

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 59**

**Senator Schaffer**

**Cosponsors: Senators Craig, Hoagland, Blessing, Cirino, Fedor, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Maharath, Manning, O'Brien, Peterson, Reineke, Roegner, Rulli, Sykes, Thomas, Williams, Wilson, Yuko Representatives Sheehy, Baldrige, Brown, Callender, Carruthers, Click, Creech, Fowler Arthur, Fraizer, Grendell, Hall, Holmes, Hoops, John, Johnson, Jones, Kick, Lanese, Leland, Lightbody, Lipps, Loychik, Manning, McClain, Miller, J., Miller, K., Oelslager, Pavliga, Plummer, Ray, Richardson, Riedel, Roemer, Schmidt, Sobecki, Stephens, Swearingen, Troy, Upchurch, West, White, Wilkin, Young, T.**

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**A BILL**

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

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

**Section 1.** That sections 149.30 and 155.99 be amended and 7  
section 155.28 of the Revised Code be enacted to read as 8  
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 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	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

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 El 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 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. 189  
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"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. 193  
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(B) Except as provided in division (C) of this section: 200

(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. 201  
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(2) No person may purchase a war relic in violation of this section. 204  
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(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. 206  
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(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