

I_136_0315-5

136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 1

To amend sections 319.202, 4735.56, and 5301.256 of
the Revised Code to modify the law that
prohibits certain governments, businesses, and
individuals from acquiring certain real property
and to name this act the Ohio Property
Protection Act.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 319.202, 4735.56, and 5301.256 of
the Revised Code be amended to read as follows:

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Sec. 319.202. Before the county auditor indorses any real
property conveyance or manufactured or mobile home conveyance
presented to the auditor pursuant to section 319.20 of the
Revised Code or registers any manufactured or mobile home
conveyance pursuant to section 4503.061 of the Revised Code, the
grantee or the grantee's representative shall submit, either
electronically or three written copies of, a statement, in the
form prescribed by the tax commissioner, and other information
as the county auditor may require, declaring the value of real
property or manufactured or mobile home conveyed, except that,
subject to division (B) (2) of this section, when the transfer is

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exempt under division (G) (3) of section 319.54 of the Revised Code only a statement of the reason for the exemption shall be required. Each statement submitted under this section shall contain the information required under divisions (A), (B), and (C) of this section and, if the statement involves the transfer of protected property, the affirmations required by division (B) (2) of this section.

(A) Each statement submitted under this section shall include or otherwise be accompanied by a statement advising the grantee of the eligibility requirements for the reduction in taxes authorized under division (B) of section 323.152 of the Revised Code and of the duty imposed by division (C) (1) of section 323.153 of the Revised Code on the grantee to notify the county auditor if the grantee no longer qualifies for the reduction.

~~(B)~~ (B) (1) Each statement submitted under this section shall either:

~~(1)~~ (a) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge either the preceding or the current year's taxes on the real property or the current or following year's taxes on the manufactured or mobile home conveyed will be reduced under division (A) of section 323.152 or under section 4503.065 of the Revised Code and that the grantor indicated that to the best of the grantor's knowledge the taxes will not be so reduced; or

~~(2)~~ (b) Be accompanied by a sworn or affirmed instrument stating:

~~(a)~~ (i) To the best of the grantor's knowledge the real

property or the manufactured or mobile home that is the subject 49
of the conveyance is eligible for and will receive a reduction 50
in taxes for or payable in the current year under division (A) 51
of section 323.152 or under section 4503.065 of the Revised Code 52
and that the reduction or reductions will be reflected in the 53
grantee's taxes; 54

~~(b)~~ (ii) The estimated amount of such reductions that will 55
be reflected in the grantee's taxes; 56

~~(c)~~ (iii) That the grantor and the grantee have considered 57
and accounted for the total estimated amount of such reductions 58
to the satisfaction of both the grantee and the grantor. The 59
auditor shall indorse the instrument, return it to the grantee 60
or the grantee's representative, and provide a copy of the 61
indorsed instrument to the grantor or the grantor's 62
representative. 63

(2) Each statement submitted under this section involving 64
the transfer of protected property shall contain both of the 65
following: 66

(a) An affirmation by the grantee as to whether the 67
grantee is prohibited from purchasing or otherwise acquiring 68
protected property under section 5301.256 of the Revised Code; 69

(b) An affirmation by the grantor as to whether the 70
grantor is prohibited from purchasing or otherwise acquiring 71
protected property under section 5301.256 of the Revised Code 72
and, if so, whether the protected property that is the subject 73
of the transfer was acquired in violation of, or is subject to 74
divestment under, that section. 75

(C) Each statement submitted under this section shall 76
either: 77

(1) Contain an affirmation by the grantee that the grantor 78
has been asked by the grantee or the grantee's representative 79
whether to the best of the grantor's knowledge the real property 80
conveyed qualified for the current agricultural use valuation 81
under section 5713.30 of the Revised Code either for the 82
preceding or the current year and that the grantor indicated 83
that to the best of the grantor's knowledge the property 84
conveyed was not so qualified; or 85

