

No. 2008-23

## AN ACT

HB 777

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

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

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

Section 2113. Markers on Graves; Memorial Certificates; Headstones.—(a) The county commissioners of the county shall from time to time, as they consider expedient, procure appropriate markers for the graves of deceased service persons[.] *and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise.* Such markers shall be of cast bronze, [but no board of commissioners shall be required to discard any markers of other materials already purchased, whether or not already installed. No new markers shall in the future be purchased of metal other than cast bronze. Suitable nonmetal substitutes may be used during periods of national emergency, so proclaimed by the President of the United States, when all available metals are required for war materials.] *aluminum or a suitable substitute material.*

(b) The county commissioners shall procure bronze, *aluminum or suitable substitute material* markers from some manufacturer or manufacturers engaged in the manufacturing of the same, and in the contract for the furnishing thereof the manufacturer furnishing the bronze markers shall warrant that the same are made of the following metals and in the following proportions: copper, eighty-five per centum; tin, five per centum; zinc, five per centum; and lead, five per centum.

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(f) The county commissioners of the county are hereby authorized and directed to place a marker upon the grave of each deceased service person *and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise,* who, at the time of his or her death, had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was

buried in the county, and upon the grave of each deceased service person buried in the county who, at the time of his or her death, did not have a legal residence within this Commonwealth. When such deceased service person shall have been a veteran of any war or campaign for which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button. When such markers are upright flag holders they shall consist of cast bronze or any other weather resistant material. When such deceased service person shall have been a veteran of the Korean Conflict, the markers designated for their graves shall include a circular emblem with the words "Korea, U.S., 1950-1953" in the border thereof, and shall incorporate the insignia of the Army, Navy, Marine Corps, Air Force, and Coast Guard, in the form approved by the Veterans' Commission. In lieu of placing an upright flag holder on the grave, if the next of kin of a veteran so requests, a memorial certificate may be issued to the next-of-kin of a deceased service person who at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county. The memorial certificate shall indicate the deceased service person's name and designate the war or campaign in which the deceased service person served.

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

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

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

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

APPROVED—The 11th day of June, A.D. 2008.

EDWARD G. RENDELL