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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 155
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Schaffer and Rogers

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Summary

- Prohibits a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of by any person, but allows it to be returned to the federal government.
- Prohibits a war relic that is located on public property or on the property of a cemetery association from being destroyed, relocated, removed, altered, or otherwise disturbed by any person, except under certain circumstances, or if returned to the federal government.
- Exempts the state and a political subdivision from the bill's prohibitions if it can clearly prove ownership of a war relic by written documentation.
- Fines purchasers and sellers of war relics and requires that the fines be paid to the county veterans service commission to be used for specific purposes, with half of the fines to be disbursed to veterans' services organizations in the county.
- Authorizes the Ohio History Connection, with the help of local historical societies, to compile and maintain a registry of war relics.

Detailed Analysis

War relics

Prohibitions

The bill is designated the Ohio Veterans' Heritage Protection Act.¹ The bill prohibits any person from doing the following:

¹ Section 3 of the bill.

1. Selling or otherwise disposing of a war relic that is located on public property (property owned or leased by the state or a political subdivision) or on the property of a cemetery association;
2. Destroying, relocating, removing, altering, or otherwise disturbing a war relic that is located on public property or on the property of a cemetery association, except that the person responsible for maintaining the war relic may temporarily 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 war re-enactments.²

The bill does not apply to the state or a political subdivision if it can clearly prove ownership, by written documentation, of a war relic.³

What is a war relic?

Under the bill, a “war relic” is a cannon or other artillery from the era of a war, or a statue, monument, memorial, or plaque that has been erected for, or named or dedicated in honor of, a war or an individual’s or group of individuals’ service in a war; “war” means the French and Indian War, American Revolution, War of 1812, United States-Mexican War, American Civil War 1861-1865, Spanish-American War, the Mexican border period, World War I, World War II, Korean War, Vietnam War, Operation Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama), Operation Desert Shield/Desert Storm (Persian Gulf War I), Operation Enduring Freedom (Afghanistan), and Operation Iraqi Freedom (Persian Gulf War II).⁴

Exception

An exception to both aforementioned prohibitions is that a war relic that is located on public property or on the property of a cemetery association may be returned to the federal government. If the federal government does not accept the war relic, it must be offered to the Ohio History Connection, but if the Ohio History Connection does not accept the war relic, it must be given to the Sons of Union Veterans of the Civil War, Department of Ohio.⁵

Fines

A purchaser who violates the prohibition against selling or otherwise disposing of a war relic must be fined not more than \$10,000. The purchaser must pay the fine to the veterans service commission of the county in which the war relic was located, and the purchaser must return the war relic to the seller. A seller who violates the prohibition against selling or otherwise disposing of a war relic must pay any money received from selling or otherwise disposing of a war relic to the veterans service commission of the county in which the war relic was located.

² R.C. 155.28(B).

³ R.C. 155.28(F).

⁴ R.C. 155.28(A).

⁵ R.C. 155.28(C).

Any person, other than a governmental agency, the state, or a political subdivision of the state, who violates the prohibition against destroying, relocating, removing, altering, or otherwise disturbing a war relic must be fined not more than \$10,000, unless the person returns the war relic to its original condition not later than 90 days after receiving a written notice that the person has violated the prohibition. The fine must be paid to the veterans service commission of the county in which the war relic was located.⁶

Use of fines and moneys

Under the bill, 50% of all fines and moneys paid to the county veterans service commission must be used for the maintenance, repair, installation, or restoration of veterans' memorials. The remaining 50% must be evenly divided among and disbursed to congressionally chartered veterans' services organizations in the county, including the Sons of Union Veterans of the Civil War, Department of Ohio.⁷

The Ohio History Connection's registry of war relics

The bill authorizes the Ohio History Connection, with the help of local historical societies, to compile and maintain a registry of war relics that are located on public property or on the property of a cemetery association.⁸

History

Action	Date
Introduced	03-21-19

H0155-I-133/ar

⁶ R.C. 155.28(D).

⁷ R.C. 155.28(E).

⁸ R.C. 149.30.