(2) Be accompanied by a sworn or affirmed instrument 86
stating: 87

(a) To the best of the grantor's knowledge the real 88
property conveyed was qualified for the current agricultural use 89
valuation under section 5713.30 of the Revised Code either for 90
the preceding or the current year; 91

(b) To the extent that the property will not continue to 92
qualify for the current agricultural use valuation either for 93
the current or the succeeding year, that the property will be 94
subject to a recoupment charge equal to the tax savings in 95
accordance with section 5713.34 of the Revised Code; 96

(c) That the grantor and the grantee have considered and 97
accounted for the total estimated amount of such recoupment, if 98
any, to the satisfaction of both the grantee and the grantor. 99
The auditor shall indorse the instrument, forward it to the 100
grantee or the grantee's representative, and provide a copy of 101
the indorsed instrument to the grantor or the grantor's 102
representative. 103

~~(D)~~ (D) (1) The grantor shall pay ~~the~~ the following: 104

(a) The fee required by division (G) (3) of section 319.54 105
of the Revised Code; ~~and, in~~ 106

(b) In the event the board of county commissioners of the 107
county has levied a real property or a manufactured home 108
transfer tax pursuant to Chapter 322. of the Revised Code, the 109
amount required by the real property or manufactured home 110
transfer tax so levied. If 111

(2) If the conveyance is exempt from the fee provided for 112
in division (G) (3) of section 319.54 of the Revised Code and the 113
tax, if any, levied pursuant to Chapter 322. of the Revised 114
Code, the reason for such exemption shall be shown on the 115
statement. "Value" means, in the case of any deed or certificate 116
of title not a gift in whole or part, the amount of the full 117
consideration therefor, paid or to be paid for the real estate 118
or manufactured or mobile home described in the deed or title, 119
including the amount of any mortgage or vendor's lien thereon. 120
If property sold under a land installment contract is conveyed 121
by the seller under such contract to a third party and the 122
contract has been of record at least twelve months prior to the 123
date of conveyance, "value" means the unpaid balance owed to the 124
seller under the contract at the time of the conveyance, but the 125
statement shall set forth the amount paid under such contract 126
prior to the date of conveyance. In the case of a gift in whole 127
or part, "value" means the estimated price the real estate or 128
manufactured or mobile home described in the deed or certificate 129
of title would bring in the open market and under the then 130
existing and prevailing market conditions in a sale between a 131
willing seller and a willing buyer, both conversant with the 132
property and with prevailing general price levels. No person 133
shall willfully falsify the value of property conveyed. 134

(E) The auditor shall indorse each conveyance on its face 135
to indicate the amount of the conveyance fee and compliance with 136
this section and if the property is residential rental property 137

include a statement that the grantee shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. The auditor shall retain the original copy of the statement of value, forward to the tax commissioner one copy on which shall be noted the most recent assessed value of the property, and furnish one copy to the grantee or the grantee's representative.

~~(F)~~ (F) (1) The auditor shall not indorse a conveyance of protected property if the statement submitted under this section does not include both of the affirmations required by division (B) (2) of this section.

(2) The auditor shall refer information about a conveyance of protected property to the county sheriff for investigation and enforcement under division (G) of section 5301.256 of the Revised Code if either of the following apply:

(a) The grantee affirms, or the auditor has reason to believe, that the grantee is prohibited from purchasing or otherwise acquiring protected property under section 5301.256 of the Revised Code.

(b) The grantor affirms, or the auditor has reason to believe, that the grantor has acquired protected property in violation of, or has not timely divested all rights, titles, and interests in the protected property under, section 5301.256 of the Revised Code.

(G) The auditor shall not refuse to indorse a conveyance for either of the reasons specified in division (F) (2) of this section.

