As Introduced

136th General Assembly
Regular Session
2025-2026

S. B. No. 171

Senator DeMora

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

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

Section 1. That sections 123.28, 123.281, and 307.696 be amended and section 123.282 of the Revised Code be enacted to read as follows:

Sec. 123.28. As used in this section and in section 123.281 of the Revised Code:

(A) "Culture" means any of the following:

(1) Visual, musical, dramatic, graphic, design, and other arts, including, but not limited to, architecture, dance, literature, motion pictures, music, painting, photography, sculpture, and theater, and the provision of training or education in these arts;

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

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

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

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

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

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

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

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

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

(1) Those amounts either:

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

purpose;

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

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

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

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

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

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

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

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

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

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

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

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

(3) A state historical facility or a local historical

facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) In order for a cultural organization to provide

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

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

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

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

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

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

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

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

(8) Provide that amendments to the agreement shall require

the approval of the Ohio facilities construction commission.

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

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

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

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

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

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

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

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

facilities construction commission and to the treasurer of state.

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

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

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

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

facilities construction commission that contains all of the following provisions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Construct a sports facility or provide for related

redevelopment or economic development as provided in this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

publicly accessible on the county's web site:

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

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

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

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

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

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

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

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

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

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

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

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