

# Legislative Analysis

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## FLAGS ON VETERANS' GRAVES

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**House Bill 4272 (Substitute H-1)**  
**Sponsor: Rep. Tim Moore**

**House Bill 4273 (Substitute H-2)**  
**Sponsor: Rep. Kevin Elsenheimer**

**House Bill 4438 as introduced**  
**Sponsor: Rep. Michael Sak**  
**Committee: Veterans Affairs and Homeland Security**

### **First Analysis (3-9-05)**

**BRIEF SUMMARY:** The bills would allow local units of government to supply U.S. flags and flag holders for graves in cemeteries within their boundaries that do not belong to the local units.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state and an indeterminate fiscal impact on local units of government.

### **THE APPARENT PROBLEM:**

Public Act 63 of 1915 requires a city, village, or township, upon the petition of five eligible voters, to provide at its own expense a U.S. flag and flag holder for the grave of each veteran who served in the U.S. armed forces and is buried within the limits of a cemetery belonging to the city, village, or township. However, there is no authority in law for a local unit of government to provide the same service for its veterans who are buried in other cemeteries, either private or religious cemeteries. Without specific statutory authorization, say local government specialists, local units cannot spend money for this purpose. Some people believe local units ought to be able to pay tribute to their veterans in this manner.

### **THE CONTENT OF THE BILLS:**

House Bills 4272 and 4438 would each amend the Public Act 63 of 1915 (MCL 35.831) to permit the legislative body of a city, village, or township, upon the petition of five eligible voters in the local unit, to provide a suitable flag holder and flag for the grave of a resident who was a veteran in a cemetery within the limits of the local unit that does not belong to the local unit.

House Bill 4273 would amend the act (MCL 35. 831a) to permit the legislative body of a county to provide a flag and flag holder under the same circumstances for a grave in a cemetery within the limits of the county that does not belong to the county.

***ARGUMENTS:***

***For:***

Local units of government cannot spend money on flag holders and flags in private and religious cemeteries without statutory authorization — which currently does not exist. These bills would allow — but not require — counties, cities, and townships to honor local residents who are veterans by placing U.S. flags in cemeteries that are not under their control.

***Response:***

It should be noted that this legislation will place some financially strapped local units under considerable pressure to pay for flags for veterans graves.

***POSITIONS:***

The American Legion indicated support for the bills. (3-8-05)

The Military Order of the Purple Heart indicated support for the bills. (3-8-05)

A representative of the Catholic War Veterans indicated support for the bills. (3-8-05)

Representatives of the Michigan Townships Association and the Michigan Municipal League both indicated that the organizations have no position on the bills. (3-8-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.