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BILL ANALYSIS

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Senate Bill 340 (as reported with amendments)**Sponsor: Senator Frederick Dillingham****Committee: Local Government and Veterans****Date Completed: 2-29-88****RATIONALE**

Public Act 63 of 1915 provides for the furnishing at public expense of flags and flag holders for graves of honorably discharged veterans of the United States' armed forces. Under the Act, a city, village, or township is required to furnish a flag and flag holder for each veteran who is buried within the limits of the locality, within the limits of a cemetery "belonging" to a locality, or within the limits of a cemetery "generally used by the population of the city, village, or township...and which is not controlled by the township authorities". When the law was drafted originally, most persons who used the local cemetery for burial of their family members were residents of the locality. With the expansion of urban areas in the intervening years, many cemeteries, in particular privately owned cemeteries, have located in rural areas that are adjacent to cities. Many of these cemeteries sell their services to persons who reside outside of the jurisdiction of the locality in which the cemetery is located. Yet, some of these persons reportedly expect the local government to provide the same services, such as the placing of a flag at a veteran's grave site, as the services to which local residents who use the cemetery owned by the local government are entitled. These requests for services reportedly are based on the language found in Public Act 63. Officials in Watertown Township, in Eaton County, contend that they have a private cemetery located in the township that is used almost exclusively by Lansing residents. These township officials say they are expected to provide flags on veterans' graves, even though the veterans and their families are not residents of the township. While there is no argument that veterans should be honored for their service to the country, some people contend that the law is ambiguous about a local government's responsibility in servicing private cemeteries situated within a locality's jurisdiction, but used by persons residing outside of the locality.

CONTENT

The bill would amend Public Act 63 of 1915 to require a privately owned cemetery, upon request of at least five residents of a city, village, or township in which the cemetery was located, to provide a suitable United States flag and flag holder for the grave of each veteran of the United States' armed forces who was buried within the cemetery. The flag and holder would have to be placed on the veteran's grave to designate the grave for memorial purposes. The cemetery would be responsible for the cost, placement, and maintenance of the flag and holder.

MCL 35.831 et al.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

The bill would clarify the responsibilities of a local government by requiring that a United States flag be placed only on veterans' graves that are within a cemetery "belonging to" a local government. Privately owned cemeteries would be responsible for the cost, placement, and maintenance of flags on veterans' graves within their boundaries. This would remove the costly burden for local governments of locating graves and purchasing flags for burial sites that are located in private cemeteries. Privately owned cemeteries maintain records on their own grave sites. Thus, it would be easier for personnel of these cemeteries, rather than local government employees, to place and maintain these flags. Furthermore, privately owned cemeteries are better able to absorb the cost of these flags in the rates they charge, as opposed to local governments that must rely on tax revenues.

Opposing Argument

The bill may not be necessary. Some townships reportedly have been successful in using the provision currently in the Act, which requires that the private cemetery must be used generally by the population of the locality, before the local government will place a flag on the veteran's grave. Thus, private cemeteries that may be situated in one locality, but used primarily by persons of another locality, do not qualify for this service by the local government, and are responsible for placing the flags.

Legislative Analyst: L. Arasim

Fiscal Analyst: G. Olson

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.

S.B. 340 (2-29-88)