

AN ACT

To amend sections 149.30 and 155.99 and to enact section 155.28 of the Revised Code to prohibit certain war relics located on public property or cemetery association property from being disposed of, 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 sections 149.30 and 155.99 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 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.

Money or fines paid to the Ohio history connection under section 155.99 of the Revised Code shall be expended by the Ohio history connection only for the preservation of war relics.

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:

"Ohio history connection" means the corporation described in section 149.30 of the Revised Code.

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

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

"War" means the French and Indian war, American revolutionary war, 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 conflict, Vietnam era, 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), operation Iraqi freedom (Persian Gulf War II), any subsequent declaration of war by the congress of the United States, or any subsequent armed conflict in which the United States is engaged.

"War relic" means a cannon or other artillery, from the era of a war, that was used by forces of the American colonies, of the federal government of the United States of America, or of any state in support of the United States of America; or a statue, monument, memorial, or plaque that has been erected for, or named or dedicated in honor of, an individual's or group of individuals' service with those forces.

(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 person may purchase a war relic in violation of this section.

(3) No war relic that is located on public property or on the property of a cemetery association may be destroyed, altered, or otherwise disturbed by any person, except that the person having responsibility for maintaining the war relic may 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. A person having responsibility for maintaining a war relic located on public property or on the property of a cemetery association may permanently relocate the war relic as long as it remains on public property or on the property of a cemetery association.

(C) A governmental agency, the state, a political subdivision, or a cemetery association that wishes to dispossess a war relic that is located on public property or on the property of a cemetery association may give the war relic to the federal government. If the federal government does not accept the war relic, it shall be given 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, or, if the war relic is not of the civil war era, it shall be given to any congressionally chartered veterans' service organization at the discretion of the Ohio history connection.

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

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

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

(C) Whoever knowingly violates division (B)(1) of section 155.28 of the Revised Code is guilty of a misdemeanor. Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, the court shall order the offender to pay any money received from selling or otherwise disposing of a war

relic to the corporation described in section 149.30 of the Revised Code as the Ohio history connection.

(D) Whoever knowingly violates division (B)(2) of section 155.28 of the Revised Code is guilty of a misdemeanor. Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, the court may order the offender to pay a fine of not more than ten thousand dollars to the corporation described in section 149.30 of the Revised Code as the Ohio history connection, and the court shall order the offender to return the war relic to the seller.

(E) Whoever knowingly violates division (B)(3) of section 155.28 of the Revised Code is guilty of a misdemeanor. Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, the court shall institute a right to cure period of ninety days to restore the war relic to its prior condition and location. Upon the expiration of the right to cure period, the court may order an offender who has not cured the violation to pay a fine of not more than ten thousand dollars to the corporation described in section 149.30 of the Revised Code as the Ohio history connection.

SECTION 2. That existing sections 149.30 and 155.99 of the Revised Code are hereby repealed.

SECTION 3. This act shall be known as the Ohio Veterans' Heritage Protection Act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. S. B. No. 59

134th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____