

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 48

Representative Schaffer

Cosponsors: Representatives Perales, Dean, Retherford

A BILL

To amend section 149.30 and to enact section 155.28 1
of the Revised Code to prohibit a war relic that 2
is located on public property or on the property 3
of a cemetery association from being sold or 4
otherwise disposed of, or destroyed, relocated, 5
removed, altered, or otherwise disturbed, except 6
under certain circumstances. 7

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

Section 1. That section 149.30 be amended and section 8
155.28 of the Revised Code be enacted to read as follows: 9

Sec. 149.30. The Ohio history connection, chartered by 10
this state as a corporation not for profit to promote a 11
knowledge of history and archaeology, especially of Ohio, and 12
operated continuously in the public interest since 1885, may 13
perform public functions as prescribed by law. 14

The general assembly may appropriate money to the Ohio 15
history connection each biennium to carry out the public 16
functions of the Ohio history connection as enumerated in this 17
section. An appropriation by the general assembly to the Ohio 18

history connection constitutes an offer to contract with the 19
Ohio history connection to carry out those public functions for 20
which appropriations are made. An acceptance by the Ohio history 21
connection of the appropriated funds constitutes an acceptance 22
by the Ohio history connection of the offer and is considered an 23
agreement by the Ohio history connection to perform those 24
functions in accordance with the terms of the appropriation and 25
the law and to expend the funds only for the purposes for which 26
appropriated. The governor may request on behalf of the Ohio 27
history connection, and the controlling board may release, 28
additional funds to the Ohio history connection for survey, 29
salvage, repair, or rehabilitation of an emergency nature for 30
which funds have not been appropriated, and acceptance by the 31
Ohio history connection of those funds constitutes an agreement 32
on the part of the Ohio history connection to expend those funds 33
only for the purpose for which released by the controlling 34
board. 35

The Ohio history connection shall faithfully expend and 36
apply all moneys received from the state to the uses and 37
purposes directed by law and for necessary administrative 38
expenses. If the general assembly appropriates money to the Ohio 39
history connection for grants or subsidies to other entities for 40
their site-related programs, the Ohio history connection, except 41
for good cause, shall distribute the money within ninety days of 42
accepting a grant or subsidy application for the money. 43

The Ohio history connection shall perform the public 44
function of sending notice by certified mail to the owner of any 45
property at the time it is listed on the national register of 46
historic places. The Ohio history connection shall accurately 47
record all expenditures of such funds in conformity with 48
generally accepted accounting principles. 49

The auditor of state shall audit all funds and fiscal records of the Ohio history connection. 50
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The public functions to be performed by the Ohio history connection shall include all of the following: 52
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(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; 54
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(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; 66
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(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; 71
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(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; 74
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(E) Establishing a marking system to identify all 78

designated historic and archaeological sites within the state 79
and marking or causing to be marked historic sites and 80
communities considered by the society to be historically or 81
archaeologically significant; 82

(F) Publishing books, pamphlets, periodicals, and other 83
publications about history, archaeology, and natural science and 84
offering one copy of each regular periodical issue to all public 85
libraries in this state at a reasonable price, which shall not 86
exceed one hundred ten per cent more than the total cost of 87
publication; 88

(G) Engaging in research in history, archaeology, and 89
natural science and providing historical information upon 90
request to all state agencies; 91

(H) Collecting, preserving, and making available by all 92
appropriate means and under approved safeguards all manuscript, 93
print, or near-print library collections and all historical 94
objects, specimens, and artifacts which pertain to the history 95
of Ohio and its people, including the following original 96
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 97
proposed Ohio Constitution of 1875; design and the letters of 98
patent and assignment of patent for the state flag; S.J.R. 13 99
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 100
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 101
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 102
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 103
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 104
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 105
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 106
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 107
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 108

