

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 777 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 July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," further providing for
5 markers on graves and for flags to decorate graves.

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

8 Section 1. Section 2113(a), (B), (f) and (g) of the act of <—
9 July 28, 1953 (P.L.723, No.230), known as the Second Class
10 County Code, amended October 5, 1990 (P.L.519, No.125), are
11 amended to read:

12 Section 2113. Markers on Graves; Memorial Certificates;

1 Headstones.--(a) The county commissioners of the county shall
2 from time to time, as they consider expedient, procure
3 appropriate markers for the graves of deceased service
4 persons[.] and the graves of all other deceased persons who
5 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,
6 Merchant Marine during World War II or any organization
7 officially connected therewith and whose separation from such
8 service was honorable, whether by discharge or otherwise. Such
9 markers shall be of cast bronze, [but no board of commissioners <—
10 shall be required to discard any markers of other materials
11 already purchased, whether or not already installed. No new
12 markers shall in the future be purchased of metal other than
13 cast bronze. Suitable nonmetal substitutes may be used during
14 periods of national emergency, so proclaimed by the President of
15 the United States, when all available metals are required for
16 war materials.] ALUMINUM OR A SUITABLE SUBSTITUTE MATERIAL. <—

17 (B) THE COUNTY COMMISSIONERS SHALL PROCURE BRONZE, ALUMINUM
18 OR SUITABLE SUBSTITUTE MATERIAL MARKERS FROM SOME MANUFACTURER
19 OR MANUFACTURERS ENGAGED IN THE MANUFACTURING OF THE SAME, AND
20 IN THE CONTRACT FOR THE FURNISHING THEREOF THE MANUFACTURER
21 FURNISHING THE BRONZE MARKERS SHALL WARRANT THAT THE SAME ARE
22 MADE OF THE FOLLOWING METALS AND IN THE FOLLOWING PROPORTIONS:
23 COPPER, EIGHTY-FIVE PER CENTUM; TIN, FIVE PER CENTUM; ZINC, FIVE
24 PER CENTUM; AND LEAD, FIVE PER CENTUM.

25 * * *

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

1 organization officially connected therewith and whose separation
2 from such service was honorable, whether by discharge or
3 otherwise, who, at the time of his or her death, had his or her
4 legal residence in the county, whether or not he or she died in
5 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
8 not have a legal residence within this Commonwealth. When such
9 deceased service person shall have been a veteran of any war or
10 campaign for which the Government of the United States issued
11 discharge buttons, the markers designated for their graves shall
12 include a facsimile of said discharge button. When such markers
13 are upright flag holders they shall consist of cast bronze or
14 any other weather resistant material. When such deceased service
15 person shall have been a veteran of the Korean Conflict, the
16 markers designated for their graves shall include a circular
17 emblem with the words "Korea, U.S., 1950-1953" in the border
18 thereof, and shall incorporate the insignia of the Army, Navy,
19 Marine Corps, Air Force, and Coast Guard, in the form approved
20 by the Veterans' Commission. In lieu of placing an upright flag
21 holder on the grave, if the next of kin of a veteran so
22 requests, a memorial certificate may be issued to the next-of-
23 kin of a deceased service person who at the time of his or her
24 death had his or her legal residence in the county, whether or
25 not he or she died in the county and whether or not he or she
26 was buried in the county. The memorial certificate shall
27 indicate the deceased service person's name and designate the
28 war or campaign in which the deceased service person served.

29 (g) It shall be the duty of the county commissioners of the
30 county upon or at any time subsequent to the death of any

1 deceased service person who, at the time of his or her death,
2 had his or her legal residence in the county, on application as
3 hereinafter provided, to cause a headstone or bronze memorial
4 tablet to be placed at the head of or on the grave of each such
5 deceased service person[.] and the graves of all other deceased
6 persons who served in the Army, Navy, Air Force, Marine Corps,
7 Coast Guard, Merchant Marine during World War II or any
8 organization officially connected therewith and whose separation
9 from such service was honorable, whether by discharge or
10 otherwise.

11 * * *

12 Section 2. Section 2122(a) of the act is amended to read:

13 Section 2122. Flags to Decorate Graves.--(a) It shall be
14 the duty of the county commissioners to provide flags on each
15 Memorial Day with which to decorate the graves of all deceased
16 service persons and the graves of all other deceased persons who
17 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,
18 Merchant Marine during World War II or any organization
19 officially connected therewith and whose separation from such
20 service was honorable, whether by discharge or otherwise, buried
21 within the county. The flags to be used for said purposes shall
22 be of one standard size, and shall be purchased at the expense
23 of the county from moneys in the county treasury.

24 * * *

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