

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 775 Session of  
2007

INTRODUCED BY FAIRCHILD, GRUCELA, SAYLOR, SOLOBAY, GOODMAN,  
BAKER, BARRAR, BASTIAN, BELFANTI, BENNINGHOFF, BOYD, BUXTON,  
CALTAGIRONE, CAPPELLI, CARROLL, COHEN, CONKLIN, COSTA, COX,  
CREIGHTON, CURRY, DALEY, DALLY, DeLUCA, DENLINGER,  
DePASQUALE, EVERETT, FABRIZIO, FRANKEL, FREEMAN, GABIG,  
GEIST, GEORGE, GERGELY, GIBBONS, GRELL, HARHART, HARPER,  
HARRIS, HENNESSEY, HERSHEY, HESS, HICKERNELL, HUTCHINSON,  
M. KELLER, KILLION, KOTIK, KULA, LEACH, MAJOR, MARKOSEK,  
MARSICO, McILHATTAN, MENSCH, METCALFE, MICOZZIE, R. MILLER,  
MOUL, MOYER, MURT, MUSTIO, NAILOR, M. O'BRIEN, O'NEILL,  
PAYNE, PEIFER, PETRARCA, PETRONE, PHILLIPS, PICKETT, PYLE,  
RAPP, REED, REICHLEY, ROAE, RUBLEY, SAINATO, SANTONI,  
SCAVELLO, SCHRODER, SIPTROTH, SONNEY, STERN, R. STEVENSON,  
SURRA, TANGRETTI, TRUE, WALKO, J. WHITE AND YOUNGBLOOD,  
MARCH 19, 2007

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MARCH 19, 2007

AN ACT

1 Amending the act of June 11, 1935 (P.L.326, No.149), entitled  
2 "An act relating to counties of the first class; defining  
3 deceased service persons; providing for contributions by the  
4 county to the funeral expenses for such persons and their  
5 widows; providing for the erection and care of markers,  
6 headstones, and flags, and for the compilation of war  
7 records," further providing for flags, markers and  
8 headstones.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 5 of the act of June 11, 1935 (P.L.326,  
12 No.149) entitled "An act relating to counties of the first  
13 class; defining deceased service persons; providing for  
14 contributions by the county to the funeral expenses for such

1 persons and their widows; providing for the erection and care of  
2 markers, headstones, and flags, and for the compilation of war  
3 records," amended July 8, 1957 (P.L.576, No.318) and July 22,  
4 1965 (P.L.223, No.123), is amended to read:

5 Section 5. Markers for Graves; Headstones.--The county  
6 commissioners of any such county of this State shall, from time  
7 to time, as is considered expedient by the commissioners,  
8 procure appropriate markers for the graves of deceased service  
9 persons[.] and the graves of all other deceased persons who  
10 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,  
11 Merchant Marine during World War II or any organization  
12 officially connected therewith and whose separation from such  
13 service was honorable, whether by discharge or otherwise. Such  
14 markers shall be of cast bronze, which term shall mean a proper  
15 composition of the following metals in the following  
16 proportions: Copper eighty-five per centum, tin five per centum,  
17 zinc five per centum, and lead five per centum: Provided,  
18 however, That no board of commissioners shall be required to  
19 discard any markers of other materials already purchased by such  
20 commissioners whether or not already installed, but no new  
21 markers shall in the future be purchased of metal other than  
22 cast bronze, as herein defined, except that during periods of  
23 national emergency so proclaimed by the President of the United  
24 States, when all available metal is required for war materials,  
25 suitable nonmetal substitutes for cast bronze may be used.

26 The county commissioners of each county of the first class  
27 are hereby authorized and directed to place a marker upon the  
28 grave of each deceased service person and the graves of all  
29 other deceased persons who served in the Army, Navy, Air Force,  
30 Marine Corps, Coast Guard, Merchant Marine during World War II

1 or any organization officially connected therewith and whose  
2 separation from such service was honorable, whether by discharge  
3 or otherwise, who, at the time of his or her death, had his or  
4 her legal residence in the county, whether or not he or she died  
5 in the county and whether or not he or she was buried in the  
6 county, and upon the grave of each deceased service person  
7 buried in the county who at the time of his or her death did not  
8 have a legal residence within this Commonwealth. When such  
9 deceased service person shall have been a veteran of any war for  
10 which the Government of the United States issued discharge  
11 buttons, the markers designated for their graves shall include a  
12 facsimile of said discharge button. When such deceased service  
13 person shall have been a veteran of the Korean Conflict, the  
14 markers designated for their graves shall include a circular  
15 emblem with the word "Korea, U. S., 1950-1953" in the border  
16 thereof, and shall incorporate the insignia of the Army, Navy,  
17 Marine Corps, Air Force, and Coast Guard, in the form approved  
18 by the Pennsylvania State Veterans' Commission.

