

Legislative Analysis



VETERAN GRAVES: MADE IN U.S. FLAGS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 428 (Substitute S-1)

Sponsor: Sen. Roger Kahn, M.D.

House Committee: Military and Veterans Affairs

Senate Committee: Veterans, Military Affairs and Homeland Security

Complete to 1-28-14

A SUMMARY OF SENATE BILL 428 AS PASSED BY THE SENATE 10-2-13

The bill would amend Public Act 63 of 1915, which provides for the furnishing of flag holders and United States flags for the graves of U.S. military veterans. The bill would do all of the following.

- Prohibit local units of government from buying U.S. flags or flag holders assembled or manufactured outside of the United States if competitively priced flags and holders of comparable quality made in Michigan or elsewhere in the United States were available.
- Require local units to post on their website that they bought foreign-made flags or holders because competitively priced and comparable quality products made in the U.S. were not available.
- Allow a resident to bring an action against a local unit that did not comply with the bill.

Currently, generally speaking, upon a petition of a recognized veterans organization or five eligible voters, the legislative body of a city, village, municipality, township, or county must procure and furnish a suitable flag holder and U.S. flag for the grave of each U.S. military veteran buried in a public or private cemetery within that local unit. Senate Bill 428 would specify that the local unit could not buy U.S. flags or holders made outside of the United States if flags and holders that were competitively priced and of comparable quality made in Michigan or elsewhere in the U.S. were available. "United States" would include U.S. territories and the District of Columbia.

If a local unit bought flags or holders made outside of the U.S. because competitively priced and comparable quality flags or holders made in Michigan or elsewhere in the U.S. were not available, the local unit would have to post on its website notice of that action and reason, as well as the country of origin of the flags or flag holders.

If a local unit did not comply with these requirements, any resident of that local unit could bring an action by mandamus (*seeking a court order compelling a government officer to perform a duty required by law*). If the resident prevailed, the court would have to award reasonable attorney fees and costs.

FISCAL IMPACT:

The bill would have no significant state or local fiscal impact.

Legislative Analyst: E. Best
Fiscal Analyst: Mark Wolf

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