

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5115 (Substitute H-2 as reported without amendment)

Sponsor: Representative David Anthony

House Committee: Senior Citizens and Veterans Affairs

Senate Committee: Human Resources, Labor and Veterans Affairs

Date Completed: 3-4-98

RATIONALE

Evidently, people doing genealogical research or writing historical backgrounds of their county have been prohibited from obtaining military service records over 70 years old from the county clerks. Under current State law, military service discharge records of a person are confidential and may be viewed or copied only by the veteran, a person with a veteran's permission, the surviving heirs of the veteran, the veteran's service officer, and other officials assisting the veteran to obtain benefits. Since most military service records over 70 years old, however, currently are available to anyone from the national archives, some people believe the public also should be able to obtain military discharge records over 70 years old from the county clerks.

CONTENT

The bill would amend Public Act 83 of 1867, which requires county clerks to keep confidential records of veterans' discharges, to allow county clerks to make available to the public, military discharge records that were at least 70 years old and included only the name, rank, unit of military service, dates of military service, and medals and awards conferred upon each individual identified in the record. (The term "70 years old" would mean 70 years from the date of the first discharge from military service of the individual identified in the record.)

Currently, county clerks are required to record all discharges of soldiers, sailors, marines, nurses, and members of women's auxiliaries. Military service discharge record of a person are confidential and may be viewed or copied only by the veteran, a person with a veteran's permission, or the surviving heirs of a veteran. The veteran's service officer, the Michigan Veterans Trust Fund,

or a person employed by the county department of veterans' affairs who provides counseling for veterans, also may be given a copy of the service discharge record if access to that record is necessary to aid the veteran, the veteran's surviving spouse, or a dependant of the veteran in applying for benefits available to the veteran. The bill specifies that this provision would be pursuant to the Records Media Act (which provides that a governmental entity or a governmental official acting in his or her official capacity may reproduce a record by photograph, photocopy, microcopy, or optical storage disc).

The bill also would add that a clerk could charge members of the public for discharge records of veterans discharged 70 or more years ago. A veteran, a person with the veteran's permission, a veteran's surviving heirs, or a veteran's service officer, the Michigan Veterans Trust Fund, and/or a person who provides counseling to aid the veteran or veteran's family in applying for benefits, however, could not be charged for the veteran's discharge records.

MCL 35.32

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would allow easier access of military discharge records over 70 years old for any person interested in obtaining past military records, especially for those individuals examining ancestry and family or local histories. To prevent unscrupulous individuals from obtaining a veterans' personal and private information (such as Social

Security number), the record would include only the name, rank, unit of military service, dates of military service, and medals and awards conferred upon each veteran identified in the record.

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: R. Ross

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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.