A B I L L

To amend section 149.30 and to enact section 155.28 of the Revised Code to prohibit a war relic located on public property or cemetery association property from being sold, disturbed, or otherwise disposed of, except under certain circumstances, and to designate this act as the "Ohio Veterans' Heritage Protection Act."

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

Section 1. That section 149.30 be amended and section 155.28 of the Revised Code be enacted to read as follows:

Sec. 149.30. The Ohio history connection, chartered by this state as a corporation not for profit to promote a knowledge of history and archaeology, especially of Ohio, and operated continuously in the public interest since 1885, may perform public functions as prescribed by law.

The general assembly may appropriate money to the Ohio history connection each biennium to carry out the public functions of the Ohio history connection as enumerated in this act.
section. An appropriation by the general assembly to the Ohio history connection constitutes an offer to contract with the Ohio history connection to carry out those public functions for which appropriations are made. An acceptance by the Ohio history connection of the appropriated funds constitutes an acceptance by the Ohio history connection of the offer and is considered an agreement by the Ohio history connection to perform those functions in accordance with the terms of the appropriation and the law and to expend the funds only for the purposes for which appropriated. The governor may request on behalf of the Ohio history connection, and the controlling board may release, additional funds to the Ohio history connection for survey, salvage, repair, or rehabilitation of an emergency nature for which funds have not been appropriated, and acceptance by the Ohio history connection of those funds constitutes an agreement on the part of the Ohio history connection to expend those funds only for the purpose for which released by the controlling board.

The Ohio history connection shall faithfully expend and apply all moneys received from the state to the uses and purposes directed by law and for necessary administrative expenses. If the general assembly appropriates money to the Ohio history connection for grants or subsidies to other entities for their site-related programs, the Ohio history connection, except for good cause, shall distribute the money within ninety days of accepting a grant or subsidy application for the money.

The Ohio history connection shall perform the public function of sending notice by ordinary or certified mail to the owner of any property at the time it is listed on the national register of historic places. The Ohio history connection shall accurately record all expenditures of such funds in conformity
with generally accepted accounting principles.

The auditor of state shall audit all funds and fiscal records of the Ohio history connection.

The public functions to be performed by the Ohio history connection shall include all of the following:

(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, custody, and control of the Ohio history connection, all of which shall be maintained and kept for public use at reasonable hours;

(B) Making alterations and improvements, marking, and constructing, reconstructing, protecting, or restoring structures, earthworks, and monuments in its care, and equipping such facilities with appropriate educational maintenance facilities;

(C) Serving as the archives administration for the state and its political subdivisions as provided in sections 149.31 to 149.42 of the Revised Code;

(D) Administering a state historical museum, to be the headquarters of the society and its principal museum and library, which shall be maintained and kept for public use at reasonable hours;
(E) Establishing a marking system to identify all designated historic and archaeological sites within the state and marking or causing to be marked historic sites and communities considered by the society to be historically or archaeologically significant;

(F) Publishing books, pamphlets, periodicals, and other publications about history, archaeology, and natural science and offering one copy of each regular periodical issue to all public libraries in this state at a reasonable price, which shall not exceed one hundred ten per cent more than the total cost of publication;

(G) Engaging in research in history, archaeology, and natural science and providing historical information upon request to all state agencies;

(H) Collecting, preserving, and making available by all appropriate means and under approved safeguards all manuscript, print, or near-print library collections and all historical objects, specimens, and artifacts which pertain to the history of Ohio and its people, including the following original documents: Ohio Constitution of 1802; Ohio Constitution of 1851; proposed Ohio Constitution of 1875; design and the letters of patent and assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R.
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 (1947);

(I) Encouraging and promoting the organization and
development of county and local historical societies;

(J) Providing to Ohio schools such materials as the Ohio
history connection may prepare to facilitate the instruction of
Ohio history at a reasonable price, which shall not exceed one
hundred ten per cent more than the total cost of preparation and
delivery;

(K) Providing advisory and technical assistance to local
societies for the preservation and restoration of historic and
archaeological sites;

(L) Devising uniform criteria for the designation of
historic and archaeological sites throughout the state and
advising local historical societies of the criteria and their
application;

(M) Taking inventory, in cooperation with the Ohio arts
council, the Ohio archaeological council, and the archaeological
society of Ohio, of significant designated and undesignated
state and local sites and keeping an active registry of all
designated sites within the state;

(N) Contracting with the owners or persons having an
interest in designated historic or archaeological sites or
property adjacent or contiguous to those sites, or acquiring, by
purchase, gift, or devise, easements in those sites or in
property adjacent or contiguous to those sites, in order to
control or restrict the use of those historic or archaeological
sites or adjacent or contiguous property for the purpose of
restoring or preserving the historical or archaeological
significance or educational value of those sites;

(O) Constructing a monument honoring Governor James A. Rhodes, which shall stand on the northeast quadrant of the grounds surrounding the capitol building. The monument shall be constructed with private funds donated to the Ohio history connection and designated for this purpose. No public funds shall be expended to construct this monument. The department of administrative services shall cooperate with the Ohio history connection in carrying out this function and shall maintain the monument in a manner compatible with the grounds of the capitol building.

