

I_134_0049-9

**134th General Assembly
Regular Session
2021-2022**

Sub. S. B. No. 59

A BILL

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.

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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:

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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.

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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

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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 ordinary or certified mail to the 45
owner of any property at the time it is listed on the national 46
register of historic places. The Ohio history connection shall 47
accurately record all expenditures of such funds in conformity 48

with 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 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;	78 79 80 81 82
(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;	83 84 85 86 87 88
(G) Engaging in research in history, archaeology, and natural science and providing historical information upon request to all state agencies;	89 90 91
(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.	92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107

8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24
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(1947); and H.J.R. 48 (1947); 109

(I) Encouraging and promoting the organization and
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development of county and local historical societies; 111

(J) Providing to Ohio schools such materials as the Ohio
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history connection may prepare to facilitate the instruction of
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Ohio history at a reasonable price, which shall not exceed one
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hundred ten per cent more than the total cost of preparation and
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delivery; 116

(K) Providing advisory and technical assistance to local
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societies for the preservation and restoration of historic and
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archaeological sites; 119

(L) Devising uniform criteria for the designation of
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historic and archaeological sites throughout the state and
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advising local historical societies of the criteria and their
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application; 123

(M) Taking inventory, in cooperation with the Ohio arts
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council, the Ohio archaeological council, and the archaeological
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society of Ohio, of significant designated and undesignated
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state and local sites and keeping an active registry of all
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designated sites within the state; 128

(N) Contracting with the owners or persons having an
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interest in designated historic or archaeological sites or
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property adjacent or contiguous to those sites, or acquiring, by
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purchase, gift, or devise, easements in those sites or in
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property adjacent or contiguous to those sites, in order to
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control or restrict the use of those historic or archaeological
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sites or adjacent or contiguous property for the purpose of
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restoring or preserving the historical or archaeological
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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.	138 139 140 141 142 143 144 145 146 147
(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.	148 149 150 151 152 153 154
(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.	155 156 157
<u>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.</u>	158 159 160 161 162
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	163 164 165

except by action of the general assembly. 166

Money or fines paid to the Ohio history connection under 167
section 155.99 of the Revised Code shall be expended by the Ohio 168
history connection only for the preservation of war relics. 169

In consideration of the public functions performed by the 170
Ohio history connection for the state, employees of the Ohio 171
history connection shall be considered public employees within 172
the meaning of section 145.01 of the Revised Code. 173

Sec. 155.28. (A) As used in this section: 174

"Ohio history connection" means the corporation described 175
in section 149.30 of the Revised Code. 176

"Person" means any individual, firm, partnership, 177
association, corporation, governmental agency, or the state or a 178
political subdivision of the state. 179

"Public property" means property owned or leased by the 180
state or a political subdivision of the state. 181

"War" means the French and Indian war, American 182
revolutionary war, war of 1812, United States-Mexican war, 183
American civil war 1861-1865, Spanish-American war, the Mexican 184
border period, World War I, World War II, Korean conflict, 185
Vietnam era, operation urgent fury (Grenada), operation 186
Dorado Canyon (Libya), operation just cause (Panama), operation 187
desert shield/desert storm (Persian Gulf War I), operation 188
enduring freedom (Afghanistan), operation Iraqi freedom (Persian 189
Gulf War II), any subsequent declaration of war by the congress 190
of the United States, or any subsequent armed conflict in which 191
the United States is engaged. 192

"War relic" means a cannon or other artillery, from the 193

era of a war, that was used by forces of the American colonies, 194
of the federal government of the United States of America, or of 195
any state in support of the United States of America; or a 196
statue, monument, memorial, or plaque that has been erected for, 197
or named or dedicated in honor of, an individual's or group of 198
individuals' service with those forces. 199

(B) Except as provided in division (C) of this section: 200

(1) No war relic that is located on public property or on 201
the property of a cemetery association may be sold or otherwise 202
disposed of by any person. 203

(2) No person may purchase a war relic in violation of 204
this section. 205

(3) No war relic that is located on public property or on 206
the property of a cemetery association may be destroyed, 207
altered, or otherwise disturbed by any person, except that the 208
person having responsibility for maintaining the war relic may 209
relocate, remove, alter, or otherwise disturb the war relic to 210
preserve, care for, repair, or restore it, to place it in a 211
temporary public display, or to use it in re-enactments of a 212
war. A person having responsibility for maintaining a war relic 213
located on public property or on the property of a cemetery 214
association may permanently relocate the war relic as long as it 215
remains on public property or on the property of a cemetery 216
association. 217

(C) A governmental agency, the state, a political 218
subdivision, or a cemetery association that wishes to dispossess 219
a war relic that is located on public property or on the 220
property of a cemetery association may give the war relic to the 221
federal government. If the federal government does not accept 222

the war relic, it shall be given to the Ohio history connection. 223
If the Ohio history connection does not accept the war relic, it 224
shall be given to the sons of union veterans of the civil war, 225
department of Ohio, or, if the war relic is not of the civil war 226
era, it shall be given to any congressionally chartered 227
veterans' service organization at the discretion of the Ohio 228
history connection. 229

(D) This section does not apply to the state or a 230
political subdivision of the state if it can clearly prove 231
ownership, by written documentation, of a war relic. A 232
governmental agency, the state, or a political subdivision of 233
the state shall not be fined under division (E) of section 234
155.99 of the Revised Code for a violation. 235

Sec. 155.99. (A) Whoever violates division (B) of section 236
155.04 of the Revised Code is guilty of a minor misdemeanor. 237

(B) Whoever violates section 155.05 of the Revised Code is 238
guilty of a misdemeanor of the fourth degree. 239

(C) Whoever knowingly violates division (B) (1) of section 240
155.28 of the Revised Code is guilty of a misdemeanor. 241
Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, 242
the court shall order the offender to pay any money received 243
from selling or otherwise disposing of a war relic to the 244
corporation described in section 149.30 of the Revised Code as 245
the Ohio history connection. 246

(D) Whoever knowingly violates division (B) (2) of section 247
155.28 of the Revised Code is guilty of a misdemeanor. 248
Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, 249
the court may order the offender to pay a fine of not more than 250
ten thousand dollars to the corporation described in section 251

149.30 of the Revised Code as the Ohio history connection, and 252
the court shall order the offender to return the war relic to 253
the seller. 254

(E) Whoever knowingly violates division (B)(3) of section 255
155.28 of the Revised Code is guilty of a misdemeanor. 256
Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, 257
the court shall institute a right to cure period of ninety days 258
to restore the war relic to its prior condition and location. 259
Upon the expiration of the right to cure period, the court may 260
order an offender who has not cured the violation to pay a fine 261
of not more than ten thousand dollars to the corporation 262
described in section 149.30 of the Revised Code as the Ohio 263
history connection. 264

Section 2. That existing sections 149.30 and 155.99 of the 265
Revised Code are hereby repealed. 266

Section 3. This act shall be known as the Ohio Veterans' 267
Heritage Protection Act. 268