

No. 2008-21

AN ACT

HB 775

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

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

Section 1. Section 5 of the act of June 11, 1935 (P.L.326, No.149) entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," amended July 8, 1957 (P.L.576, No.318) and July 22, 1965 (P.L.223, No.123), is amended to read:

Section 5. Markers for Graves; Headstones.—The county commissioners of any such county of this State shall, from time to time, as is considered expedient by the commissioners, 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, which term shall mean a proper composition of the following metals in the following proportions: Copper eighty-five per centum, tin five per centum, zinc five per centum, and lead five per centum[: **Provided, however, That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed, but no new markers shall in the future be purchased of metal other than cast bronze, as herein defined, except that during periods of national emergency so proclaimed by the President of the United States, when all available metal is required for war materials, suitable nonmetal substitutes for cast bronze may be used.**], *or aluminum or a suitable substitute material.*

The county commissioners of each county of the first class 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 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 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 word "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 Pennsylvania State Veterans' Commission.

It shall also be the duty of the county commissioners of such 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.* Such headstone shall contain his or her name and the rank and organization to which he or she belonged or in which he or she served in letters raised or cut in at least three-sixteenths of an inch deep. Such headstone shall be of either marble or granite, and to be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide such concrete base therefor, or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering. In the event the body of any deceased service person, either cannot be or will not be returned to the United States of America, it shall be the duty of the county commissioners to cause a headstone to be placed in the family plot of such deceased service person. Said headstone shall have inscribed thereon (a) the name, rank and organization of such deceased service person, (b) the name of the country, location or manner in which such person lost his or her life, and (c) the cemetery or location in which the body, if buried, was finally laid to rest. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs and may be made by any relative of the deceased service person or by a friend, provided in the latter case there is no objection by the nearest relative and the application is approved by an organization of veterans of any war in which the United States has been, is now or shall hereafter be engaged. The expense

in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county and whether or not he or she was buried in the county: Provided, however, That the expense shall not exceed the sum of one hundred dollars (\$100) for each headstone or concrete base or lettering or bronze memorial tablet, and the county commissioners of each such county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze memorial tablet: Provided, however, That in cases of dispute concerning the legal residence of a deceased service person the county in which a deceased service person is buried shall perform the duties hereinbefore set forth. No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners.

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

Section 7. **Flags to Decorate Graves.**—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.

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

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

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

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

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

EDWARD G. RENDELL