(H) In order to achieve uniform administration and collection of the transfer fee required by division (G) (3) of

section 319.54 of the Revised Code, the tax commissioner shall 167
adopt ~~and promulgate~~ rules for the administration and 168
enforcement of the levy and collection of such fee. 169

~~(G)~~(I) As used in this section, ~~"residential":~~ 170

(1) "Protected property" has the same meaning as in 171
section 5301.256 of the Revised Code. 172

(2) "Residential rental property" has the same meaning as 173
in section 5323.01 of the Revised Code. 174

(3) (a) "Value" means, in the case of any deed or 175
certificate of title not a gift in whole or part, the amount of 176
the full consideration therefor, paid or to be paid for the real 177
estate or manufactured or mobile home described in the deed or 178
title, including the amount of any mortgage or vendor's lien 179
thereon. 180

(b) If property sold under a land installment contract is 181
conveyed by the seller under such contract to a third party and 182
the contract has been of record at least twelve months prior to 183
the date of conveyance, "value" means the unpaid balance owed to 184
the seller under the contract at the time of the conveyance, but 185
the statement shall set forth the amount paid under such 186
contract prior to the date of conveyance. 187

(c) In the case of a gift in whole or part, "value" means 188
the estimated price the real estate or manufactured or mobile 189
home described in the deed or certificate of title would bring 190
in the open market and under the then existing and prevailing 191
market conditions in a sale between a willing seller and a 192
willing buyer, both conversant with the property and with 193
prevailing general price levels. 194

Sec. 4735.56. (A) Each brokerage shall develop a written 195

brokerage policy on agency to be given to prospective sellers, 196
tenants, and purchasers in accordance with this section. 197

(B) The brokerage policy on agency described in division 198
(A) of this section shall include all of the following 199
information: 200

(1) An explanation of the permissible agency relationships 201
available under section 4735.53 of the Revised Code and the 202
duties that the agent owes the agent's client; 203

(2) The brokerage's policy on representation of purchasers 204
or sellers; 205

(3) Whether at some time during the agency relationship 206
the brokerage and its licensee may act as a dual agent, and the 207
options and consequences for the client if a dual agency 208
situation arises including the right of the client to terminate 209
the agency relationship and seek representation from another 210
source; 211

(4) Whether at some time during the agency relationship, 212
another licensee affiliated with the same brokerage as the 213
licensee may become the exclusive agent for the other party in 214
the transaction and whether each licensee will represent only 215
the interests of that licensee's client; 216

(5) The brokerage's policy on cooperation with other 217
brokerages, including whether the brokerage offers compensation 218
to other brokerages or will seek compensation from other 219
brokerages; 220

(6) That a brokerage that has a purchaser as a client 221
represents the purchaser's interests even though the seller's 222
agent or the seller may compensate that purchaser's brokerage; 223

(7) That individuals, businesses, countries, criminal 224
enterprises, gangs, cartels, organizations, and governments 225
associated with countries that are deemed by the secretary of 226
state to constitute a threat to the agricultural production, 227
critical infrastructure, security, or military defense of this 228
state or the United States are prohibited from acquiring 229
protected property, as defined in section 5301.256 of the 230
Revised Code, and that the brokerage has no duty to determine or 231
inquire whether a purchaser or seller is subject to that 232
prohibition; 233

(8) That the signature of the purchaser or the seller 234
indicates acknowledgement of receipt of the brokerage policy on 235
agency. 236

(C) A licensee working directly with a seller in a real 237
estate transaction shall provide the seller with the brokerage 238
policy on agency described in this section at the time the 239
licensee and seller enter into an agency agreement, if required 240
by section 4735.55 of the Revised Code or, if an agency 241
agreement is not required by that section, prior to advertising 242
or showing the seller's real estate, and shall obtain a 243
signature from the seller acknowledging receipt unless the 244
seller refuses to provide a signature. If the seller refuses to 245
provide a signature, the licensee shall note this on the policy. 246

