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H. B. No. 190

Representatives Ginter, Miller, A.

**Cosponsors: Representatives Kick, Cutrona, LaRe, Cross, Riedel, Miller, J.,
Crawley, Young, T., Fowler Arthur, McClain, Patton, Sheehy, Gross, Bird, Brown,
Galonski, Ghanbari, Hoops, Householder, John, Jones, Lanese, Leland,
Lightbody, Loychik, Manning, Miranda, O'Brien, Oelslager, Pavliga, Plummer,
Schmidt, Smith, M., Stewart, Troy, White**

A BILL

To amend sections 149.30 and 155.99 and to enact 1
section 155.28 of the Revised Code to prohibit a 2
war relic located on public property or cemetery 3
association property from being sold, disturbed, 4
or otherwise disposed of, except under certain 5
circumstances, and to designate this act as the 6
"Ohio Veterans' Heritage Protection Act." 7

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

Section 1. That sections 149.30 and 155.99 be amended and 8
section 155.28 of the Revised Code be enacted to read as 9
follows: 10

Sec. 149.30. The Ohio history connection, chartered by 11
this state as a corporation not for profit to promote a 12
knowledge of history and archaeology, especially of Ohio, and 13
operated continuously in the public interest since 1885, may 14
perform public functions as prescribed by law. 15

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 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 47
register of historic places. The Ohio history connection shall 48
accurately record all expenditures of such funds in conformity 49
with generally accepted accounting principles. 50

The auditor of state shall audit all funds and fiscal 51
records of the Ohio history connection. 52

The public functions to be performed by the Ohio history 53
connection shall include all of the following: 54

(A) Creating, supervising, operating, protecting, 55
maintaining, and promoting for public use a system of state 56
memorials, titles to which may reside wholly or in part with 57
this state or wholly or in part with the Ohio history connection 58
as provided in and in conformity to appropriate acts and 59
resolves of the general assembly, and leasing for renewable 60
periods of two years or less, with the advice and consent of the 61
attorney general and the director of administrative services, 62
lands and buildings owned by the state which are in the care, 63
custody, and control of the Ohio history connection, all of 64
which shall be maintained and kept for public use at reasonable 65
hours; 66

(B) Making alterations and improvements, marking, and 67
constructing, reconstructing, protecting, or restoring 68
structures, earthworks, and monuments in its care, and equipping 69
such facilities with appropriate educational maintenance 70
facilities; 71

(C) Serving as the archives administration for the state 72
and its political subdivisions as provided in sections 149.31 to 73
149.42 of the Revised Code; 74

(D) Administering a state historical museum, to be the 75

headquarters of the society and its principal museum and	76
library, which shall be maintained and kept for public use at	77
reasonable hours;	78
(E) Establishing a marking system to identify all	79
designated historic and archaeological sites within the state	80
and marking or causing to be marked historic sites and	81
communities considered by the society to be historically or	82
archaeologically significant;	83
(F) Publishing books, pamphlets, periodicals, and other	84
publications about history, archaeology, and natural science and	85
offering one copy of each regular periodical issue to all public	86
libraries in this state at a reasonable price, which shall not	87
exceed one hundred ten per cent more than the total cost of	88
publication;	89
(G) Engaging in research in history, archaeology, and	90
natural science and providing historical information upon	91
request to all state agencies;	92
(H) Collecting, preserving, and making available by all	93
appropriate means and under approved safeguards all manuscript,	94
print, or near-print library collections and all historical	95
objects, specimens, and artifacts which pertain to the history	96
of Ohio and its people, including the following original	97
documents: Ohio Constitution of 1802; Ohio Constitution of 1851;	98
proposed Ohio Constitution of 1875; design and the letters of	99
patent and assignment of patent for the state flag; S.J.R. 13	100
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883);	101
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17	102
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903);	103
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34	104
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5	105

