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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 340 (as enrolled)(Public Act 263 of 1988)**Sponsor: Senator Frederick Dillingham****Senate Committee: Local Government and Veterans****House Committee: Military and Veterans' Affairs**

Mich. State Law Library

Date Completed: 8-9-88***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 the township contains a private cemetery 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 the request of a family member of a veteran of the U.S. armed forces who is buried in the cemetery, to provide at the cemetery's expense a "suitable" U.S. flag, not larger than 12 inches by 18 inches, for the grave of the veteran. The cemetery would be responsible for the cost and maintenance of the flag.

A privately owned cemetery would have to provide these flags for placement during Memorial Day, the Fourth of July, and Veterans Day. The cemetery could, but would

not be required to, provide the flags during any other times of the year.

A request to a privately owned cemetery would have to include the location of the veteran's grave for which a U.S. flag was to be provided. The family member who made the request would be responsible for placing the flag on the veteran's grave, and could supply and use, at his or her own expense, a suitable flag holder. The privately owned cemetery would not be responsible for placing the flag or flag holder on the veteran's grave. The cemetery could remove the flag and flag holder if they were not removed by the family member who made the request.

In the case of a mausoleum or other burial chamber containing the graves of one or more veteran, a privately owned cemetery would have to supply only one U.S. flag for placement at the mausoleum or burial chamber to memorialize all of those veterans' graves.

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 and maintenance of flags on veterans' graves within their boundaries. Placement of the flag would be the responsibility of the veteran's family member who requested the flag. This would relieve local governments of the costly burden 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 locate 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

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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.

Opposing Argument

Two of Michigan's largest cities, Detroit and Grand Rapids, reportedly provide veterans' groups with funds to place flags on the graves of all veterans. Since these cities reportedly are facing budget problems, some veterans' groups fear that the bill would provide the cities with an excuse to withdraw this funding. In addition, veterans' groups point out that the bill does not specify who would be responsible for flags on the graves of recent veterans who had no relatives, or on the graves of veterans from past wars (e.g., the Civil War and World War I) whose relatives now would be deceased.

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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.