(D) A licensee working directly with a purchaser in a real 247
estate transaction, whether as the purchaser's agent, the 248
seller's agent, or the seller's subagent, shall provide the 249
purchaser with the brokerage policy on agency described in this 250
section and obtain a signature from the purchaser acknowledging 251
receipt of the policy unless the purchaser refuses to provide a 252
signature. If the purchaser refuses to provide a signature, the 253

licensee shall note this on the policy. Except as provided in 254
division (E) of this section, the licensee shall provide the 255
brokerage policy on agency to a purchaser prior to the earliest 256
of the following actions of the licensee: 257

(1) Initiating a prequalification evaluation to determine 258
whether the purchaser has the financial ability to purchase or 259
lease a particular real estate property; 260

(2) Requesting specific financial information from the 261
purchaser to determine the purchaser's ability to purchase or 262
finance real estate in a particular price range; 263

(3) Showing the real estate to the purchaser other than at 264
an open house; 265

(4) Discussing, with the purchaser, the making of an offer 266
to purchase or lease real estate; 267

(5) Submitting an offer to purchase or lease real estate 268
on behalf of the purchaser; 269

(6) Entering into an agency agreement with the purchaser 270
under section 4735.55 of the Revised Code. 271

(E) If the earliest event described in division (D) of 272
this section is by telephone or electronic mail, the licensee 273
shall disclose by that same medium the nature of the agency 274
relationship that the licensee has with both the seller and the 275
purchaser. The licensee shall provide the purchaser with the 276
brokerage policy on agency described in this section at the 277
first meeting with the purchaser following this disclosure of 278
the agency relationship. 279

(F) A licensee acting as a seller's agent is not required 280
to provide a purchaser with the brokerage policy on agency 281

described in this section except in the case of an event 282
described in division (D) of this section. 283

(G) The requirements of this section regarding provision 284
of a brokerage policy on agency apply only in the following 285
situations: 286

(1) The sale or lease of vacant land; 287

(2) The sale of a parcel of real estate containing one to 288
four residential units; 289

(3) The leasing of residential premises as defined in 290
section 5321.01 of the Revised Code, if the rental or lease 291
agreement is for a term of more than eighteen months. 292

Sec. 5301.256. (A) As used in this section: 293

(1) "Agriculture" has the same meaning as in section 1.61 294
of the Revised Code. 295

(2) "Agricultural land" means land suitable for use in 296
agriculture and includes water on and upon and air space over 297
and above the land and natural products and deposits that are 298
unsevered from the land. 299

(3) "Person" includes ~~all of the following:~~ 300

~~(a) Individuals;~~ 301

~~(b) Firms~~individuals, businesses, countries, criminal 302
enterprises, gangs, cartels, organizations, and governments. 303

(4) "Business" includes firms, companies, business trusts, 304
estates, trusts, sole proprietorships, partnerships, general 305
partnerships, limited liability companies, associations, 306
corporations, and any other legal, business, or commercial 307
entities;~~—~~ 308

(c) Governments.	309
<u>(5) "Government" means a government other than the</u>	310
<u>government of the United States, its states, subdivisions,</u>	311
<u>territories, or possessions;</u>	312
(d) Legal or commercial entities, organizations, joint	313
ventures, and nonprofits.	314
<u>(6) "Real property" means land and improvements to land</u>	315
<u>and includes water on and upon and air space over and above the</u>	316
<u>land and natural products and deposits that are unsevered from</u>	317
<u>the land.</u>	318
<u>(7) "Protected property" means real property in this state</u>	319
<u>that is any of the following:</u>	320
<u>(a) Agricultural land;</u>	321
<u>(b) Located within a ten mile radius of any installation</u>	322
<u>under the jurisdiction of the armed forces, as defined in</u>	323
<u>section 5903.01 of the Revised Code, such as a military base, a</u>	324
<u>camp, or an airport;</u>	325
<u>(c) Located within a ten mile radius of a critical</u>	326
<u>infrastructure facility, as defined in section 2911.21 of the</u>	327
<u>Revised Code.</u>	328
<u>(8) "Control" means the authority, by contract or by law,</u>	329
<u>to direct the affairs and day-to-day operations of a business</u>	330
<u>without the consent of any other person.</u>	331
<u>(9) "Own" means possession of more than fifty per cent of</u>	332
<u>the stock, equity, or other ownership interest of a business.</u>	333
<u>(10) "Foreign adversary" means a country listed on the</u>	334
<u>registry published by the secretary of state under division (H)</u>	335

