



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 428 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Senator Roger Kahn, M.D.  
Committee: Veterans, Military Affairs and Homeland Security

### **CONTENT**

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, to do the following:

- Prohibit local units of government from buying 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 U.S. 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.

Upon the petition of a recognized veterans' organization or five eligible voters, the Act requires the legislative body of a city, village, municipality, township, or county to 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. Under the bill, 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 holders.

If a local unit did not comply with these requirements, any resident of that local unit could bring an action for a writ of mandamus (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.

MCL 35.831 & 35.831a

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate and likely negligible impact on local unit expenses. It is unknown how many local units that furnish flags for the graves of U.S. military veterans currently use flags not made in Michigan or elsewhere in the United States. The relative prices of alternative flag manufacturers also are not known.

Date Completed: 9-30-13

Fiscal Analyst: David Zin