



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 428 (as enacted)  
Sponsor: Senator Roger Kahn, M.D.  
Senate Committee: Veterans, Military Affairs and Homeland Security  
House Committee: Military and Veterans Affairs

**PUBLIC ACT 19 of 2014**

Date Completed: 1-8-15

**RATIONALE**

Under Public Act 63 of 1915, upon the petition of a recognized veterans' organization or five eligible voters, the legislative body of a city, village, municipality, township, or county must furnish a United States flag and a suitable flag holder for the grave of each veteran who served in the U.S. Armed Forces and who is buried in a public or private cemetery within that local unit. It was suggested that, to honor these deceased veterans appropriately, the flags and flag holders should be manufactured and assembled in the United States.

**CONTENT**

**The bill amended Public Act 63 of 1915 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. are available.**
- **Require local units to post on their website or at their principal office that they bought foreign-made flags or flag holders because competitively priced and comparable quality products made in the U.S. were not available.**
- **Designate a violation of the bill as a State civil infraction and prescribe a civil penalty.**

Specifically, a city, village, municipality, township, or county that furnishes flags and flag holders for veterans' graves may not purchase flag holders or U.S. flags assembled or manufactured outside of the United States, if flags and holders that are competitively priced and of comparable quality made in Michigan or elsewhere in the United States are available. For purposes of the bill, "United States" includes U.S. territories and the District of Columbia.

If a local unit buys flag holders or U.S. flags assembled or manufactured outside of the U.S. because competitively priced and comparable quality flags or holders made in Michigan or elsewhere in the U.S. are not available, the local unit must post notice of that action and reason on its website. The local unit also must post on its website the country of origin of the flag holders or U.S. flags that it buys. If the local unit does not maintain a website, it must post that information at its principal office and any other locations the local unit considers appropriate.

A local unit's failure to comply with the bill is a State civil infraction and the local unit may be ordered to pay a civil fine of up to \$500.

The bill took effect on May 26, 2014.

MCL 35.831 & 35.831a

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

To honor the memory, service, and sacrifice of those who have served in the U.S. Armed Forces, State law provides for the graves of military veterans to be designated by the placement of a U.S. flag and suitable flag holder. Local units of government that procure and place these gravesite symbols should buy flags and flag holders that are made in the country the veterans served. It is not appropriate, for example, for a U.S. flag made in Korea or Vietnam to be placed on the grave of a veteran of the Korean War or the Vietnam War. Reportedly, American-made U.S. flags and holders are widely available at competitive prices, so buying them will not be a burden to local units.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill will 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 have used flags not made in Michigan or elsewhere in the United States. The relative prices of alternative flag manufacturers also are not known.

Fiscal Analyst: David Zin

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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.