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Bill Analysis

Legislative Service Commission

H.B. 19

123rd General Assembly
(As Introduced)

**Reps. Schuler, Padgett, Britton, Clancy, Jones, Krebs, Terwilleger,
Willamowski, Taylor, Amstutz, Mottley, Haines**

BILL SUMMARY

- Requires that any instrument by which the state or a state agency acquires an interest in real property must specify the agency for whose use and benefit the real property is acquired.

CONTENT AND OPERATION

Agency identification

Under the bill, any instrument by which the state or an agency of the state acquires an interest in real property, including any deed, transfer, grant, reservation, agreement creating an easement, or lease, must identify the agency for whose benefit the interest in the real property is acquired. The bill defines an "agency" for this purpose to mean every organized body, office, or agency established by the laws of Ohio for the exercise of any function of state government. (Sec. 5301.012(A) and (B).)

If the instrument involved conveys *less than a fee simple interest* in real property and if the agency has authority to hold an interest in property in its own name, the instrument must state that the interest in the real property is conveyed "To (the name of the agency)." Otherwise, the instrument must state that the interest in the real property is conveyed "To the State of Ohio for the use and benefit of (name of agency)." (Sec. 5301.012(C)(1).)

If the instrument involved conveys *a fee simple interest* in real property and if the agency has authority to hold a fee simple interest in real property in its own name, the "deed or transfer" must state that the interest in the real property is conveyed "To the (name of agency) and its successors and assigns." Otherwise, an instrument that conveys a fee simple interest in the real property

must state "To the State of Ohio and its successors and assigns for the use and benefit of (name of agency)."¹ (Sec. 5301.012(C)(2).)

The bill states that the purpose of specifying the name of the agency in an instrument is to identify the agency that has the use and benefit of the real property and that the identification of the agency does not confer on that agency any additional property rights in regard to the real property (sec. 5310.012(D)).

Miscellaneous changes

Conforming provisions

The bill amends a number of laws that authorize specific agencies of the state to acquire real property. The amendments specify in each instance that any instrument by which an agency acquires real property must identify the agency of the state that has the use and benefit of the real property as specified in the bill's provisions described under "**Agency identification**," above. (Secs. 9.20, 121.181, 123.01, 123.04, 125.84, 149.302, 152.08, 152.21, 154.06, 154.16, 154.21, 154.22, 154.23, 163.02, 165.02, 175.04, 319.201, 901.63, 902.03, 991.07, 1501.01, 1514.301, 1515.08, 1517.17, 1519.02, 1523.01, 1551.12, 3301.481, 3354.09, 3354.13, 3355.06, 3355.10, 3357.09, 3357.12, 3358.08, 3375.40, 3375.831, 3377.04, 3377.14, 3706.04, 3747.06, 3747.14, 3793.031, 4582.06, 4582.31, 4981.14, 4981.32, 5519.37, 5120.46, 5123.22, 5501.32, 5503.02, 5519.01, 5529.03, 5537.06, 6121.04, 6123.04, and 6161.011.)

Tax liens provision

Under existing law, whenever the state acquires an easement, right, title, or interest in a parcel or part of a parcel of real property upon which a lien for taxes has attached, the state agency acquiring the property must file a specified *evidence of title* by purchase or court order with the county auditor of the county in which the property is located. The bill, while retaining this requirement, requires also that any evidence of title to real property that the state or an agency of the state files under this provision must identify the state agency that has the use and benefit of the property in accordance with the bill's provisions described under "**Agency identification**," above. (Sec. 319.201.)

¹ Sec. 5301.012(C)(2)'s reference to "deed or transfer" probably should be to an "instrument" for consistency purposes.

HISTORY

ACTION	DATE	JOURNAL ENTRY
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