



Ohio Revised Code

Section 123.28 Ohio cultural facilities commission definitions.

Effective: September 30, 2025

Legislation: House Bill 96

As used in this section and in sections 123.281 to 123.283, except as otherwise provided in those sections, 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 member of the following professional sports leagues: the national football league, women's national football conference, women's football alliance, women's football league association, national hockey league, professional women's hockey league, major league baseball, women's professional baseball league, major league soccer, national women's soccer



league, national basketball association, or the women's national basketball association, or a successor of such an entity.

(P) "Major sports facility" means a stadium, arena, complex, or other facility that a governmental agency owns, will own, or has or will have a sufficient ownership interest in, the primary purpose of which is to provide a site or venue for the presentation of home games of a professional sports franchise for a period of at least thirty years after completion of the construction of the stadium, arena, complex, or other facility.

(Q) "Transformational major sports facility mixed-use project" means the following, as applicable:

(1) A mixed-use project that meets all of the following criteria:

(a) Includes the construction of a major sports facility;

(b) Integrates some combination of retail, office, hotel, residential, recreation, structured parking, or other similar uses into one or more mixed-use developments;

(c) Is expected to generate incremental state tax revenues pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code;

(d) Has an initial total estimated construction cost, excluding any site acquisition cost, that is greater than one billion dollars.

(2) In addition to the criteria under division (Q)(1) of this section, a transformational major sports facility mixed-use project may include any of the following:

(a) Other projects supporting or relating to the major sports facility or the professional sports franchise constructing or using the major sports facility;

(b) Any mixed-use project adjacent or otherwise relating to practice facilities for the professional sports franchise;



(c) Conference centers, concert, or other entertainment venues and facilities;

(d) Retail, food, restaurant, and beverage facilities, whether fixed or mobile;

(e) Parks and other public open spaces or facilities;

(f) Related on-site infrastructure necessary or desirable for all such elements for the transformational major sports facility mixed-use project.

(R) "Transformational major sports facility mixed-use project district" means the geographic area encompassing, and including all of the area within the territorial boundaries of, the land upon which the transformational major sports facility mixed-use project is located, as determined by the office of budget and management, in consultation with the department of taxation, the Ohio facilities construction commission, and any applicable county or municipal offices in accordance with division (H)(5)(e) of section 123.281 of the Revised Code.

(S) "Base professional sports franchise state tax revenues" means an amount or calculation either established by the general assembly or equal to all state tax revenues generated pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code that are attributable to the professional sports franchise and its operations at the professional sports franchise's existing facility, and collected by the department of taxation in the calendar year occurring immediately before the calendar year in which the professional sports franchise plays its initial regular season home game in the major sports facility, which shall be increased by three and one-half per cent per year each calendar year for up to sixteen years thereafter.

(T) "Total major sports facility mixed-use project district state tax revenues" means the total aggregate state tax revenue generated in the territory of a transformational major sports facility mixed-use project district pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code beginning in the calendar year in which a performance grant is eligible for disbursement under an appropriation and for sixteen years thereafter. Total major sports facility mixed-use project district state tax revenues also includes the following:

(1) State tax revenues attributable to the construction of, and the purchasing of or leasing of materials



and items used in the construction of, a transformational major sports facility mixed-use project district beginning in the calendar year in which the performance grant is eligible for disbursement under an appropriation;

(2) The professional sports franchise and its operations at the major sports facility.

(U) "Incremental major sports facility mixed-use project district state tax revenues" means the amount of state tax revenues received by the state determined by subtracting base professional sports franchise state tax revenues, as calculated for a given calendar year including any required three and one-half per cent annual increase, from total major sports facility mixed-use project district state tax revenues for such year.

(V) "Total incremental major sports facility mixed-use project district state tax revenues" means the aggregate amount of incremental major sports facility mixed-use district state tax revenues beginning in the calendar year in which a performance grant is eligible for disbursement under an appropriation and for sixteen years thereafter.

(W) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, is under common control with, or acts in concert with, or is a participant in a joint venture, partnership, consortium, or similar business arrangement with, a professional sports franchise or owner.

(X) "Owner" means a person that has a controlling ownership interest in a professional sports franchise.

(Y) "Person" means one or more individuals, receivers, assignees, trustees in bankruptcy, estates, firms, limited liability companies, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, and combinations of individuals in any form.