(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929);	106
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936);	107
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R.	108
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24	109
(1947); and H.J.R. 48 (1947);	110
(I) Encouraging and promoting the organization and	111
development of county and local historical societies;	112
(J) Providing to Ohio schools such materials as the Ohio	113
history connection may prepare to facilitate the instruction of	114
Ohio history at a reasonable price, which shall not exceed one	115
hundred ten per cent more than the total cost of preparation and	116
delivery;	117
(K) Providing advisory and technical assistance to local	118
societies for the preservation and restoration of historic and	119
archaeological sites;	120
(L) Devising uniform criteria for the designation of	121
historic and archaeological sites throughout the state and	122
advising local historical societies of the criteria and their	123
application;	124
(M) Taking inventory, in cooperation with the Ohio arts	125
council, the Ohio archaeological council, and the archaeological	126
society of Ohio, of significant designated and undesignated	127
state and local sites and keeping an active registry of all	128
designated sites within the state;	129
(N) Contracting with the owners or persons having an	130
interest in designated historic or archaeological sites or	131
property adjacent or contiguous to those sites, or acquiring, by	132
purchase, gift, or devise, easements in those sites or in	133
property adjacent or contiguous to those sites, in order to	134

control or restrict the use of those historic or archaeological 135
sites or adjacent or contiguous property for the purpose of 136
restoring or preserving the historical or archaeological 137
significance or educational value of those sites; 138

(O) Constructing a monument honoring Governor James A. 139
Rhodes, which shall stand on the northeast quadrant of the 140
grounds surrounding the capitol building. The monument shall be 141
constructed with private funds donated to the Ohio history 142
connection and designated for this purpose. No public funds 143
shall be expended to construct this monument. The department of 144
administrative services shall cooperate with the Ohio history 145
connection in carrying out this function and shall maintain the 146
monument in a manner compatible with the grounds of the capitol 147
building. 148

(P) Commissioning a portrait of each departing governor, 149
which shall be displayed in the capitol building. The Ohio 150
history connection may accept private contributions designated 151
for this purpose and, at the discretion of its board of 152
trustees, also may apply for the same purpose funds appropriated 153
by the general assembly to the Ohio history connection pursuant 154
to this section. 155

(Q) Submitting an annual report of its activities, 156
programs, and operations to the governor within two months after 157
the close of each fiscal year of the state. 158

The Ohio history connection, with the help of local 159
historical societies, may compile and maintain a registry of war 160
relics, as defined in section 155.28 of the Revised Code, that 161
are located on public property or on the property of a cemetery 162
association. 163

The Ohio history connection shall not sell, mortgage, 164
transfer, or dispose of historical or archaeological sites to 165
which it has title and in which the state has monetary interest 166
except by action of the general assembly. 167

In consideration of the public functions performed by the 168
Ohio history connection for the state, employees of the Ohio 169
history connection shall be considered public employees within 170
the meaning of section 145.01 of the Revised Code. 171

Sec. 155.28. (A) As used in this section: 172

"Person" means any individual, firm, partnership, 173
association, corporation, governmental agency, or the state or a 174
political subdivision of the state. 175

"Public property" means property owned or leased by the 176
state or a political subdivision of the state. 177

"War" means the French and Indian war, American 178
revolution, war of 1812, United States-Mexican war, American 179
civil war 1861-1865, Spanish-American war, the Mexican border 180
period, World War I, World War II, Korean conflict, Vietnam era, 181
operation urgent fury (Grenada), operation El Dorado Canyon 182
(Libya), operation just cause (Panama), operation desert 183
shield/desert storm (Persian Gulf War I), operation enduring 184
freedom (Afghanistan), operation Iraqi freedom (Persian Gulf War 185
II), any subsequent declaration of war by the congress of the 186
United States, or any subsequent armed conflict in which the 187
United States is engaged. 188

"War relic" means a cannon or other artillery from the era 189
of a war, or a statue, monument, memorial, or plaque that has 190
been erected for, or named or dedicated in honor of, a war or an 191
individual's or group of individuals' service in a war. 192