of this section. 336

(B) (1) On or after ~~the effective date of this section,~~ 337
October 3, 2023, no person listed in the registry published by 338
the secretary of state under division ~~(G)~~ (H) of this section, 339
and no agent, trustee, or fiduciary of such a person, shall 340
purchase or otherwise acquire agricultural land in this state. 341

(2) On or after the effective date of this amendment, none 342
of the following persons shall, directly or indirectly, purchase 343
or otherwise acquire protected property: 344

(a) A person listed on the registry published by the 345
secretary of state under division (H) of this section; 346

(b) A government of a foreign adversary; 347

(c) An individual who is a citizen of a foreign adversary, 348
regardless of whether that same individual is also a citizen or 349
national of one or more other countries, other than the United 350
States, that are not foreign adversaries; 351

(d) A business that is headquartered in a foreign 352
adversary; 353

(e) A business that is directly or indirectly owned or 354
controlled by one or more persons described in divisions (B) (2) 355
(a) to (d) of this section, or an agent, fiduciary, or trustee 356
of such persons; 357

(f) An agent, fiduciary, or trustee of a person described 358
in divisions (B) (2) (a) to (e) of this section. 359

(C) (1) A person, agent, trustee or fiduciary subject to 360
division (B) (1) of this section that owns or holds agricultural 361
land in this state ~~as described in division (B) (1) of this~~ 362
~~section before the effective date of this section~~ October 3, 363

2023, may continue to own or hold the agricultural land, but 364
shall not purchase or otherwise acquire additional agricultural 365
land in this state that is subject to the restriction in 366
division (B) (1) of this section unless an exception described in 367
division ~~(C)~~ (D) of this section applies. 368

~~(C)~~ (2) A person subject to division (B) (2) of this 369
section is not required to divest of, and may continue to own or 370
hold protected property, other than agricultural land, if any of 371
the following apply: 372

(a) The person acquires the right, title, or interest in 373
the protected property before the effective date of this 374
amendment. 375

(b) The person acquires the right, title, or interest 376
before the date the person becomes subject to division (B) (2) of 377
this section and, if applicable, the date the foreign adversary 378
with which the person is connected, as described in divisions 379
(B) (2) (b) to (f) of this section, is added to the registry 380
published by the secretary of state under division (H) of this 381
section. 382

(c) The person acquires the right, title, or interest in 383
the protected property, other than agricultural land, under 384
division (D) (2) of this section. 385

(D) (1) The restriction on acquiring agricultural land 386
restrictions set forth in ~~division~~ divisions (B) (1) and (2) of 387
this section ~~does~~ do not apply to ~~any~~ either of the following: 388

~~(1) Agricultural land~~ (a) Protected property acquired by 389
devise or descent, subject to the divestment requirements in 390
division (F) of this section, if applicable. ~~However, a person~~ 391
~~listed in the registry published by the secretary of state under~~ 392

~~division (G) of this section, or an agent, trustee, or fiduciary~~ 393
~~thereof, that acquires the agricultural land, or an interest in~~ 394
~~agricultural land, by devise or descent on or after the~~ 395
~~effective date of this section shall divest itself of all right,~~ 396
~~title, and interest in the agricultural land within two years~~ 397
~~from the date of acquisition.~~ 398

