

As Passed by the Senate

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

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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 |

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| 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