

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1270 Session of
2005

INTRODUCED BY CALTAGIRONE, BEBKO-JONES, BELFANTI, DALEY, GEIST,
GEORGE, HARHAI, HARRIS, HENNESSEY, HESS, JAMES, REICHLEY,
STURLA, SURRA, TANGRETTI, E. Z. TAYLOR AND THOMAS,
APRIL 6, 2005

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 6, 2005

AN ACT

1 Amending Title 9 (Burial Grounds) of the Pennsylvania
2 Consolidated Statutes, providing for the restoration of
3 cemeteries.

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

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

8 CHAPTER 4

9 CEMETERY RELIEF

10 Sec.

11 401. Definitions.

12 402. State Board of Cemetery Relief Directors.

13 403. Cemetery relief.

14 404. Cemetery Relief Fund.

15 § 401. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Application." An application for cemetery relief submitted
3 pursuant to this chapter by a board of county commissioners.

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

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

9 "Fund." The Cemetery Relief Fund established pursuant to
10 section 404 (relating to Cemetery Relief Fund).

11 § 402. State Board of Cemetery Relief Directors.

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

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

16 (1) Review applications.

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

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

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

23 (1) Three members appointed by the Governor.

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

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

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

1 members.

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

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

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

18 (h) Meetings.--Meetings of the board shall be held monthly
19 and shall be subject to 65 Pa.C.S. Ch. 7 (relating to open
20 meetings) and the act of June 21, 1957 (P.L.390, No.212),
21 referred to as the Right-to-Know Law.

22 § 403. Cemetery relief.

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

28 § 404. Cemetery Relief Fund.

29 (a) Establishment.--There is hereby established a separate
30 account in the State Treasury to be known as the Cemetery Relief

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

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

9 (c) Receipts and other credits.--There shall be paid or
10 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 \$1.00 on any birth certificate
15 issued by the Department of Health, except that no
16 surcharge shall be added to a birth certificate which is
17 issued without a fee.

18 (ii) A surcharge of \$1.00 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 which 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.--Moneys 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.