MICHIGAN VIETNAM VETERANS MEMORIAL ACT

Act 234 of 1988

AN ACT to create the Vietnam veterans memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to designate the veterans memorial park; to provide for legislative oversight; and to provide for dissolution of the commission.

History: 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 2000, Act 470, Imd. Eff. Jan. 10, 2001 ;-- Am. 2002, Act 637, Imd. Eff. Dec. 23, 2002

The People of the State of Michigan enact:

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35.1051 Short title.

Sec. 1.

This act shall be known and may be cited as the "Michigan Vietnam veterans memorial act".

History: 1988, Act 234, Imd. Eff. July 8, 1988

35.1052 Definitions.

Sec. 2.

As used in this act:

(a) "Commission" means the Michigan Vietnam veterans memorial monument fund commission established in section 4.

(b) "Monument fund" means the Vietnam veterans memorial monument fund created in section 3.

(c) "Vietnam veteran" means a veteran of the Vietnam era as prescribed in section 1 of 1965 PA 190, MCL 35.61.

(d) "Veterans memorial park" means the veterans memorial park established in section 5a.

History: 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 2000, Act 470, Imd. Eff. Jan. 10, 2001

35.1053 Vietnam veterans memorial monument fund; creation; federal tax status; money credited to fund; use of money.

Sec. 3.

The Vietnam veterans memorial monument fund is created as a separate fund in the department of treasury. The state treasurer may receive money or other assets from any source for deposit into the monument fund. The state treasurer shall seek appropriate federal tax status for the monument fund. The state treasurer shall credit to the monument fund the money appropriated to the monument fund, money received for the monument fund under section 6, and all interest that accrues on money in the monument fund. The commission may use money in the monument fund for purposes of this act.

History: 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 1992, Act 121, Eff. July 9, 1992 ;-- Am. 2002, Act 637, Imd. Eff. Dec. 23, 2002

35.1054 Vietnam veterans memorial monument fund commission; establishment; appointment and qualifications of members; meetings; quorum; conducting business at public meeting; availability of writings to public.

Sec. 4.

(1) The Vietnam veterans memorial monument fund commission is established as the governing body of the monument fund. The commission consists of 9 members. The governor shall appoint 5 members of the commission, not less than 2 of whom shall be Vietnam veterans. The speaker of the house of representatives and the senate majority leader shall each appoint 2 members of the commission. Not less than 1 of each 2 shall be a Vietnam veteran.

(2) The commission shall initially convene within 6 months after the first deposit of money in the monument fund. The commission shall meet often enough to expedite the completion of the monument as prescribed in section 5. A majority of the members of the commission constitutes a quorum for conducting business.

(3) The commission shall conduct its business at public meetings held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1988, Act 234, Imd. Eff. July 8, 1988

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35.1055 Monument; financing and construction; design; inscription; location; criteria.

Sec. 5.

(1) The commission shall oversee the financing and construction of a memorial monument dedicated to Vietnam veterans from Michigan who died or are listed as missing in action as a result of the Vietnam conflict. The commission shall solicit designs for the monument and shall select the final design.

(2) The names of each Michigan Vietnam veteran who died or is listed as missing in action as a result of the Vietnam conflict shall be inscribed on the Vietnam veterans memorial monument.

(3) The Vietnam veterans memorial monument shall be located within the veterans memorial park on a state owned site that is a 1-acre parcel of land measuring approximately 186.95 feet, in an east-west direction and approximately 233.00 feet, in a north-south direction, the west line of this parcel is 41.71 feet east of and parallel with the east right of way line of Butler Street and the north line of this parcel is 30.00 feet north of and parallel with the centerline of Michigan Avenue. The actual structure of the Vietnam Veterans Memorial Monument shall not be closer than 15.625 feet south of the center axis.

This parcel being more particularly described as beginning at a point that is 127.00 feet northerly on the west line of block 1, Bush, Butler and Sparrow's Addition, City of Lansing, Ingham County, Michigan and 41.71 feet easterly from the southwest corner of said block 1; thence northerly 233.00 feet parallel with the west line of said block 1; thence easterly 186.95 feet parallel with the centerline of Michigan Avenue; thence southerly 233.00 feet parallel with the west line of said block 1; thence westerly 186.95 feet parallel with the centerline of Michigan Avenue to the point of beginning, containing 1.00 acre, more or less.

History: 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 1992, Act 122, Eff. July 9, 1992 ;-- Am. 2000, Act 470, Imd. Eff. Jan. 10, 2001

35.1055a Veterans memorial park; establishment; location.

Sec. 5a.

(1) The veterans memorial park is established.

(2) The veterans memorial park consists of a 3.18-acre parcel of land measuring approximately 260.17 feet in an east-west direction and approximately 533 feet in a north-south direction, the westerly boundary being the easterly right of way of Butler Street and the northerly boundary being the southerly right of way of Ottawa Street, also being a part of Bush, Butler and Sparrow's Addition to the City of Lansing and a part of Claypool's Subdivision, City of Lansing, Ingham County, Michigan.

This parcel being more particularly described as beginning at the northwest corner of block 6, Claypool's Subdivision, City of Lansing, Ingham County, Michigan; thence easterly 260.17 feet on the north line of said block 6; thence southerly 330.37 feet parallel to the west line of said block 6 to a point on the E-W 1/4 line of section 17, T4N, R2W, Lansing Township, City of Lansing, Ingham County, Michigan and a point in the center of Michigan Avenue; thence southerly 203.00 feet parallel to the west line of block 1, of Bush, Butler and Sparrow's Addition, City of Lansing, Ingham County, Michigan; thence westerly 260.17 feet to said west line; thence northerly 203.00 feet on said west line extended to a point on the E-W 1/4 line of said section 17; thence northerly 330.00 feet on the west line of said block 6 of Claypool's Subdivision to the point of beginning.

History: Add. 2000, Act 470, Imd. Eff. Jan. 10, 2001 ;-- Am. 2006, Act 98, Imd. Eff. Apr. 4, 2006

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35.1056 Grants or gifts; disposition.

Sec. 6.

The commission may accept on behalf of the monument fund grants or gifts from the federal government, an individual, a public or private corporation, organization, or foundation, or any other source. The acceptance and use of federal funds by the commission does not commit state money and does not obligate the legislature to continue the purposes for which federal money is made available. The commission shall transmit money received under this section to the state treasurer for deposit in the monument fund.

History: 1988, Act 234, Imd. Eff. July 8, 1988

35.1057 Dissolution of commission; disposition and use of balance remaining in monument fund.

Sec. 7.

(1) After the completion of the construction of the Vietnam veterans memorial monument pursuant to section 5 and payment of all amounts due in connection with the construction of the monument, the commission is dissolved.

(2) After the construction of the Vietnam veterans memorial monument under section 5 and the construction of the veterans memorial park under section 5a, any amount remaining in the monument fund shall remain in the monument fund.

(3) After the construction of the Vietnam veterans memorial monument under section 5 and the construction of the veterans memorial park under section 5a, the department of management and budget shall expend money from the fund, upon appropriation, only to maintain the Vietnam veterans memorial monument and the veterans memorial park.

(4) The state treasurer shall credit the money received from the secretary of state pursuant to section 217d(12) of the Michigan vehicle code, 1949 PA 300, MCL 257.217d, to the monument fund.

(5) Money in the monument fund at the close of the fiscal year shall remain in the fund and not lapse to the general fund.

History: 1988, Act 234, Imd. Eff. July 8, 1988 ;-- Am. 1992, Act 121, Eff. July 9, 1992 ;-- Am. 2002, Act 637, Imd. Eff. Dec. 23, 2002