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H.B. 531*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Local Government and Elections

Primary Sponsor: Rep. Ghanbari

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SUMMARY

County prosecutor legal advisor

- Allows a county prosecuting attorney to provide legal services to a regional council of governments, a metropolitan planning organization, or a regional transportation planning organization.
- Allows the county prosecuting attorney to charge a fee for legal services agreed to under the contract.

Lucas County land conveyance

- Authorizes the Department of Administrative Services (DAS) to sell 0.079 acres of real property in Lucas County to the Lucas County Commissioners for \$1.
- Authorizes DAS to sell the property using an alternative method if the county commissioners do not timely complete the sale.
- Requires the proceeds of the sale to be deposited into the state treasury to the credit of the Public Safety – Highway Purposes Fund (Fund 5TM0).
- Requires DAS to include in the deed a restriction requiring the buyer, prior to any subsequent transfer of the property, to offer it to the state at the same price for which the buyer purchased it (repurchase at the option of DAS and the Department of Public Safety (DPS)).

* This analysis was prepared before the report of the Senate Local Government and Elections Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Permits DAS to include in the deed a restriction prohibiting the buyer from leasing the property or any portion of it for purposes other than a proper public purpose, and to include reversion to the state for violation of the restriction.
- Includes in the conveyance standard provisions relating to the property being sold “as-is,” it being subject to existing encumbrances, DAS being able to include restrictions, and the buyer having to pay conveyance costs.
- Requires the property to be sold as an entire tract.
- Sunsets the land conveyance provisions three years after the provisions’ effective date.
- Supersedes Section 22 of H.B. 377 of the 134th General Assembly (effective September 22, 2022), which authorized DAS to conduct a sale of the same property by sealed bid or public auction, with the property to be sold to the highest bidder at a price acceptable to DAS and DPS.

DETAILED ANALYSIS

County prosecutor as legal adviser

The bill allows a county prosecuting attorney, in the prosecuting attorney’s discretion and with the approval of the board of county commissioners, to contract with a regional council of governments, metropolitan planning organization, or regional transportation planning organization to be its legal adviser.

The contract may provide for the payment of a fee to the prosecuting attorney for legal services agreed to under the contract. All money received under the contract must be deposited into the prosecuting attorney’s legal services fund. Money in that fund may be appropriated only to the prosecuting attorney for providing legal services under the contract.

If the regional council of governments, metropolitan planning organization, or regional transportation planning organization covers territory or a region in more than one county, the council or organization may choose the prosecuting attorney with whom it enters into the contract, with the approval of the board of county commissioners of that county.¹

This authority exists under continuing law for other, similar entities such as regional planning commissions and regional airport authorities. The bill mirrors the language currently applicable to those entities.²

¹ R.C. 167.05 and 309.09.

² R.C. 713.21, not in the bill, and R.C. 309.09.

Lucas County land conveyance

The bill authorizes the Governor to execute a Governor's Deed in the name of the state conveying to the Lucas County Commissioners all of the state's right, title, and interest in 0.079 acres in Lucas County. The property is to be sold as an entire tract and not in parcels.

This property was previously authorized to be sold pursuant to Section 22 of H.B. 377 of the 134th General Assembly (effective September 27, 2022) via a sealed bid or public auction to the highest bidder at a price acceptable to the Department of Administrative Services (DAS) and the Department of Public Safety (DPS). Under the bill, DAS instead must offer the property to the Lucas County Commissioners through a real estate purchase agreement, with a purchase price of \$1. If the Lucas County Commissioners do not complete the purchase of the property within the time period provided in the purchase agreement, DAS may use any reasonable method of sale considered acceptable by DPS to determine an alternate grantee willing to complete the purchase for a consideration acceptable to DPS within three years after the land conveyance provisions' effective date. Under the bill, DPS is required to pay all advertising costs, additional fees, and other costs incident to the sale of the property to an alternate buyer. The proceeds of the sale must be deposited into the state treasury to the credit of the Public Safety – Highway Purposes Fund (Fund 5TMO).

Upon execution of the real estate purchase agreement, DAS, with the assistance of the Attorney General, is to prepare a Governor's Deed to the property, and the buyer is to present the deed for recording in the Office of the Lucas County Recorder.

In addition to the standard provisions described below, the deed must contain a restriction stating that prior to any subsequent sale or transfer of the property, the buyer must offer the property to the state at the same price the buyer purchased the property. Acceptance of the offer is at the sole option and discretion of DAS and DPS. DAS also may include in the deed a restriction prohibiting the lease of the property or any portion of it for purposes other than a proper public purpose; the deed may contain a provision requiring reversion to the state for a violation of this restriction.

The conveyance is to contain standard land conveyance bill provisions:

- The conveyance includes improvements and chattels situated on the property, and is subject to all easements, covenants, conditions, leases, and restrictions of record: all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and property taxes and assessments not yet due and payable.
- The property is to be conveyed in an “as-is, where-is, with all faults” condition.
- Other than the potential advertising costs regarding alternative buyers described above, the buyer must pay all costs associated with the purchase, closing, and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.
- DAS may include in the deed restrictions, exceptions, reservations, reversionary interests, and other terms and conditions it determines to be in the best interest of the

state, and subsequent to the conveyance, the state or DPS may release any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed without the necessity of further legislation.

The bill's land conveyance provisions expire three years after their effective date.³

HISTORY

Action	Date
Introduced	01-12-22
Reported, H. Civil Justice	03-02-22
Passed House (96-0)	03-09-22
Reported, S. Local Gov't and Elections	---

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³ Section 3; Section 22 of H.B. 377 of the 134th General Assembly.