~~(2) Agricultural land~~ (b) Protected property that is 399
acquired, directly or indirectly, by a process of law in the 400
collection of debts, by a deed in lieu of foreclosure, pursuant 401
to a forfeiture of a contract for deed, or by any procedure for 402
the enforcement of a lien or claim on the ~~agricultural~~ 403
~~land~~ protected property, whether created by mortgage or 404
otherwise, subject to the divestment requirements under division 405
(F) of this section, if applicable. ~~Agricultural land so~~ 406
~~acquired shall be sold or otherwise disposed of within two years~~ 407
~~after title is transferred.~~ Agricultural ~~If the protected~~ 408
property is agricultural land, pending sale or disposition such 409
divestment, the land shall not be used for any purpose other 410
than agriculture, and the land shall not be used for agriculture 411
under lease to an individual, trust, corporation, partnership, 412
or other business entity subject to the restrictions under 413
division (B) (1) or (2) of this section. 414

~~(D)~~ (2) In addition to the exceptions described in 415
division (D) (1) of this section, the restrictions set forth in 416
division (B) (2) of this section do not apply to either of the 417
following: 418

(a) Protected property other than agricultural land 419
directly or indirectly acquired by agent, fiduciary, or trustee 420
of a person described in divisions (B) (2) (a) to (e) of this 421
section acting in the agent's, fiduciary's, or trustee's 422

personal capacity, if both of the following apply: 423

(i) The agent, fiduciary, or trustee is not a person 424
described in divisions (B)(2)(a) to (e) of this section; 425

(ii) The agent, fiduciary, or trustee is not purchasing or 426
otherwise acquiring the property to circumvent the restrictions 427
prescribed by this section. 428

(b) Protected property other than agricultural land 429
directly or indirectly acquired by an individual who is a United 430
States citizen, United States national, or a lawful permanent 431
resident of the United States, or who is an active or reserve 432
member of the armed forces of the United States or has retired 433
from or was honorably discharged from military service in the 434
active or reserve armed forces of the United States, unless that 435
individual is purchasing or otherwise acquiring the property as 436
an agent, fiduciary, or trustee of a person described in 437
divisions (B)(2)(a) to (e) of this section. 438

(E) A person listed in the registry published by the 439
secretary of state under subject to division (G) (B) (1) or (2) 440
of this section, or an agent, trustee, or fiduciary of such a 441
person, shall not directly or indirectly transfer title to or 442
an interest in agricultural land protected property to another 443
person listed in that registry, or an agent, trustee, or 444
fiduciary thereof subject to those divisions, except by devise or 445
descent unless an exception described in division (D) of this 446
section applies. 447

~~(E)~~ (F) A person that purchases or otherwise acquires 448
agricultural land in this state described in division (B)(1) of 449
this section, other than by devise or descent, after the 450
effective date of this section, and that is subsequently added 451

~~to the registry published by the secretary of state under~~ 452
~~subject to division (G) (B) (1) or (2) of this section, shall~~ 453
~~divest itself of all right, title, and interest in the~~ 454
~~agricultural land protected property, other than protected~~ 455
~~property described in division (C) of this section, within two~~ 456
~~years from after the later of the following:~~ 457

(1) The date the person is added to the registry becomes 458
subject to division (B) (1) or (2) of this section; 459

(2) The date the person acquires the right, title, or 460
interest in the protected property. 461

~~(F) (1) (G) (1) If the secretary of state a county auditor~~ 462
~~finds or has reason to believe that a person listed on the~~ 463
~~registry published under division (C) of this section, or an~~ 464
~~agent, trustee, or fiduciary thereof, subject to division (B) (1)~~ 465
~~or (2) of this section has acquired, or holds title to, or~~ 466
~~interest in, agricultural land protected property in this state~~ 467
~~in violation of this section, the secretary of state auditor~~ 468
~~shall report the violation to the attorney general notify the~~ 469
~~county sheriff of each county in which the protected property is~~ 470
~~located. The county sheriff shall investigate the allegation. If~~ 471
~~the protected property is located in more than one county, the~~ 472
~~county sheriffs of those counties may investigate the allegation~~ 473
~~collaboratively.~~ 474