19 It shall also be the duty of the county commissioners of such  
20 county upon, or at any time subsequent to, the death of any  
21 deceased service person who, at the time of his or her death,  
22 had his or her legal residence in the county, on application as  
23 hereinafter provided, to cause a headstone or bronze memorial  
24 tablet to be placed at the head of, or on the grave of, each  
25 such deceased service person[.] and the graves of all other  
26 deceased persons who served in the Army, Navy, Air Force, Marine  
27 Corps, Coast Guard, Merchant Marine during World War II or any  
28 organization officially connected therewith and whose separation  
29 from such service was honorable, whether by discharge or  
30 otherwise. Such headstone shall contain his or her name and the

1 rank and organization to which he or she belonged or in which he  
2 or she served in letters raised or cut in at least three-  
3 sixteenths of an inch deep. Such headstone shall be of either  
4 marble or granite, and to be placed or set in a concrete base at  
5 least three feet deep, or if a headstone has been provided for  
6 such grave by the United States Government, the county  
7 commissioners shall provide such concrete base therefor, or if  
8 lettering only on an existing memorial is desired by the family,  
9 the county commissioners shall provide such lettering. In the  
10 event the body of any deceased service person, either cannot be  
11 or will not be returned to the United States of America, it  
12 shall be the duty of the county commissioners to cause a  
13 headstone to be placed in the family plot of such deceased  
14 service person. Said headstone shall have inscribed thereon (a)  
15 the name, rank and organization of such deceased service person,  
16 (b) the name of the country, location or manner in which such  
17 person lost his or her life, and (c) the cemetery or location in  
18 which the body, if buried, was finally laid to rest. Application  
19 therefor shall in each case be made on forms prescribed by the  
20 Department of Military Affairs and may be made by any relative  
21 of the deceased service person or by a friend, provided in the  
22 latter case there is no objection by the nearest relative and  
23 the application is approved by an organization of veterans of  
24 any war in which the United States has been, is now or shall  
25 hereafter be engaged. The expense in each case shall be borne by  
26 the county in which the deceased service person had his or her  
27 legal residence at the time of his or her death, whether or not  
28 he or she died in the county and whether or not he or she was  
29 buried in the county: Provided, however, That the expense shall  
30 not exceed the sum of one hundred dollars (\$100) for each

1 headstone or concrete base or lettering or bronze memorial  
2 tablet, and the county commissioners of each such county, acting  
3 under this section, shall draw a warrant on the treasurer of  
4 their county for the payment of said expense in favor of the  
5 party or parties furnishing such headstone or concrete base or  
6 lettering or bronze memorial tablet: Provided, however, That in  
7 cases of dispute concerning the legal residence of a deceased  
8 service person the county in which a deceased service person is  
9 buried shall perform the duties hereinbefore set forth. No such  
10 payment or payments shall be made unless the application  
11 therefor shall be approved before the commencement of the  
12 project by the county commissioners.

13 Section 2. Section 7 of the act is amended to read:

14 Section 7. Flags to Decorate Graves.--It shall be the duty  
15 of the county commissioners to provide flags on each Memorial  
16 Day with which to decorate the graves of all deceased service  
17 persons and the graves of all other deceased persons who served  
18 in the Army, Navy, Air Force, Marine Corps, Coast Guard,  
19 Merchant Marine during World War II or any organization  
20 officially connected therewith and whose separation from such  
21 service was honorable, whether by discharge or otherwise, buried  
22 within the county. The flags to be used for said purposes shall  
23 be of one standard size and shall be purchased at the expense of  
24 the county from moneys in the county treasury.

25 Such flags shall be furnished to the various veterans'  
26 organizations in such numbers as they shall require for their  
27 respective communities.

28 The moneys expended by any such county, under the provisions  
29 of this section, shall be in addition to moneys appropriated by  
30 counties for Memorial Day purposes.

1       The authorities in charge of any cemetery are authorized to  
2 remove such flags, when the same become unsightly or weather-  
3 worn, at any time not less than ninety days after the flags have  
4 been placed on graves.

5       Section 3. This act shall take effect in 60 days.