

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2231 Session of
2015

INTRODUCED BY CALTAGIRONE, JAMES AND DRISCOLL, JUNE 29, 2016

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 29, 2016

AN ACT

1 Amending Title 9 (Burial Grounds) of the Pennsylvania
2 Consolidated Statutes, providing for the restoration of
3 cemeteries and establishing the State Board of Cemetery
4 Relief Directors and the Cemetery Relief Fund.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 9 of the Pennsylvania Consolidated Statutes
8 is amended by adding a chapter to read:

9 CHAPTER 4

10 CEMETERY RELIEF

11 Sec.

12 401. Definitions.

13 402. State Board of Cemetery Relief Directors.

14 403. Cemetery relief.

15 404. Cemetery Relief Fund.

16 § 401. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

1 "Application." An application for cemetery relief submitted
2 under this chapter by a board of county commissioners.

3 "Board." The State Board of Cemetery Relief Directors
4 established under section 402 (relating to State Board of
5 Cemetery Relief Directors).

6 "Department." The Department of State of the Commonwealth
7 acting through the State Real Estate Commission.

8 "Fund." The Cemetery Relief Fund established under section
9 404 (relating to Cemetery Relief Fund).

10 § 402. State Board of Cemetery Relief Directors.

11 (a) Establishment.--The State Board of Cemetery Relief
12 Directors is established within the Department of State.

13 (b) Powers and duties.--The board shall have the power and
14 duty to do all of the following:

15 (1) Review applications.

16 (2) Make determinations as to the purpose and amount of
17 any award granted to a cemetery under this chapter.

18 (3) Provide advice to the State Treasurer to administer
19 the fund.

20 (c) Membership.--The board shall consist of the following
21 members:

22 (1) Three members appointed by the Governor.

23 (2) One member appointed by the President pro tempore of
24 the Senate.

25 (3) One member appointed by the Speaker of the House of
26 Representatives.

27 (d) Compensation.--Members of the board shall receive no
28 compensation for their services but shall be reimbursed for
29 their necessary expenses incurred while serving as board
30 members.

1 (e) Vacancies.--A vacancy on the board shall be filled by
2 the appointing authority for the balance of the term.

3 (f) Terms of members.--Members of the board shall serve
4 terms of three years and until a successor is appointed and
5 qualified, except that the terms of the initial five
6 appointments shall be staggered with two members' terms expiring
7 two years after their initial appointments. Any member of the
8 board may be removed by the department for malfeasance in
9 office, failure to attend regularly scheduled meetings or any
10 cause that renders the member incapable or unfit to discharge
11 the member's duties.

12 (g) Quorum.--Three members shall constitute a quorum for the
13 purpose of conducting the business of the board and for all
14 other purposes. All actions of the board shall be taken by a
15 majority of the members, and in no event fewer than three
16 members.

17 (h) Meetings.--Meetings of the board shall be held monthly
18 and shall be subject to 65 Pa.C.S. Ch. 7 (relating to open
19 meetings) and the act of February 14, 2008 (P.L.6, No.3), known
20 as the Right-to-Know Law.

21 § 403. Cemetery relief.

22 The board of county commissioners in a county may, upon
23 receiving a request from a cemetery in the county, file an
24 application with the board for the purpose of obtaining an award
25 under this chapter for restoration or refurbishment of the
26 cemetery.

27 § 404. Cemetery Relief Fund.

28 (a) Establishment.--The Cemetery Relief Fund is established
29 in the State Treasury. The money in the fund is appropriated on
30 a continuing basis to the board for purposes of this chapter.

1 The fund shall be administered by the State Treasurer with the
2 advice of the board. All interest earned from the investment or
3 deposit of money accumulated in the fund shall be deposited in
4 the fund for the same use.

5 (b) Funds.--All money in the fund shall be held in trust and
6 shall not be considered general revenue of the Commonwealth but
7 shall be used only to effectuate the purposes of this chapter as
8 determined by the board.

9 (c) Receipts and other credits.--The following shall be paid
10 or credited to the fund:

11 (1) Amounts appropriated to the fund in the manner
12 provided by law.

13 (2) The following surcharges which are hereby imposed:

14 (i) A surcharge of \$2 on any birth certificate
15 issued by the Department of Health, except that no
16 surcharge shall be added to a birth certificate that is
17 issued without a fee.

18 (ii) A surcharge of \$2 on any death certificate
19 issued by a local registrar or the Department of Health,
20 except that no surcharge shall be added to a death
21 certificate that is issued without a fee.

22 (d) Collection of surcharges.--Surcharges collected under
23 subsection (c) (2) shall be remitted by the Department of Health
24 or the local registrar on a monthly basis to the State
25 Treasurer.

26 (e) Expenditures.--Money in the fund may be expended by the
27 board to implement this chapter.

28 Section 2. This act shall take effect in 60 days.