

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, YOUNGBLOOD, PERRY, CAUSER, KORTZ AND MANTZ, MARCH 19, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JANUARY 14, 2008

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.]; OR ←
26 ALUMINUM OR A SUITABLE SUBSTITUTE MATERIAL.

27 The county commissioners of each county of the first class
28 are hereby authorized and directed to place a marker upon the
29 grave of each deceased service person and the graves of all
30 other deceased persons who served in the Army, Navy, Air Force,

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

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

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

1 not exceed the sum of one hundred dollars (\$100) for each
2 headstone or concrete base or lettering or bronze memorial
3 tablet, and the county commissioners of each such county, acting
4 under this section, shall draw a warrant on the treasurer of
5 their county for the payment of said expense in favor of the
6 party or parties furnishing such headstone or concrete base or
7 lettering or bronze memorial tablet: Provided, however, That in
8 cases of dispute concerning the legal residence of a deceased
9 service person the county in which a deceased service person is
10 buried shall perform the duties hereinbefore set forth. No such
11 payment or payments shall be made unless the application
12 therefor shall be approved before the commencement of the
13 project by the county commissioners.

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

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

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

29 The moneys expended by any such county, under the provisions
30 of this section, shall be in addition to moneys appropriated by

1 counties for Memorial Day purposes.

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

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