commission may delegate to its executive 684
director the authority to evaluate the financial and development 685
plan and the contribution and to determine their adequacy but only 686
in the affirmative. 687

(3) The general assembly has specifically authorized the 688
spending of money on, or made an appropriation for, the 689
construction of the facility, or for rental payments relating to 690
state financing of all or a portion of the costs of constructing 691
the facility. Authorization to spend money, or an appropriation, 692
for planning or determining the feasibility of or need for the 693
facility does not constitute authorization to spend money on, or 694
an appropriation for, costs of constructing the facility. 695

(4) If state bond proceeds are being used for the Ohio sports 696
facility, the state or a governmental agency owns or has 697
sufficient property interests in the facility or in the site of 698
the facility or in the portion or portions of the facility 699
financed from proceeds of state bonds, which may include, but is 700
not limited to, the right to use or to require the use of the 701
facility for the presentation of sport and athletic events to the 702
public at the facility. 703

(G) In addition to the requirements of division (F) of this 704
section, no state funds, including any state bond proceeds, shall 705
be spent on any Ohio sports facility that is a motorsports 706
complex, unless, with respect to that facility, both of the 707
following apply: 708

(1) Motorsports events shall be presented at the facility 709
pursuant to a lease entered into with the owner of the facility. 710

The term of the lease shall be for a period of not less than the 711
greater of the useful life of the portion of the facility financed 712
from proceeds of state bonds as determined using the guidelines 713
for maximum maturities as provided under divisions (B) and (C) of 714
section 133.20 of the Revised Code, or the period of time 715
remaining to the date of payment or provision for payment of 716
outstanding state bonds allocable to costs of the facility, all as 717
determined by the director of budget and management and certified 718
by the director to the Ohio cultural facilities commission and to 719
the treasurer of state. 720

(2) Any motorsports organization that commits to using the 721
facility for an established period of time shall give the 722
political subdivision in which the facility is located not less 723
than six months' advance notice if the organization intends to 724
cease utilizing the facility prior to the expiration of that 725
established period. Such a motorsports organization shall be 726
liable to the state for any state funds used on the construction 727
costs of the facility. 728

(H) In addition to the requirements of division (F) of this 729
section, no state bond proceeds shall be spent on any Ohio sports 730
facility that is a tennis facility, unless the owner or manager of 731
the facility provides contractual commitments from a national or 732
international professional tennis organization in a form 733
acceptable to the cultural facilities commission that assures that 734
one or more sanctioned professional tennis events will be 735
presented at the facility during each year that the bonds remain 736
outstanding. 737

(I)(1) As used in this division, "owner" and "sports team" 738
have the same meanings as in section 9.75 of the Revised Code. 739

(2) No sports team for whom an Ohio sports facility is or was 740
constructed in whole or in part using state funds and that plays 741
games in that Ohio sports facility on a regular basis shall agree, 742

either directly or pursuant to a league or conference contract, to 743
a provision in a contract that prohibits the local television or 744
radio broadcast of a game the sports team plays in the Ohio sports 745
facility based upon the number of tickets sold for the game. 746

(3) If the state agency that provides the state funds 747
described in division (I)(2) of this section believes that a 748
sports team has violated that division, the state agency may bring 749
an action against the owner in a court of competent jurisdiction. 750
If the court determines that the sports team has violated that 751
division, the owner shall pay to the state agency an amount equal 752
to the amount of state funds expended for the construction of the 753
Ohio sports facility. If the Ohio sports facility was constructed 754
on behalf of more than one sports team, the owner or institution 755
shall pay an amount proportionate to the amount the sports team 756
uses the Ohio sports facility in comparison to any other sports 757
team that uses the sports facility on a regular basis. 758

Section 2. That existing sections 154.23, 307.673, 351.14, 759
351.26, and 3383.07 of the Revised Code are hereby repealed. 760

Section 3. This act shall apply only to television or radio 761
broadcast contracts that are entered into on or after the 762
effective date of this act. 763