

As Introduced

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

S. B. No. 59

**Senator Schaffer
Cosponsor: Senator Craig**



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.

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 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 records of the Ohio history connection. 50
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The public functions to be performed by the Ohio history connection shall include all of the following: 52
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(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; 54
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(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; 66
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(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; 71
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(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; 74
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(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. 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 167
section 155.99 of the Revised Code shall be expended by the Ohio 168
history connection only for the performance of the public 169
functions of the corporation. 170

In consideration of the public functions performed by the 171
Ohio history connection for the state, employees of the Ohio 172
history connection shall be considered public employees within 173
the meaning of section 145.01 of the Revised Code. 174

Sec. 155.28. (A) As used in this section: 175

"Ohio history connection" means the corporation described 176
in section 149.30 of the Revised Code. 177

"Person" means any individual, firm, partnership, 178
association, corporation, governmental agency, or the state or a 179
political subdivision of the state. 180

"Public property" means property owned or leased by the 181
state or a political subdivision of the state. 182

"War" means the French and Indian war, American 183
revolutionary war, war of 1812, United States-Mexican war, 184
American civil war 1861-1865, Spanish-American war, the Mexican 185
border period, World War I, World War II, Korean conflict, 186
Vietnam era, operation urgent fury (Grenada), operation El 187
Dorado Canyon (Libya), operation just cause (Panama), operation 188
desert shield/desert storm (Persian Gulf War I), operation 189
enduring freedom (Afghanistan), operation Iraqi freedom (Persian 190
Gulf War II), any subsequent declaration of war by the congress 191
of the United States, or any subsequent armed conflict in which 192
the United States is engaged. 193

"War relic" means a cannon or other artillery, from the 194
era of a war, that was used by forces of the American colonies, 195

the federal government of the United States of America, or by 196
any state in support of the United States of America. 197

(B) Except as provided in division (C) of this section: 198

(1) No war relic that is located on public property or on 199
the property of a cemetery association may be sold or otherwise 200
disposed of by any person. 201

(2) No person may purchase a war relic in violation of 202
this section. 203

(3) No war relic that is located on public property or on 204
the property of a cemetery association may be destroyed, 205
relocated, removed, altered, or otherwise disturbed by any 206
person, except that the person having responsibility for 207
maintaining the war relic may temporarily relocate, remove, 208
alter, or otherwise disturb the war relic to preserve, care for, 209
repair, or restore it, to place it in a temporary public 210
display, or to use it in re-enactments of a war. 211

(C) A governmental agency, the state, a political 212
subdivision, or a cemetery association that wishes to dispossess 213
a war relic that is located on public property or on the 214
property of a cemetery association may give the war relic to the 215
federal government. If the federal government does not accept 216
the war relic, it shall be given to the Ohio history connection. 217
If the Ohio history connection does not accept the war relic, it 218
shall be given to the sons of union veterans of the civil war, 219
department of Ohio, or, if the war relic is not of the civil war 220
era, it shall be given to any congressionally chartered 221
veterans' service organization at the discretion of the Ohio 222
history connection. 223

(D) This section does not apply to the state or a 224

political subdivision of the state if it can clearly prove 225
ownership, by written documentation, of a war relic. A 226
governmental agency, the state, or a political subdivision of 227
the state shall not be fined under division (E) of section 228
155.99 of the Revised Code for a violation. 229

Sec. 155.99. (A) Whoever violates division (B) of section 230
155.04 of the Revised Code is guilty of a minor misdemeanor. 231

(B) Whoever violates section 155.05 of the Revised Code is 232
guilty of a misdemeanor of the fourth degree. 233

(C) Whoever violates division (B) (1) of section 155.28 of 234
the Revised Code is guilty of a misdemeanor. Notwithstanding 235
sections 2929.21 to 2929.28 of the Revised Code, the court shall 236
order the offender to pay any money received from selling or 237
otherwise disposing of a war relic to the corporation described 238
in section 149.30 of the Revised Code as the Ohio history 239
connection. 240

(D) Whoever violates division (B) (2) of section 155.28 of 241
the Revised Code is guilty of a misdemeanor. Notwithstanding 242
sections 2929.21 to 2929.28 of the Revised Code, the court may 243
order the offender to pay a fine of not more than ten thousand 244
dollars to the corporation described in section 149.30 of the 245
Revised Code as the Ohio history connection, and the court shall 246
order the offender to return the war relic to the seller. 247

(E) Whoever violates division (B) (3) of section 155.28 of 248
the Revised Code is guilty of a misdemeanor. Notwithstanding 249
sections 2929.21 to 2929.28 of the Revised Code, the court shall 250
institute a right to cure period of ninety days to restore the 251
war relic to its prior condition and location. Upon the 252
expiration of the right to cure period, the court may order an 253

offender who has not cured the violation to pay a fine of not 254
more than ten thousand dollars to the corporation described in 255
section 149.30 of the Revised Code as the Ohio history 256
connection. 257

Section 2. That existing sections 149.30 and 155.99 of the 258
Revised Code are hereby repealed. 259

Section 3. This act shall be known as the Ohio Veterans' 260
Heritage Protection Act. 261