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BILL ANALYSIS



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Senate Bills 881 and 882 (as introduced 11-9-05)
Sponsor: Senator Bruce Patterson
Committee: Senior Citizens and Veterans Affairs

Date Completed: 2-22-06

CONTENT

Senate Bill 881 would create the "Veterans Memorial Property Commission Act" to establish the Veterans Memorial Property Commission, which would consist of seven members appointed by legislative leaders and the Department of Military and Veterans Affairs (DMVA). The Commission would have to determine whether any military-related site in the State should be acquired on behalf of the State for protection, and would have to acquire that property if a majority of the members voted to do so.

Senate Bill 882 would create the "Veterans Memorial Property Act" to state that the Veterans Memorial Park and other specified property could be used only to honor and memorialize veterans of the State, and could not be encroached or desecrated.

Senate Bill 881 is tie-barred to Senate Bill 882.

Senate Bill 881

Within 90 days of the bill's effective date, the Senate Majority Leader and the Speaker of the House of Representatives each would have to appoint three members to the proposed Veterans Memorial Property Commission. The DMVA would have to appoint one member. The Commission members would serve at the pleasure of the Legislature. If a vacancy occurred, the Senate Majority Leader would have to appoint a replacement within 90 days.

The Commission would have to meet at least once a year, and would have to determine whether any military-related site in the State should be acquired, by purchase or other means, so that the Department could protect it as a military or veterans memorial site. In deciding whether property was available for acquisition, the Commission would have to consider input from all of the following:

- The Department of Military and Veterans Affairs.
- The Department of History, Arts, and Libraries.
- The Michigan Historical Museum.
- The general public.

Within 180 days of considering input from those parties, the Commission would have to determine whether to acquire property for protection. If a majority of members voted to acquire specific property, the Commission would have to acquire it on behalf of the State for protection.

The bill would define “military-related site” as property where a military base, installation, or reserve unit operation once stood or a site where a battle took place in this nation’s history.

Senate Bill 882

Under the bill, the Veterans Memorial Park and any other property owned by the State that was dedicated to memorializing veterans could be used solely for the purpose of honoring and memorializing veterans of the State.

The bill specifies that the boundaries of State-owned property that was dedicated to memorializing veterans could not be encroached or desecrated.

A person who violated the bill would be responsible for a civil infraction and could be ordered to pay a maximum civil fine of \$500.

BACKGROUND

The Veterans Memorial Park is established in statute under the Michigan Vietnam Veterans Memorial Act, which requires the Vietnam Veterans Memorial Monument to be located in the park. The park consists of a 2.5-acre parcel of land in Lansing. It is located two blocks directly west of the State Capitol building, where a pedestrian pathway meets the Hall of Justice.

The Veterans Memorial Park is currently overseen by the Michigan Veterans Memorial Park Commission, which was established by executive order in 2001 as an entity within the Department of Management and Budget (DMB) (replacing a commission established in the DMVA by a 1992 executive order). The Commission consists of seven members, including the DMVA Director or his or her designee, the DMB Director or his or her designee, and five members appointed by the Governor. The Commission’s responsibilities include advising the DMB on the development, management, and maintenance of the Michigan Veterans Memorial Park, advising the State Police on security services and the enforcement of rules for the care and preservation of the park, and other duties. The Commission must report annually to the Governor and the Legislature on its activities.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Senate Bill 881

The costs of the Commission would be minimal. The bills do not provide for a per diem or reimbursement for Commission member expenses. The actual purchase of property would be contingent upon appropriations by the Legislature.

Senate Bill 882

Enforcement costs and fines would depend on the number of violations.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.