<u>(B) Except as provided in division (C) of this section:</u>	193
<u>(1) No war relic that is located on public property or on</u>	194
<u>the property of a cemetery association may be sold or otherwise</u>	195
<u>disposed of by any person.</u>	196
<u>(2) No person may purchase a war relic in violation of</u>	197
<u>this section.</u>	198
<u>(3) No war relic that is located on public property or on</u>	199
<u>the property of a cemetery association may be destroyed,</u>	200
<u>relocated, removed, altered, or otherwise disturbed by any</u>	201
<u>person, except that the person having responsibility for</u>	202
<u>maintaining the war relic may temporarily relocate, remove,</u>	203
<u>alter, or otherwise disturb the war relic to preserve, care for,</u>	204
<u>repair, or restore it, to place it in a temporary public</u>	205
<u>display, or to use it in re-enactments of a war.</u>	206
<u>(C) A governmental agency, the state, a political</u>	207
<u>subdivision, or a cemetery association that wishes to dispossess</u>	208
<u>a war relic that is located on public property or on the</u>	209
<u>property of a cemetery association may give the war relic to the</u>	210
<u>federal government. If the federal government does not accept</u>	211
<u>the war relic, it shall be given to the Ohio history connection.</u>	212
<u>If the Ohio history connection does not accept the war relic, it</u>	213
<u>shall be given to the sons of union veterans of the civil war,</u>	214
<u>department of Ohio, or, if the war relic is not of the civil war</u>	215
<u>era, it shall be given to any congressionally chartered</u>	216
<u>veterans' service organization at the discretion of the Ohio</u>	217
<u>history connection.</u>	218
<u>(D) This section does not apply to the state or a</u>	219
<u>political subdivision of the state if it can clearly prove</u>	220
<u>ownership, by written documentation, of a war relic. A</u>	221

governmental agency, the state, or a political subdivision of 222
the state shall not be fined under division (E) of section 223
155.99 of the Revised Code for a violation. 224

Sec. 155.99. (A) Whoever violates division (B) of section 225
155.04 of the Revised Code is guilty of a minor misdemeanor. 226

(B) Whoever violates section 155.05 of the Revised Code is 227
guilty of a misdemeanor of the fourth degree. 228

(C) Whoever violates division (B) (1) of section 155.28 of 229
the Revised Code is guilty of a misdemeanor. Notwithstanding 230
sections 2929.21 to 2929.28 of the Revised Code, the court shall 231
order the offender to pay any money received from selling or 232
otherwise disposing of a war relic to united service 233
organizations, inc., (USO), a corporation federally chartered 234
under 36 U.S.C. 220101. 235

(D) Whoever violates division (B) (2) of section 155.28 of 236
the Revised Code is guilty of a misdemeanor. Notwithstanding 237
sections 2929.21 to 2929.28 of the Revised Code, the court may 238
order the offender to pay a fine of not more than ten thousand 239
dollars to united service organizations, inc., (USO), a 240
corporation federally chartered under 36 U.S.C. 220101, and the 241
court shall order the offender to return the war relic to the 242
seller. 243

(E) Whoever violates division (B) (3) of section 155.28 of 244
the Revised Code is guilty of a misdemeanor. Notwithstanding 245
sections 2929.21 to 2929.28 of the Revised Code, the court shall 246
institute a right to cure period of ninety days to restore the 247
war relic to its prior condition and location. Upon the 248
expiration of the right to cure period, the court may order an 249
offender who has not cured the violation to pay a fine of not 250

<u>more than ten thousand dollars to united service organizations,</u>	251
<u>inc., (USO), a corporation federally chartered under 36 U.S.C.</u>	252
<u>220101.</u>	253
Section 2. That existing sections 149.30 and 155.99 of the	254
Revised Code are hereby repealed.	255
Section 3. This act is the Ohio Veterans' Heritage	256
Protection Act.	257