

**As Re-Referred by the House Rules and Reference Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. 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**

**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 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  
altered, or otherwise disturbed by any person, except that the 206  
person having responsibility for maintaining the war relic may 207  
relocate, remove, alter, or otherwise disturb the war relic to 208  
preserve, care for, repair, or restore it, to place it in a 209  
temporary public display, or to use it in re-enactments of a 210  
war. A person having responsibility for maintaining a war relic 211  
located on public property or on the property of a cemetery 212  
association may permanently relocate the war relic as long as it 213  
remains on public property or on the property of a cemetery 214  
association. 215

(C) A governmental agency, the state, a political 216  
subdivision, or a cemetery association that wishes to dispossess 217  
a war relic that is located on public property or on the 218  
property of a cemetery association may give the war relic to the 219  
federal government. If the federal government does not accept 220  
the war relic, it shall be given to the Ohio history connection. 221  
If the Ohio history connection does not accept the war relic, it 222



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

(D) This section does not apply to the state or a 228  
political subdivision of the state if it can clearly prove 229  
ownership, by written documentation, of a war relic. A 230  
governmental agency, the state, or a political subdivision of 231  
the state shall not be fined under division (E) of section 232  
155.99 of the Revised Code for a violation. 233

**Sec. 155.99.** (A) Whoever violates division (B) of section 234  
155.04 of the Revised Code is guilty of a minor misdemeanor. 235

(B) Whoever violates section 155.05 of the Revised Code is 236  
guilty of a misdemeanor of the fourth degree. 237

(C) Whoever violates division (B) (1) of section 155.28 of 238  
the Revised Code is guilty of a misdemeanor. Notwithstanding 239  
sections 2929.21 to 2929.28 of the Revised Code, the court shall 240  
order the offender to pay any money received from selling or 241  
otherwise disposing of a war relic to the corporation described 242  
in section 149.30 of the Revised Code as the Ohio history 243  
connection. 244

(D) Whoever violates division (B) (2) of section 155.28 of 245  
the Revised Code is guilty of a misdemeanor. Notwithstanding 246  
sections 2929.21 to 2929.28 of the Revised Code, the court may 247  
order the offender to pay a fine of not more than ten thousand 248  
dollars to the corporation described in section 149.30 of the 249  
Revised Code as the Ohio history connection, and the court shall 250  
order the offender to return the war relic to the seller. 251

(E) Whoever violates division (B) (3) of section 155.28 of 252  
the Revised Code is guilty of a misdemeanor. Notwithstanding 253  
sections 2929.21 to 2929.28 of the Revised Code, the court shall 254  
institute a right to cure period of ninety days to restore the 255  
war relic to its prior condition and location. Upon the 256  
expiration of the right to cure period, the court may order an 257  
offender who has not cured the violation to pay a fine of not 258  
more than ten thousand dollars to the corporation described in 259  
section 149.30 of the Revised Code as the Ohio history 260  
connection. 261

**Section 2.** That existing sections 149.30 and 155.99 of the 262  
Revised Code are hereby repealed. 263

**Section 3.** This act shall be known as the Ohio Veterans' 264  
Heritage Protection Act. 265