(P) Commissioning a portrait of each departing governor, which shall be displayed in the capitol building. The Ohio history connection may accept private contributions designated for this purpose and, at the discretion of its board of trustees, also may apply for the same purpose funds appropriated by the general assembly to the Ohio history connection pursuant to this section.

(Q) Submitting an annual report of its activities, programs, and operations to the governor within two months after the close of each fiscal year of the state.

The Ohio history connection, with the help of local historical societies, may compile and maintain a registry of war relics, as defined in section 155.28 of the Revised Code, that are located on public property or on the property of a cemetery association.

The Ohio history connection shall not sell, mortgage, transfer, or dispose of historical or archaeological sites to which it has title and in which the state has monetary interest.
except by action of the general assembly.

In consideration of the public functions performed by the Ohio history connection for the state, employees of the Ohio history connection shall be considered public employees within the meaning of section 145.01 of the Revised Code.

**Sec. 155.28.** (A) As used in this section:

(1) "Person" means any individual, firm, partnership, association, corporation, governmental agency, or the state or a political subdivision of the state.

(2) "Public property" means property owned or leased by the state or a political subdivision of the state.

(3) "War" means the French and Indian war, American revolution, war of 1812, United States-Mexican war, American civil war 1861-1865, Spanish-American war, the Mexican border period, World War I, World War II, Korean war, Vietnam war, operation urgent fury (Grenada), operation El Dorado Canyon (Libya), operation just cause (Panama), operation desert shield/desert storm (Persian Gulf War I), operation enduring freedom (Afghanistan), and operation Iraqi freedom (Persian Gulf War II).

(4) "War relic" means a cannon or other artillery from the era of a war, or a statue, monument, memorial, or plaque that has been erected for, or named or dedicated in honor of, a war or an individual's or group of individuals' service in a war.

(B) Except as provided in division (C) of this section:

(1) No war relic that is located on public property or on the property of a cemetery association may be sold or otherwise disposed of by any person.
(2) No war relic that is located on public property or on the property of a cemetery association may be destroyed, relocated, removed, altered, or otherwise disturbed by any person, except that the person having responsibility for maintaining the war relic may temporarily relocate, remove, alter, or otherwise disturb the war relic to preserve, care for, repair, or restore it, to place it in a temporary public display, or to use it in re-enactments of a war.

(C) A war relic that is located on public property or on the property of a cemetery association may be returned to the federal government. If the federal government does not accept the war relic, it shall be offered to the Ohio history connection. If the Ohio history connection does not accept the war relic, it shall be given to the sons of union veterans of the civil war, department of Ohio.

(D)(1) A purchaser who violates division (B)(1) of this section shall be fined not more than ten thousand dollars. The purchaser shall pay the fine to the veterans service commission of the county in which the war relic was located and the purchaser shall return the war relic to the seller. A seller who violates division (B)(1) of this section shall pay any money received from selling or otherwise disposing of a war relic to the veterans service commission of the county in which the war relic was located.

(2) Except as otherwise provided in division (D)(3) of this section, any person who violates division (B)(2) of this section shall be fined not more than ten thousand dollars, unless the person returns the war relic to its original condition not later than ninety days after receiving a written notice that the person has violated division (B)(2) of this section.
section. The fine shall be paid to the veterans service
commission of the county in which the war relic was located.

(3) A governmental agency, the state, or a political
subdivision of the state shall not be fined under division (D)
(2) of this section.

(E) Fifty per cent of all fines and moneys collected under
divisions (D)(1) and (2) of this section shall be used by the
veterans service commission for the maintenance, repair,
installation, or restoration of veterans' memorials. The
remainder shall be evenly divided among and disbursed to
congressionally chartered veterans' services organizations in
the county, including the sons of union veterans of the civil
war, department of Ohio.

(F) This section does not apply to the state or a
political subdivision of the state if it can clearly prove
ownership, by written documentation, of a war relic.

Section 2. That existing section 149.30 of the Revised
Code is hereby repealed.

Section 3. This act is the Ohio Veterans' Heritage
Protection Act.