(2) Upon receipt of the report from the secretary of 475
state, the attorney general concluding the investigation, if the 476
county sheriff determines that a violation has occurred, the 477
county sheriff shall refer the violation to the county 478
prosecutor. Upon receiving such a referral, the county 479
prosecutor shall initiate either commence an action in the court 480
of common pleas of any the county in which the agricultural land 481

~~is located seeking relief in accordance with this section or~~ 482
~~refer the alleged violation to the attorney general for further~~ 483
~~investigation.~~ 484

(3) Upon receiving a referral under division (G) (2) of 485
this section, the attorney general shall investigate. All powers 486
available to the attorney general under section 1345.06 of the 487
Revised Code are available to the attorney general to 488
investigate an alleged violation of this section. Upon 489
concluding the investigation, if the attorney general determines 490
that a violation has occurred, the attorney general shall 491
commence an action in the court of common pleas of the county in 492
which the protected property is located. 493

(4) If the agricultural land protected property is located 494
in more than one county, or adjoining tracts of agricultural 495
land are located in more than one county, rather than commencing 496
a separate action in each such county, the county prosecutors or 497
the attorney general, as applicable, may commence one 498
consolidated action in the county in which the majority of the 499
agricultural land territory of the protected property is located 500
shall have. In a consolidated action, the court of common pleas 501
of the county in which the majority of the territory of the 502
protected property is located has territorial jurisdiction over 503
agricultural land all protected property that is the subject of 504
the action. The attorney general may initiate an action in the 505
court of common pleas of more than one county, if necessary, in 506
which case, the court of common pleas in that county shall have 507
jurisdiction over the action in matters as it relates to the 508
portion of the agricultural land that is located in that county. 509

~~(3) The attorney general~~ (5) Once the action is commenced, 510
the county prosecutor or the attorney general, as applicable, 511

shall file a notice of the pendency of the action with the 512
county recorder of each county in which ~~any of the agricultural~~ 513
~~land~~ protected property subject to the action is located. 514

~~(4)~~ (6) If the court finds that the ~~agricultural land~~ 515
protected property in question has been acquired or held in 516
violation of this section, it shall do all of the following: 517

(a) Enter an order so declaring; 518

(b) File a copy of the order with the county recorder of 519
each county in which ~~any portion of the agricultural land~~ 520
protected property is located; 521

(c) ~~Declare the agricultural land escheated to the state;~~ 522

~~(d)~~ Order that the ~~escheated agricultural land~~ protected 523
property be sold pursuant to Chapter 2329. of the Revised Code 524
in the same manner as a foreclosure on a mortgage, except that 525
there shall be no opportunity for redemption under section 526
2329.33 of the Revised Code. 527

~~(5)~~ (7) Upon receiving an order under division ~~(F) (4)~~ (G) 528
(6) of this section, the clerk of the court shall notify the 529
governor that the ~~title to the agricultural land~~ protected 530
property is vested in the state to be sold by decree of the 531
court. ~~After the sale, the~~ 532

(8) If the action is commenced and litigated by the county 533
prosecutor, the proceeds of the sale shall be paid as follows: 534

(a) ~~The proceeds shall first be used~~ First, to pay court 535
costs related to the action or actions ~~initiated pursuant to~~ 536
~~division (F) (2) of this section;~~ 537

(b) ~~The remaining proceeds, if any, shall be paid to the~~ 538
~~person whose agricultural land escheated, but only in an amount~~ 539

~~not exceeding the actual cost paid by the person for that~~ 540
~~agricultural land~~ Second, to bona fide lien holders, in their 541
order of priority, except for liens that under the terms of the 542
sale are to remain on the property; 543

~~(c) The proceeds remaining after payments have been made~~ 544
~~pursuant to divisions (F) (5) (a) and (b) of this section shall be~~ 545
~~paid~~ Third, to the general fund of each county in which the 546
~~agricultural land~~ protected property is located, proportionally, 547
based on the percentage of the territory located in each county. 548

