

**SUBSTITUTE FOR**  
**SENATE BILL NO. 428**

A bill to amend 1915 PA 63, entitled

"An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,"

by amending sections 1 and 1a (MCL 35.831 and 35.831a), as amended by 2006 PA 627.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. (1) The legislative body of a city, village,  
2       municipality, or township in this state, upon the petition of a  
3       local ~~—or~~ **RECOGNIZED VETERANS' ORGANIZATION**, an affiliate of ~~—a~~  
4       recognized veterans' organization, or ~~of~~ <sup>5</sup> eligible voters of the  
5       city, village, municipality, or township, shall procure for and  
6       furnish to the petitioners, at the expense of the city, village,  
7       municipality, or township, a suitable flag holder and United States

1 flag for the grave of each veteran who served in the armed forces  
2 of the United States and who is buried within the limits of a  
3 public or private cemetery located within the city, village,  
4 municipality, or township. The requirement to provide a suitable  
5 flag holder and United States flag for private cemeteries does not  
6 apply in the ~~current~~ fiscal year ~~where~~ **IN WHICH** an initial request  
7 for a suitable flag holder and United States flag exceeds 50 graves  
8 within a particular township, but would apply in the ~~following~~  
9 **IMMEDIATELY SUCCEEDING** fiscal year ~~at~~ **IN** that township.

10 (2) A flag holder and United States flag shall be placed on  
11 the grave of a veteran for the purpose of marking and designating  
12 the grave for memorial purposes.

13 (3) **A CITY, VILLAGE, MUNICIPALITY, OR TOWNSHIP SHALL NOT**  
14 **PURCHASE FLAG HOLDERS OR UNITED STATES FLAGS ASSEMBLED OR**  
15 **MANUFACTURED OUTSIDE OF THE UNITED STATES IF COMPETITIVELY PRICED**  
16 **AND OF COMPARABLE QUALITY FLAG HOLDERS OR UNITED STATES FLAGS MADE**  
17 **IN THIS STATE OR ELSEWHERE IN THE UNITED STATES ARE AVAILABLE. IF A**  
18 **CITY, VILLAGE, MUNICIPALITY, OR TOWNSHIP PURCHASES FLAG HOLDERS OR**  
19 **UNITED STATES FLAGS ASSEMBLED OR MANUFACTURED OUTSIDE OF THE UNITED**  
20 **STATES BECAUSE COMPETITIVELY PRICED AND COMPARABLE QUALITY FLAG**  
21 **HOLDERS OR UNITED STATES FLAGS MADE IN THIS STATE OR ELSEWHERE IN**  
22 **THE UNITED STATES WERE NOT AVAILABLE, THAT CITY, VILLAGE,**  
23 **MUNICIPALITY, OR TOWNSHIP SHALL POST ON A WEBSITE MAINTAINED BY**  
24 **THAT CITY, VILLAGE, MUNICIPALITY, OR TOWNSHIP NOTIFICATION THAT THE**  
25 **CITY, VILLAGE, MUNICIPALITY, OR TOWNSHIP PURCHASED FLAG HOLDERS OR**  
26 **UNITED STATES FLAGS ASSEMBLED OR MANUFACTURED OUTSIDE OF THE UNITED**  
27 **STATES BECAUSE COMPETITIVELY PRICED AND COMPARABLE QUALITY FLAG**

