



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

Dan DeSantis

### Am. Sub. H.B. 254 132nd General Assembly (As Passed by the General Assembly)

**Reps.** Wiggam, Gavarone, Greenspan, Perales, Hambley, Carfagna, Green, Lanese, T. Johnson, Goodman, Hill, Retherford, Dean, Boccieri, Romanchuk, Arndt, Antani, Reece, Miller, LaTourette, Becker, Patton, Dever, Conditt, Sweeney, Roegner, Pelanda, Riedel, Young, Anielski, Antonio, Ashford, Barnes, Blessing, Boggs, Boyd, Brenner, Brown, Butler, Celebrezze, Cera, Craig, Cupp, Edwards, Fedor, Galonski, Ginter, Hagan, Henne, Holmes, Householder, Hughes, Ingram, Keller, Kent, Kick, Koehler, Landis, Lang, Leland, Lepore-Hagan, Lipps, Manning, McColley, O'Brien, Patterson, Ramos, Reineke, Rogers, Ryan, Schaffer, Schuring, Sheehy, K. Smith, R. Smith, Sprague, Stein, Strahorn, Sykes, Thompson, West, Rosenberger

**Sens.** Uecker, Terhar, O'Brien, Wilson, Manning, Balderson, Beagle, Burke, Coley, Dolan, Gardner, Hackett, Hoagland, Hottinger, Huffman, Lehner, Obhof, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Williams, Yuko

**Effective date:** November 2, 2018

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## ACT SUMMARY

- Requires the POW/MIA flag to be displayed at certain buildings operated by the state on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans' Day.
- Specifies protocol for the display of the POW/MIA flag.
- Designates the act as the POW/MIA Remembrance Act.

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## CONTENT AND OPERATION

### Display of POW/MIA flag

Under continuing law, the General Assembly expressly encourages the display of the POW/MIA flag during normal business hours at each municipality's principal municipal building, each county seat's principal county building, and the Ohio

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\* This version updates the effective date.

Statehouse.<sup>1</sup> The act, designated as the POW/MIA Remembrance Act, further requires the POW/MIA flag to be displayed on the following days at certain specified buildings:<sup>2</sup>

- (1) Armed Forces Day (the third Saturday in May);
- (2) Memorial Day (the last Monday in May);
- (3) Flag Day (June 14);
- (4) Independence Day (July 4);
- (5) National POW/MIA Recognition Day (the third Friday in September); and
- (6) Veterans' Day (November 11).

The following state buildings must display the flag on those days:<sup>3</sup>

- (1) The building at 25 South Front Street, Columbus (Department of Education offices);
- (2) The building at 4200 Surface Road, Columbus (Department of Administrative Services offices);
- (3) The Frank J. Lausche State Office Building in Cleveland;
- (4) The James A. Rhodes State Office Tower in Columbus;
- (5) The Michael V. DiSalle Government Center in Toledo;
- (6) The North High Street complex, 246 North High Street and 35 East Chestnut Street, Columbus;
- (7) Ohio Governor's Residence and Heritage Garden in Bexley;
- (8) Oliver R. Ocasek Government Office Building in Akron;
- (9) State of Ohio Computer Center;
- (10) The Vern Riffe Center for Government and the Arts in Columbus;

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<sup>1</sup> R.C. 9.50(A)(2) and (B).

<sup>2</sup> R.C. 9.50(C); Section 3.

<sup>3</sup> R.C. 9.50(D).



(11) Buildings at transportation facilities operated by the Department of Transportation (under the act, "transportation facilities" means all publicly owned modes and means of transporting people and goods, including the physical facilities, garages, district offices, and other related buildings, and including, highways, rights-of-way, roads and bridges, parking facilities, aviation facilities, port facilities, rail facilities, public transportation facilities, rest areas, and roadside parks);<sup>4</sup>

(12) The Ohio Statehouse in Columbus;

(13) A state armory under the direction of the Adjutant General;

(14) The William Green building in Columbus;

(15) The Charles D. Shipley building in Columbus;

(16) The Office of the State Fire Marshal in Reynoldsburg; and

(17) State Highway Patrol posts.

The act specifies that when the POW/MIA flag is displayed from the same halyard or staff of the United States flag, the POW/MIA flag should fly directly below, and be no larger than the U.S. flag. When displayed from adjacent staffs, the U.S. flag should always be placed to the right of other flags, including the POW/MIA flag. Furthermore, on the dates the act specifies, the POW/MIA flag must be flown immediately below or adjacent to the U.S. flag as second in order of precedence.<sup>5</sup>

Any building included above that does not have an installed flag pole on the act's effective date is exempt. Compliance with the act's requirements may occur by starting the flag display during normal business hours on a workday before the required display day, and ending the display during normal business hours on a workday following the required display day.

The act does not apply to a building listed above when the state government ceases to operate that building.<sup>6</sup>

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<sup>4</sup> R.C. 9.50(A)(3) and (D)(11) and R.C. 5501.01, not in the act.

<sup>5</sup> R.C. 9.50(F).

<sup>6</sup> R.C. 9.50(E).



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## HISTORY

ACTION	DATE
Introduced	05-31-17
Reported, H. Armed Services, Veterans Affairs & Homeland Security	10-26-17
Passed House (95-0)	12-05-17
Reported, S. Local Gov't, Public Safety, & Veterans Affairs	05-15-18
Passed Senate (30-0)	07-10-18
House concurred in Senate amendments (85-0)	07-24-18