(9) If the action is commenced by the attorney general, 549
the proceeds of the sale shall be paid as follows: 550

(a) First, to pay court costs related to the action or 551
actions; 552

(b) Second, to bona fide lien holders, in their order of 553
priority, except for liens that under the terms of the sale are 554
to remain on the property; 555

(c) Third, to pay the actual costs incurred by the 556
attorney general in investigating the alleged violation and 557
litigating the civil action; 558

(d) Fourth, to the local government fund. 559

~~(G)~~ (H) (1) The secretary of state shall compile and 560
~~periodically update~~ at least one time every six months a 561
registry of foreign adversaries and other persons that, based on 562
the best information available to the secretary of state, 563
constitute a threat to the agricultural production, critical 564
infrastructure, security, or military defense of this state, or 565
the United States, if permitted to acquire agricultural land 566
~~described in division (B) (1) of this section.~~ 567

(2) The registry shall be published on the secretary of
state's web site.

(3) The secretary of state shall consult all of the
following in compiling the registry:

~~(1)~~ (a) The list of persons determined ~~to be foreign~~
~~adversaries~~ by the secretary of commerce of the United States
~~under 15 C.F.R. 7.4~~ to have engaged in a long-term pattern or
serious instances of conduct significantly adverse to the
national security of the United States or the security and
safety of United States persons and, therefore, to constitute
foreign adversaries for the purposes of Executive Order 13873,
issued by the president of the United States on May 15, 2019;

~~(2)~~ (b) The terrorist exclusion list compiled by the
secretary of state of the United States in consultation with the
attorney general of the United States under 8 U.S.C. 1182;

~~(3)~~ (c) The list of countries determined by the secretary
of state of the United States that have repeatedly provided
support for acts of international terrorism under 50 U.S.C.
4813(c) and 22 U.S.C. 2780(d);

~~(4)~~ (d) The list of individual and entities designated by,
or in accordance with Executive Order 13224, issued by the
president of the United States on September 23, ~~2021~~2001, or
Executive Order 13268, issued by the president of the United
States on July 2, 2002;

(e) The list of cartels and other organizations designated
by the secretary of state of the United States in consultation
with the secretary of the treasury of the United States, the
attorney general of the United States, the secretary of homeland
security of the United States, and the director of national

intelligence of the United States as foreign terrorist 597
organizations consistent with 8 U.S.C. 1189, or specifically 598
designated global terrorists consistent with 50 U.S.C. 1702 and 599
Executive Order 13224, issued by the president of the United 600
States on September 23, 2001. 601

~~(H)~~ (4) The secretary of state shall not include on the 602
registry any person that does not appear on at least one of the 603
federal lists described in division (H) (3) of this section. 604

(I) (1) No person is required to determine or inquire 605
whether another person is or may be subject to division (B) (1) 606
or (2) of this section unless the person is either: 607

(a) Subject to one or both of those divisions; 608

(b) A county auditor, county sheriff, county prosecutor, 609
attorney general, or trier of fact of a court of common pleas 610
acting in the person's official capacity as provided in this 611
section or section 319.302 of the Revised Code; 612

(2) A person that is not subject to division (B) (1) or (2) 613
of this section bears no liability under this section. 614

(3) No title to an interest in real property is invalid or 615
subject to divestment by reason of a violation of this section 616
by any former owner or other person holding or owning a former 617
interest in such real property. 618

(J) The purpose of establishing the restrictions as set 619
forth in this section is to recognize that the state has a 620
substantial and compelling interest in protecting its 621
agricultural production, critical infrastructure, security, and 622
military defense. 623

Section 2. That existing sections 319.202, 4735.56, and 624

5301.256 of the Revised Code are hereby repealed. 625

Section 3. This act shall be known as the Ohio Property 626
Protection Act. 627