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Substitute Bill Comparative Synopsis

Sub. H.B. 138

136th General Assembly

House Arts, Athletics and Tourism

Andrew Little, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (l_136_2182)
Improvements and services	
Requires an assessment levied through a tourism promotion district (TPD) to be used to pay for services and improvements that are designed to increase the number of overnight stays in the TPD and that are in addition to any services and improvements already provided by the local government that creates the TPD *(R.C. 1787.06(C)(10), (12), and (13))*.	Removes the requirement that those services and improvements be in addition to those already provided *(R.C. 1787.01(K) and 1787.06(C)(10), (12), and (13), and numerous other conforming changes).*
Assessment calculation	
Allows benefit assessments to be levied on a percentage of gross lodging business revenue, a fixed dollar amount per transaction, or any other reasonable method based on benefit *(R.C. 1787.07)*.	Allows benefit assessments to be levied on a percentage of gross lodging business revenue or any other reasonable method based on benefit *(R.C. 1787.07)*.
TPD territory	
Allows a TPD to extend beyond the boundaries of the municipal corporation, township, or county that creates it with the consent of the municipal	Removes local government approval and instead requires the consent of the convention and visitors' bureau operating in the outside territory

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corporation, township, or county to which the TPD extends *(R.C. 1787.02(B))*.	or, if none, a majority of lodging business owners in that territory *(R.C. 1787.01(D), 1787.02(B)(1) and (2), and 1787.03(D))*.
Renewal district term	
Allows a renewal TPD to run for ten years, unless revenue bonds are issued in which case the term runs to the bonds' maturity *(R.C. 1787.02(C))*.	Reduces a fixed-term renewal's maximum term to five years *(R.C. 1787.02(C))*.
Lodging business owner support	
Requires a request from one lodging business owner before a municipal corporation, county, or township may consider creating a TPD using the bill's prescribed process *(R.C. 1787.03(A))*.	Requires a request from two lodging business owners *(R.C. 1787.03(A))*.
Prohibits the creation or renewal of a TPD if written protests are received from lodging business owners representing at least 40% of the proposed TPD benefit assessments *(R.C. 1787.05(B))*.	Instead requires express approval from lodging business owners representing at least 60% of the proposed TPD benefit assessment and at least 60% of the lodging business beds in the proposed TPD before a TPD may be created or renewed. The bed threshold is determined by dividing the number of permanent beds maintained in the approving owners' lodging businesses by the total number of permanent beds in all lodging businesses that will be subject to the benefit assessment. *(R.C. 1787.05(B).)*
Challenges to benefit assessments and requests for dissolution	
Allows challenges to the validity of a TPD benefit assessment only in an action or proceeding commenced within 30 days of the TPD's authorization or renewal *(R.C. 1787.09)*.	Allows such challenges during a 30-day period annually, which begins on the day the TPD is authorized or that day's anniversary as long as the benefit assessment is levied *(R.C. 1787.09)*.
Allows a majority of lodging business owners in a TPD to petition for dissolution of the TPD during a 30-day period beginning on the first day of the district management association's fiscal year excluding the first two fiscal years *(R.C. 1787.13)*.	Instead only prohibits a petition during the first fiscal year *(R.C. 1787.13)*.
Management association membership	
For a newly formed nonprofit corporation selected as a TPD management association,	Instead requires all board members to be lodging business owners subject to the assessment, at

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requires at least ⅔ of the corporation's board members to be lodging business owners subject to the TPD benefit assessment *(R.C. 1787.10(A))*.	least one of whom represents a lodging business with fewer than 50 rooms, presuming one exists in the district *(R.C. 1787.10(A))*.
For an existing nonprofit corporation selected as a TPD management association, requires the corporation's board of directors to create a committee of board members to manage assessments and fulfill the TPD plan and requires at least ⅔ of the committee members to be lodging business owners *(R.C. 1787.10(B))*.	Instead requires all members of the committee to be lodging business owners subject to the assessment, at least one of whom represents a lodging business with fewer than 50 rooms, presuming one exists in the district *(R.C. 1787.10(B))*.
TPD and management association records	
Expressly establishes that TPD records and district management association records are public records, though if the district management association is a pre-existing nonprofit corporation only records dealing with its work as a management association are public records *(R.C. 1787.12(A)(5) and (B))*.	No provision.
Establishes that membership on a TPD management association board of directors or board committee is not considered holding a public office except that board members, committee members, officers, and employees are public officials or employees for purposes of the ethics law and the law regarding unlawful interests in public contracts when acting with respect to the TPD but not when acting for other purposes *(R.C. 1787.12(C)(1) and (D))*.	No provision.
Exempts district management association officers, board members, and committee members from the requirement to file a financial disclosure statement with the Ohio Ethics Commission *(R.C. 1787.12(C)(1))*.	No provision.
Provides district management association board and committee members with tort immunity available to political subdivision employees under continuing law *(R.C. 1787.12(C)(2))*.	No provision.

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