



Ohio Legislative Service Commission

Bill Analysis

Stephen Estelle

H.B. 401

128th General Assembly
(As Introduced)

Reps. Lundy and Murray, Domenick, Book, Letson, Evans, Goyal, Fende, Yuko

BILL SUMMARY

- Exempts from property taxation a public recreational facility constructed in 2008 or thereafter, owned by a municipal corporation, and used primarily by a professional minor league baseball team not affiliated with a major league team.

CONTENT AND OPERATION

Municipal minor league sports facility exemption

(R.C. 5709.081)

Current law exempts from taxation certain "public recreational facilities"--i.e., publicly owned stadiums, arenas, or similar facilities used for hosting athletic events. Exempt facilities include those owned by a political subdivision that are managed or controlled by the subdivision, by a corporation controlled by the subdivision, or by a "county-related" corporation, and that are not used by a single private, for-profit entity for more than seven days per month or by two or more private, for-profit entities for more than 15 days per month. Also exempt are facilities used by a major league professional athletic team or a Class A to Class AAA minor league affiliate of a Major League Baseball team that are owned by a political subdivision (or a corporation controlled by the political subdivision) and managed or controlled by the subdivision or corporation, or by a designee, tenant, or agent pursuant to a lease or similar agreement.

The bill expands the tax exemption to include public recreational facilities (including the land) constructed in 2008 or thereafter, owned by a municipal corporation, and used primarily by a professional minor league baseball team that is not affiliated with a constituent member club of Major League Baseball, Inc. The team must use the facility pursuant to a lease, license, management agreement, or similar

arrangement that requires the payment of rent, revenue, or other remuneration to the municipal corporation. The municipal corporation's "residual cash" from such remuneration (i.e., revenue remaining after payment of expenses to operate the facility, including payment of debt service) may be used only for the public purposes of the municipal corporation.

Application

(Section 3)

The bill first applies the expanded exemption retrospectively to tax year 2009. The application for exemption must be filed before the first day of the second month following the month that includes the bill's effective date. (Continuing law would first apply the exemption to the tax year in which the application for exemption was filed with the Tax Commissioner. R.C. 5715.27(F).)

HISTORY

ACTION	DATE
Introduced	12-23-09

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