



HOUSE BILL No. 5228

October 10, 1995, Introduced by Reps. Anthony, DeMars, Weeks and Pitoniak and referred to the Committee on Senior Citizens and Veterans Affairs.

A bill to amend section 2 of Act No. 83 of the Public Acts of 1867, entitled as amended

"An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records,"

being section 35.32 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 83 of the Public Acts of
2 1867, being section 35.32 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. (1) A county clerk shall enter ~~at large,~~ upon the
5 record book ~~,~~ all ~~soldiers', sailors', marines', nurses',~~
6 DISCHARGES OF SOLDIERS, SAILORS, MARINES, NURSES, and members of
7 women's ~~auxiliaries' discharges~~ AUXILIARIES that may be
8 presented to the clerk for ~~record, and~~ RECORDING. THE COUNTY
9 CLERK SHALL fully index ~~them, arranging~~ THE RECORDED

1 INFORMATION, AND ARRANGE the names of ~~the~~ soldiers, sailors,
 2 marines, nurses, and members of women's auxiliaries ~~7~~
 3 alphabetically. The military service discharge ~~records~~ RECORD
 4 of a person ~~shall be~~ IS confidential and may be viewed or
 5 copied only ~~by the~~ PURSUANT TO SUBSECTION (2).

6 (2) EACH COUNTY CLERK MAY APPOINT 1 OR MORE CLERK ADVOCATES
 7 WHO SHALL SERVE WITHOUT COMPENSATION AND WHO MAY DO ANY OF THE
 8 FOLLOWING:

9 (A) REVIEW A RECORD DESCRIBED IN SUBSECTION (1) THAT IS LESS
 10 THAN 70 YEARS OLD AND MAKE AVAILABLE TO THE GENERAL PUBLIC ONLY
 11 THE NAME, RANK, UNIT OF MILITARY SERVICE, DATES OF MILITARY SERV-
 12 ICE, AND MEDALS AND AWARDS CONFERRED UPON EACH INDIVIDUAL IDENTI-
 13 FIED IN THAT RECORD.

14 (B) MAKE AVAILABLE TO THE GENERAL PUBLIC INFORMATION IN A
 15 RECORD DESCRIBED IN SUBSECTION (1) THAT IS AT LEAST 70 YEARS
 16 OLD.

17 (C) PURSUANT TO THE RECORDS MEDIA ACT, ACT NO. 116 OF THE
 18 PUBLIC ACTS OF 1992, BEING SECTIONS 24.401 TO 24.403 OF THE
 19 MICHIGAN COMPILED LAWS, PROVIDE FOR THE VIEWING OR REPRODUCTION
 20 OF A MILITARY SERVICE DISCHARGE RECORD OF A VETERAN BY ANY OF THE
 21 FOLLOWING:

22 (i) THE veteran. ~~7, a~~

23 (ii) A person with the veteran's permission. ~~7, or the~~

24 (iii) THE surviving heirs of ~~a~~ THE veteran.

25 (iv) A veteran's service officer, ~~or~~ the Michigan veterans
 26 trust fund, or a person employed by the county department of
 27 veterans' affairs who provides counseling for veterans, ~~shall be~~

1 ~~given a copy of the service discharge record when~~ IF access to
2 ~~those records~~ THAT RECORD is necessary to aid ~~a~~ THE veteran,
3 or the surviving spouse or a dependent of ~~a~~ THE veteran in
4 applying for benefits available to ~~a~~ THE veteran.

5 (D) CHARGE A PERSON, OTHER THAN A VETERAN OR A MEMBER OF THE
6 VETERAN'S FAMILY, THE ACTUAL COSTS OF PRODUCING INFORMATION FROM
7 A RECORD REQUESTED BY THE PERSON.

8 (3) Counties in which the clerk is not on a salary basis
9 shall compensate the clerk for ~~this service~~ THE RECORDING OF A
10 DISCHARGE UNDER SUBSECTION (1) at a rate of not less than 50
11 cents nor more than \$1.00, as directed by the county board of
12 commissioners, for each discharge recorded. The clerk shall make
13 a sworn statement at the end of every 3 months in each calendar
14 year as to the number of discharges recorded, and file ~~the same~~
15 THAT STATEMENT with the county treasurer.

16 (4) AS USED IN THIS SECTION, "70 YEARS OLD" MEANS 70 YEARS
17 FROM THE DATE OF THE FIRST DISCHARGE FROM MILITARY SERVICE OF THE
18 INDIVIDUAL IDENTIFIED IN THE RECORD DESCRIBED IN SUBSECTION (1).