

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 477

Session of  
1975

INTRODUCED BY MESSRS. DeMEDIO, SHUMAN, S. E. HAYES JR., DIETZ,  
COLE, GREEN, McCUE, CUMBERLAND, ZELLER, ZWIKL, LAUGHLIN,  
LINCOLN, TAYLOR, DOMBROWSKI AND BENNETT, FEBRUARY 18, 1975

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 14, 1975

## AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled  
2 "An act relating to counties of the third, fourth, fifth,  
3 sixth, seventh and eighth classes; amending, revising,  
4 consolidating and changing the laws relating thereto,"  
5 further providing for markers for graves.

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

8 Section 1. Section 1913, act of August 9, 1955 (P.L.323,  
9 No.130), known as "The County Code," amended July 8, 1957  
10 (P.L.577, No.319), and January 26, 1968 (P.L.51, No.11), is  
11 amended to read:

12 Section 1913. Markers for Graves; Headstones.--(a) The  
13 county commissioners of each county shall, from time to time as  
14 they consider expedient, procure appropriate markers for the  
15 graves of deceased service persons. Such markers shall be of  
16 ~~cast bronze~~ OR any OTHER weather resistant material but no  
17 board of commissioners shall be required to discard any markers  
18 of other materials already purchased, whether or not already

&lt;—

1 installed. No new markers shall, in the future, be purchased of  
2 [metal other than cast bronze. Suitable nonmetal substitutes may  
3 be used during periods of national emergency, so proclaimed by  
4 the President of the United States, when all available metals  
5 are required for war materials.] any material other than a  
6 weather resistant material.

7 (b) ~~【The】~~ IF THE county commissioners shall procure ~~{bronze}~~ <—  
8 ~~such~~ markers [from some manufacturer or manufacturers, engaged <—  
9 in the manufacturing of the same, and] in the contract for the <—  
10 furnishing thereof, the manufacturer furnishing [the] ~~{bronze}~~ <—  
11 markers shall warrant that ~~if made of the following metals~~ the <—  
12 same are made ~~{of the following metals, and}~~ in the following <—  
13 proportions: copper, eighty-five per centum; tin, five per  
14 centum; zinc, five per centum; and lead, five per centum.

15 (c) The manufacturer shall be liable to the county to an  
16 amount equal to the sum paid to him by the county for the BRONZE <—  
17 markers, if the above proportions of metals, ~~if such metals are~~ <—  
18 ~~used,~~ are not contained in the markers.

19 (d) Nothing, except actual fraud on the part of the county  
20 commissioners, shall render them liable for any amount if it is  
21 established that the markers, if made of such metals, are not  
22 composed of the metals in the proportions above recited.

23 (e) No officer, trustee, association, corporation or person  
24 in control of any cemetery, or a public burying ground, shall  
25 have the right to question the composition of any such [bronze]  
26 markers, or to require that any of them be chemically analyzed  
27 before being placed in the cemetery, or under any circumstances  
28 to refuse to permit the erection thereof in the cemetery, or  
29 public burying ground, or to charge for making the foundations  
30 for the same more than is charged for making similar foundations

1 of the same proportion. Any person who violates any of the  
2 provisions of this subsection shall, upon conviction thereof in  
3 a summary proceeding, be sentenced to pay a fine of not less  
4 than ten dollars (\$10) nor more than one hundred dollars (\$100)  
5 for each offense.

6 (f) The county commissioners of each county are hereby  
7 authorized and directed to place a marker upon the grave of each  
8 deceased service person, who at the time of his or her death had  
9 his or her legal residence in the county, whether or not he or  
10 she died in the county, and whether or not he or she was buried  
11 in the county, and upon the grave of each deceased service  
12 person buried in the county, who at the time of his or her death  
13 did not have a legal residence within this Commonwealth. When  
14 such deceased service person shall have been a veteran of any  
15 war or campaign for which the Government of the United States  
16 issued discharge buttons, the markers designated for their  
17 graves shall include a facsimile of said discharge button. When  
18 such deceased service person shall have been a veteran of the  
19 Korean Conflict, the markers designated for their graves shall  
20 include a circular emblem with the words "Korea, U.S. 1950-1953"  
21 in the border thereof, and shall incorporate the insignia of the  
22 Army, Navy, Marine Corps, Air Force, and Coast Guard, in the  
23 form approved by the State Veterans' Commission.

24 (g) It shall be the duty of the county commissioners of each  
25 county, upon or at any time subsequent to the death of any  
26 deceased service person, who at the time of his or her death had  
27 his or her legal residence in the county, on application as  
28 hereinafter provided, to cause a headstone or [bronze] memorial  
29 tablet to be placed at the head of or on the grave of each such  
30 deceased service person.

1       (h) Each headstone shall contain his or her name and the  
2 rank and organization to which he or she belonged or in which he  
3 or she served, in letters raised or cut in at least three-  
4 sixteenth of an inch deep. The headstone shall be of either  
5 marble or granite, and shall be placed or set in a concrete base  
6 at least three feet deep, or if a headstone has been provided  
7 for such grave by the United States Government, the county  
8 commissioners shall provide the concrete base therefor, or if  
9 lettering only on an existing memorial is desired by the family,  
10 the county commissioners shall provide such lettering.

11       (i) In the event the body of any deceased service person  
12 either cannot or will not be returned to the United States of  
13 America, it shall be the duty of the county commissioners to  
14 cause a headstone to be placed in the family plot of such  
15 deceased service person. Said headstone shall have inscribed  
16 thereon, (1) the name, rank and organization of such deceased  
17 service person, (2) the name of the country, location or manner  
18 in which such person lost his or her life, and (3) the cemetery  
19 or location in which the body, if buried, was finally laid to  
20 rest. Application therefor shall in each case be made on forms  
21 prescribed by the Department of Military Affairs and may be made  
22 by any relative of the deceased service person, or by a friend  
23 if there is no objection by the nearest relative. Each  
24 application must be approved by an organization of veterans of  
25 any war in which the United States has been, is now or shall  
26 hereafter be engaged.

27       (j) The expense in each case shall be borne by the county in  
28 which the deceased service person had his or her legal residence  
29 at the time of his or her death, whether or not he or she died  
30 in the county, and whether or not he or she was buried in the

1 county. The expense shall not exceed the sum of one hundred  
2 dollars (\$100) for each headstone or concrete base or lettering  
3 or [bronze] memorial tablet and the county commissioners of each  
4 county, acting under this section, shall cause to be drawn a  
5 voucher check on the treasury of the county for the payment of  
6 said expense in favor of the party or parties furnishing such  
7 headstone or concrete base or lettering or [bronze] memorial  
8 tablet.

9 (k) In cases of dispute concerning the legal residence of a  
10 deceased service person, the county in which a deceased service  
11 person is buried shall perform the duties hereinbefore set  
12 forth. No such payment or payments shall be made, unless the  
13 application therefor shall be approved before the commencement  
14 of the project by the county commissioners.

15 (l) Any person who shall wilfully, maliciously, or  
16 carelessly destroy, mutilate, remove or deface any grave marker  
17 or headstone, placed or erected under the provisions of this  
18 section, shall be guilty of a misdemeanor, and, upon conviction  
19 thereof, shall be sentenced to pay a fine not to exceed \$500, or  
20 suffer imprisonment not to exceed two years, or both.

21 Section 2. This act shall take effect January 1, 1976.