

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 48**

**Representative Schaffer**

**Cosponsors: Representatives Perales, Dean, Retherford**

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**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 50  
records of the Ohio history connection. 51

The public functions to be performed by the Ohio history 52  
connection shall include all of the following: 53

(A) Creating, supervising, operating, protecting, 54  
maintaining, and promoting for public use a system of state 55  
memorials, titles to which may reside wholly or in part with 56  
this state or wholly or in part with the Ohio history connection 57  
as provided in and in conformity to appropriate acts and 58  
resolves of the general assembly, and leasing for renewable 59  
periods of two years or less, with the advice and consent of the 60  
attorney general and the director of administrative services, 61  
lands and buildings owned by the state which are in the care, 62  
custody, and control of the Ohio history connection, all of 63  
which shall be maintained and kept for public use at reasonable 64  
hours; 65

(B) Making alterations and improvements, marking, and 66  
constructing, reconstructing, protecting, or restoring 67  
structures, earthworks, and monuments in its care, and equipping 68  
such facilities with appropriate educational maintenance 69  
facilities; 70

(C) Serving as the archives administration for the state 71  
and its political subdivisions as provided in sections 149.31 to 72  
149.42 of the Revised Code; 73

(D) Administering a state historical museum, to be the 74  
headquarters of the society and its principal museum and 75  
library, which shall be maintained and kept for public use at 76  
reasonable hours; 77

(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. 138  
Rhodes, which shall stand on the northeast quadrant of the 139  
grounds surrounding the capitol building. The monument shall be 140  
constructed with private funds donated to the Ohio history 141  
connection and designated for this purpose. No public funds 142  
shall be expended to construct this monument. The department of 143  
administrative services shall cooperate with the Ohio history 144  
connection in carrying out this function and shall maintain the 145  
monument in a manner compatible with the grounds of the capitol 146  
building. 147

(P) Commissioning a portrait of each departing governor, 148  
which shall be displayed in the capitol building. The Ohio 149  
history connection may accept private contributions designated 150  
for this purpose and, at the discretion of its board of 151  
trustees, also may apply for the same purpose funds appropriated 152  
by the general assembly to the Ohio history connection pursuant 153  
to this section. 154

(Q) Submitting an annual report of its activities, 155  
programs, and operations to the governor within two months after 156  
the close of each fiscal year of the state. 157

The Ohio history connection, with the help of local 158  
historical societies, may compile and maintain a registry of war 159  
relics, as defined in section 155.28 of the Revised Code, that 160  
are located on public property or on the property of a cemetery 161  
association. 162

The Ohio history connection shall not sell, mortgage, 163  
transfer, or dispose of historical or archaeological sites to 164  
which it has title and in which the state has monetary interest 165  
except by action of the general assembly. 166

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, 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