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PRIVATE CEMETERIES: REQUIRE FLAGS FOR VETERANS' GRAVES

House Bill 4006 (Substitute H-2)
First Analysis (12-3-96)

Sponsor: Rep. David Anthony
Committee: Senior Citizens and Veterans
Affairs

THE APPARENT PROBLEM:

Under Public Act 63 of 1915, the cost of placing and maintaining flags on veterans' graves is borne by local governments, unless the cemetery is a privately owned cemetery, in which case the cemetery is required to supply a flag if requested by a veteran's family. The private cemetery is responsible for the cost and the maintenance of the flag; and the veteran's family is responsible for placing the flag on the grave and for supplying a suitable flag holder. Veterans' organizations point out that this provision concerning private cemeteries contains no requirement that flags be placed on the graves of veterans who have no relatives, or on the graves of veterans from past wars, such as the Civil War and World War I, whose relatives are now deceased. It is suggested that this unfortunate circumstance be remedied by requiring private cemeteries to place flags on the graves of veterans on Memorial Day, the Fourth of July, and Veterans Day.

THE CONTENT OF THE BILL:

Public Act 63 of 1915, which provides for the placement of flags on veterans' graves on specified holidays, requires that private cemeteries must provide suitable (as described by the act) United States flags for veterans' graves. The cemetery need do so only upon a family member's request. House Bill 4006 would amend the act to require a private cemetery to place a flag on the grave of any veteran in its cemetery on specified holidays. The graves of veterans would be identified from information provided to the cemetery owner or manager by a recognized veterans organization. The bill would also provide that the requirement that the cemetery place a flag on veterans' graves would not prevent any recognized veterans groups from placing flags at veterans' graves during the specified holidays. In addition, the bill would remove the language requiring cemeteries to provide flags for veterans' graves upon families' requests.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact on any state or local governmental unit. (11-22-96)

ARGUMENTS:

For:

The practice of placing flags on veterans' graves on Memorial Day, the Fourth of July, and on Veterans Day is a reasonable means of honoring and remembering the sacrifices veterans have made for this country. State owned and operated cemeteries already provide for the placement of flags on veterans graves. The current language of the act allows for private cemeteries to ignore the veterans buried therein unless there is a living relative who knows of the family's right to request a flag and is willing and able to place the flag on the veteran's grave. The bill would require private cemeteries to honor the veterans buried there. This is not unreasonable nor is it particularly costly when compared to the cost of cemetery plots. The bill would even limit the amount of information the cemetery would have to gather regarding which graves should have flags by requiring that veterans groups provide the cemeteries with information regarding which graves were occupied by veterans.

Against:

While there is no argument that veterans should be honored for their service to the country, private cemeteries already shoulder an unfair portion of the cost of placing flags on veterans' graves. Currently, private cemeteries are responsible for the costs associated with purchasing, placing, and maintaining each flag on Memorial Day, the Fourth of July, and on Veterans Day when requested by a family member of the deceased veteran. In fact, private cemeteries must often purchase more than one flag, since many are blown around, stolen, or removed from the grave sites.

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The bill would increase this already inequitable situation by requiring that the cemeteries not only provide flags for the graves of those veterans whose family members request a flag, but would require that they provide flags for all the veterans in the cemetery as identified by the veterans groups. This would vastly increase the already burdensome costs of this program and possibly lead to private cemeteries having to reconsider whether they should continue to sell plots to veterans or to require that additional fees be paid for veterans' grave sites to help to cover the costs incurred due to this legislation.

Against:

Although this bill may appear on the surface to be a good idea, it will be difficult, if not impossible, to enforce. Without enforcement the bill is meaningless; private cemeteries will be no more likely to place flags upon veterans' graves than they are now.

POSITIONS:

The Veterans of Foreign Wars (VFW) supports the concept of the bill. (11-25-96)

The United Cemeteries of Michigan opposes the bill. (11-25-96)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.