(1947); and H.J.R. 48 (1947);	109
(I) Encouraging and promoting the organization and	110
development of county and local historical societies;	111
(J) Providing to Ohio schools such materials as the Ohio	112
history connection may prepare to facilitate the instruction of	113
Ohio history at a reasonable price, which shall not exceed one	114
hundred ten per cent more than the total cost of preparation and	115
delivery;	116
(K) Providing advisory and technical assistance to local	117
societies for the preservation and restoration of historic and	118
archaeological sites;	119
(L) Devising uniform criteria for the designation of	120
historic and archaeological sites throughout the state and	121
advising local historical societies of the criteria and their	122
application;	123
(M) Taking inventory, in cooperation with the Ohio arts	124
council, the Ohio archaeological council, and the archaeological	125
society of Ohio, of significant designated and undesignated	126
state and local sites and keeping an active registry of all	127
designated sites within the state;	128
(N) Contracting with the owners or persons having an	129
interest in designated historic or archaeological sites or	130
property adjacent or contiguous to those sites, or acquiring, by	131
purchase, gift, or devise, easements in those sites or in	132
property adjacent or contiguous to those sites, in order to	133
control or restrict the use of those historic or archaeological	134
sites or adjacent or contiguous property for the purpose of	135
restoring or preserving the historical or archaeological	136
significance or educational value of those sites;	137

(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 167
Ohio history connection for the state, employees of the Ohio 168
history connection shall be considered public employees within 169
the meaning of section 145.01 of the Revised Code. 170

Sec. 155.28. (A) As used in this section: 171

(1) "Person" means any individual, firm, partnership, 172
association, corporation, governmental agency, or the state or a 173
political subdivision of the state. 174

(2) "Public property" means property owned or leased by 175
the state or a political subdivision of the state. 176

(3) "War" means the French and Indian war, American 177
revolution, war of 1812, United States-Mexican war, American 178
civil war 1861-1865, Spanish-American war, the Mexican border 179
period, World War I, World War II, Korean war, Vietnam war, 180
operation urgent fury (Grenada), operation El Dorado Canyon 181
(Libya), operation just cause (Panama), operation desert 182
shield/desert storm (Persian Gulf War I), operation enduring 183
freedom (Afghanistan), and operation Iraqi freedom (Persian Gulf 184
War II). 185

(4) "War relic" means a cannon or other artillery from the 186
era of a war, or a statue, monument, memorial, or plaque that 187
has been erected for, or named or dedicated in honor of, a war 188
or an individual's or group of individuals' service in a war. 189

(B) Except as provided in division (C) of this section: 190

(1) No war relic that is located on public property or on 191
the property of a cemetery association may be sold or otherwise 192
disposed of by any person. 193

(2) No war relic that is located on public property or on 194

the property of a cemetery association may be destroyed, 195
relocated, removed, altered, or otherwise disturbed by any 196
person, except that the person having responsibility for 197
maintaining the war relic may temporarily relocate, remove, 198
alter, or otherwise disturb the war relic to preserve, care for, 199
repair, or restore it, to place it in a temporary public 200
display, or to use it in re-enactments of a war. 201

(C) A war relic that is located on public property or on 202
the property of a cemetery association may be returned to the 203
federal government. If the federal government does not accept 204
the war relic, it shall be offered to the Ohio history 205
connection. If the Ohio history connection does not accept the 206
war relic, it shall be given to the sons of union veterans of 207
the civil war, department of Ohio. 208

(D) (1) A purchaser who violates division (B) (1) of this 209
section shall be fined ten thousand dollars. The purchaser shall 210
pay the fine to the veterans service commission of the county in 211
which the war relic was located and the purchaser shall return 212
the war relic to the seller. A seller who violates division (B) 213
(1) of this section shall pay any money received from selling or 214
otherwise disposing of a war relic to the veterans service 215
commission of the county in which the war relic was located. 216

(2) Any person who violates division (B) (2) of this 217
section shall be fined ten thousand dollars, unless the person 218
returns the war relic to its original condition not later than 219
ninety days after receiving a written notice that the person has 220
violated division (B) (2) of this section. The fine shall be paid 221
to the veterans service commission of the county in which the 222
war relic was located. 223

(E) Fifty per cent of all fines and moneys collected under 224

divisions (D) (1) and (2) of this section shall be used by the 225
veterans service commission for the maintenance, repair, 226
installation, or restoration of veterans' memorials. The 227
remainder shall be evenly divided among and disbursed to 228
congressionally chartered veterans' services organizations in 229
the county, including the sons of union veterans of the civil 230
war, department of Ohio. 231

(F) This section does not apply to the state or a 232
political subdivision of the state if it can clearly prove 233
ownership, by written documentation, of a war relic. 234

Section 2. That existing section 149.30 of the Revised 235
Code is hereby repealed. 236

Section 3. This act is the Ohio Veterans' Heritage 237
Protection Act. 238