

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5115

(As passed the House, December 3, 1997)

A bill to amend 1867 PA 83, entitled

"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,"

by amending section 2 (MCL 35.32).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) A county clerk shall enter ~~at large,~~ upon the  
2 record book ~~,~~ all ~~soldiers', sailors', marines', nurses',~~  
3 DISCHARGES OF SOLDIERS, SAILORS, MARINES, NURSES, and members of  
4 women's ~~auxiliaries' discharges~~ AUXILIARIES that may be  
5 presented to the clerk for ~~record, and~~ RECORDING. THE COUNTY  
6 CLERK SHALL fully index ~~them, arranging~~ THE RECORDED INFORMA-  
7 TION, AND ARRANGE the names of ~~the~~ soldiers, sailors, marines,  
8 nurses, and members of women's auxiliaries ~~,~~ alphabetically.  
9 The military service discharge ~~records~~ RECORD of a person

**HB 5115, As Passed Senate, March 10, 1998**

House Bill No. 5115

2

1 ~~shall be~~ IS confidential and may be viewed or copied only ~~by~~  
2 ~~the~~ PURSUANT TO SUBSECTION (2).

3 (2) EACH COUNTY CLERK MAY DO 1 OR MORE OF THE FOLLOWING:

4 (A) MAKE AVAILABLE TO THE GENERAL PUBLIC INFORMATION IN A  
5 RECORD DESCRIBED IN SUBSECTION (1) THAT IS NOT LESS THAN 70 YEARS  
6 OLD AND THAT INCLUDES ONLY THE NAME, RANK, UNIT OF MILITARY SERV-  
7 ICE, DATES OF MILITARY SERVICE, AND MEDALS AND AWARDS CONFERRED  
8 UPON EACH INDIVIDUAL IDENTIFIED IN THAT RECORD.

9 (B) PURSUANT TO THE RECORDS MEDIA ACT, 1992 PA 116, MCL  
10 24.401 TO 24.403, PROVIDE FOR THE VIEWING OR REPRODUCTION OF A  
11 MILITARY SERVICE DISCHARGE RECORD OF A VETERAN BY ANY OF THE  
12 FOLLOWING:

13 (i) THE veteran. ~~, a~~

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

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

16 (iv) A veteran's service officer, ~~or~~ the Michigan veterans  
17 trust fund, or a person employed by the county department of  
18 veterans' affairs who provides counseling for veterans, ~~shall be~~  
19 ~~given a copy of the service discharge record when~~ IF access to  
20 ~~those records~~ THAT RECORD is necessary to aid ~~a~~ THE veteran,  
21 or the surviving spouse or a dependent of ~~a~~ THE veteran in  
22 applying for benefits available to ~~a~~ THE veteran.

23 (C) CHARGE MEMBERS OF THE PUBLIC FOR DISCHARGE RECORDS OF  
24 VETERANS DISCHARGED 70 OR MORE YEARS AGO. HOWEVER, A PERSON  
25 DESCRIBED IN SUBDIVISION (B) SHALL NOT BE CHARGED FOR THE DIS-  
26 CHARGE RECORDS OF THAT VETERAN.

**HB 5115, As Passed Senate, March 10, 1998**

House Bill No. 5115

3

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

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