1 HOLDERS OR UNITED STATES FLAGS MADE IN THIS STATE OR ELSEWHERE IN  
 2 THE UNITED STATES WERE NOT AVAILABLE, AND THAT CITY, VILLAGE,  
 3 MUNICIPALITY, OR TOWNSHIP SHALL ALSO POST ON THAT WEBSITE THE  
 4 COUNTRY OF ORIGIN OF THE FLAG HOLDERS OR UNITED STATES FLAGS  
 5 PURCHASED. IF A CITY, VILLAGE, MUNICIPALITY, OR TOWNSHIP DOES NOT  
 6 COMPLY WITH THIS SUBSECTION, ANY RESIDENT OF THAT CITY, VILLAGE,  
 7 MUNICIPALITY, OR TOWNSHIP MAY BRING AN ACTION BY MANDAMUS UNDER  
 8 CHAPTER 44 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL  
 9 600.4401 TO 600.4431, IN ANY COURT OF COMPETENT JURISDICTION. IF A  
 10 RESIDENT OF A CITY, VILLAGE, MUNICIPALITY, OR TOWNSHIP PREVAILS IN  
 11 AN ACTION BY MANDAMUS UNDER THIS SECTION, THE COURT SHALL AWARD  
 12 THAT RESIDENT REASONABLE ATTORNEY FEES AND COSTS INCURRED. AS USED  
 13 IN THIS SUBSECTION, "UNITED STATES" INCLUDES TERRITORIES OF THE  
 14 UNITED STATES AND THE DISTRICT OF COLUMBIA.

15       Sec. 1a. (1) The legislative body of a county in this state,  
 16 upon petition of a local ~~7~~**RECOGNIZED VETERANS' ORGANIZATION**, or a  
 17 local affiliate of ~~7~~~~a~~recognized veterans' organization, or of 5  
 18 eligible voters of the county, may procure for and furnish to the  
 19 petitioners, at the expense of the county, a suitable flag holder  
 20 and United States flag for the grave of each veteran who served in  
 21 the armed forces of the United States and who is buried in any  
 22 public or private cemetery located within the limits of the county.

23       (2) A flag holder and United States flag shall be placed on  
 24 the grave of a veteran for the purpose of marking and designating  
 25 the grave for memorial purposes.

26       (3) A COUNTY SHALL NOT PURCHASE FLAG HOLDERS OR UNITED STATES  
 27 FLAGS ASSEMBLED OR MANUFACTURED OUTSIDE OF THE UNITED STATES IF

1 COMPETITIVELY PRICED AND OF COMPARABLE QUALITY FLAG HOLDERS OR  
2 UNITED STATES FLAGS MADE IN THIS STATE OR ELSEWHERE IN THE UNITED  
3 STATES ARE AVAILABLE. IF A COUNTY PURCHASES FLAG HOLDERS OR UNITED  
4 STATES FLAGS ASSEMBLED OR MANUFACTURED OUTSIDE OF THE UNITED STATES  
5 BECAUSE COMPETITIVELY PRICED AND COMPARABLE QUALITY FLAG HOLDERS OR  
6 UNITED STATES FLAGS MADE IN THIS STATE OR ELSEWHERE IN THE UNITED  
7 STATES WERE NOT AVAILABLE, THAT COUNTY SHALL POST ON A WEBSITE  
8 MAINTAINED BY THAT COUNTY NOTIFICATION THAT THE COUNTY PURCHASED  
9 FLAG HOLDERS OR UNITED STATES FLAGS ASSEMBLED OR MANUFACTURED  
10 OUTSIDE OF THE UNITED STATES BECAUSE COMPETITIVELY PRICED AND  
11 COMPARABLE QUALITY FLAG HOLDERS OR UNITED STATES FLAGS MADE IN THIS  
12 STATE OR ELSEWHERE IN THE UNITED STATES WERE NOT AVAILABLE, AND  
13 THAT COUNTY SHALL ALSO POST ON THAT WEBSITE THE COUNTRY OF ORIGIN  
14 OF THE FLAG HOLDERS OR UNITED STATES FLAGS PURCHASED. IF A COUNTY  
15 DOES NOT COMPLY WITH THIS SUBSECTION, ANY RESIDENT OF THAT COUNTY  
16 MAY BRING AN ACTION BY MANDAMUS UNDER CHAPTER 44 OF THE REVISED  
17 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4401 TO 600.4431, IN  
18 ANY COURT OF COMPETENT JURISDICTION. IF A RESIDENT OF A COUNTY  
19 PREVAILS IN AN ACTION BY MANDAMUS UNDER THIS SECTION, THE COURT  
20 SHALL AWARD THAT RESIDENT REASONABLE ATTORNEY FEES AND COSTS  
21 INCURRED. AS USED IN THIS SUBSECTION, "UNITED STATES" INCLUDES  
22 TERRITORIES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA.