

No. 1978-173

AN ACT

HB 2214

Amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, implementing section 28 of Article I of the Constitution of Pennsylvania relating to equality of rights regardless of sex, making conforming amendments to other titles and making repeals.

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

Section 1. Title 1, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a part to read:

PART VI

IMPLEMENTATION OF CONSTITUTIONAL PROVISIONS

Chapter

23. Implementation of Constitutional Provisions

CHAPTER 23

IMPLEMENTATION OF CONSTITUTIONAL PROVISIONS

Sec.

2301. Equality of rights based on sex.

§ 2301. Equality of rights based on sex.

(a) General rule.—In recognition of the adoption of section 28 of Article I of the Constitution of Pennsylvania, it is hereby declared to be the intent of the General Assembly that where in any statute heretofore enacted there is a designation restricted to a single sex, the designation shall be deemed to refer to both sexes unless the designation does not operate to deny or abridge equality of rights under the law of this Commonwealth because of the sex of the individual.

(b) Public appointments.—All references to sex in requirements for appointments to public agencies or public positions shall be construed to require appointment without reference to sex. However where the legislative intent is expressed that both men and women shall serve on a public agency or in public positions, the agency or positions shall not be composed of a membership wholly of one sex.

(c) Employment benefits.—Where employment benefits authorized by statute, including pensions, death or disability payments or other similar benefits, are to be paid upon the death or disability of the employee, any designation of beneficiary which is restricted to a single sex shall be deemed a reference to both sexes.

(d) Other employment rights.—All other statutes affecting employment which contain a designation restricted to one sex shall be deemed to refer to both sexes unless the designation does not operate to deny or abridge equality of rights.

Section 2. Sections 4303 and 5902(c) of Title 18 are amended to read:
 § 4303. Concealing death of **[bastard]** child *born out of wedlock*.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if *he or she* **[, being a woman,]** endeavors privately, either *alone or by herself or* the procurement of others, to conceal the death of *his or her* **[bastard]** child *born out of wedlock*, so that it may not come to light, whether it was born dead or alive or whether it was murdered or not.

(b) Procedure.—If the **[grand jury, in the]** same indictment *or information* charges any **[woman with the murder of]** *person with the murder of his or her* **[bastard]** child *born out of wedlock*, as well as with the offense of the concealment of the death, the jury may acquit or convict *him or her* of both offenses, or find *him or her* guilty of one and acquit *him or her* of the other.

§ 5902. Prostitution and related offenses.

* * *

(c) Grading of offenses under subsection (b).—

(1) An offense under subsection (b) **[of this section]** constitutes a felony of the third degree if:

(i) the offense falls within paragraphs (b)(1), (b)(2) or (b)(3) **[of this section]**;

(ii) the actor compels another to engage in or promote prostitution;

(iii) the actor promotes prostitution of a child under the age of 16 years, whether or not he is aware of the age of the child; or

(iv) the actor promotes prostitution of his **[wife]** *spouse*, child, ward or any person for whose care, protection or support he is responsible.

(2) Otherwise the offense is a misdemeanor of the second degree.

* * *

Section 3. Section 2519(a) of Title 20 is amended to read:

§ 2519. Testamentary guardian.

(a) Guardian of the person.—A person competent to make a will, being the sole surviving parent or adopting parent of any unmarried minor child, may appoint a testamentary guardian of the person of such child during his minority, or for any shorter period^{[:} **Provided, That** *except that* no **[father]** *parent* who, for one year or upwards previous to his death, shall have willfully neglected or refused to provide for his child, **[and no mother]** *or* who, for a like period, shall have deserted **[her]** *the* child or willfully failed to perform **[her]** parental duties, shall have the right to appoint a testamentary guardian of the person of such child.

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Section 4. Section 5925 of Title 42, added July 9, 1976 (P.L.586, No.142), is amended to read:

§ 5925. Testimony by [**wife**] *married person* against [**husband**] *spouse* in rebuttal.

[In any civil action brought against the husband to recover necessities furnished to the wife, if the husband makes defense at the trial upon the ground that his wife had left him without justification or excuse before the necessities were furnished, or upon any other ground which attacks the character or conduct of the wife, she shall be a competent witness in rebuttal for the plaintiff.]

In any civil action brought against a married person, if the defendant makes defense at the trial upon any ground which attacks the character or conduct of the spouse, the spouse shall be a competent witness in rebuttal for the plaintiff.

Section 5. Sections 3301(c), 3501, 4103 and 7108 of Title 51 are amended to read:

§ 3301. Pay and expenses of officers and enlisted personnel.

* * *

(c) Annual training.—The Governor is further authorized to provide an annual training period for the Pennsylvania Guard, not to exceed 30 days in any one year, during which period the pay, allowances and transportation of officers and enlisted [**men**] *personnel* shall be on the same basis as provided for similar grades in the current Armed Forces Pay and Allowance Act.

§ 3501. Relief for disability incurred in active State service.

(a) General rule.—If any [**officer or enlisted man**] *member* of the Pennsylvania National Guard is injured or otherwise disabled, or dies as a result of injuries or other disability received or contracted while performing duty in active service of the Commonwealth or in the performance of other State military duty under competent order or authority, or while engaged in volunteer service during a civil emergency at the request of competent military authority, he or his dependents, if not compensated therefor by the government of the United States, shall receive from the Commonwealth just and reasonable relief, the amount of compensation to be determined in accordance with the Workmen's Compensation Law of Pennsylvania. The General Assembly shall appropriate the moneys necessary to provide for such compensation.

(b) Computation of average weekly wage.—In the computation of average weekly wage for purposes of compensating a member of the Pennsylvania National Guard or his beneficiaries, "wages" shall include all earnings during the period used for such computation received from employment in the [**national guardsman's**] *member's* usual occupation.

§ 4103. Exemption of uniforms and equipment.

The uniform and accoutrements of every commissioned officer and enlisted [**man**] *person* shall be free from all suits, distresses, executions or sales for debt or payment of taxes.

§ 7108. Preference of **[widows and wives] spouses**.

The same preferential rating given to soldiers under the provisions of this chapter shall be extended to include the **[widows and wives of] spouses of deceased or** disabled soldiers.

Section 6. Title 54 is amended by adding a section to read:

§ 704. *Divorced person may resume prior name.*

(a) General rule.—Any person who is divorced from the bonds of matrimony may resume any prior surname used by him or her by filing a written notice to such effect in the office of the clerk of the court in which the decree of divorce was entered, showing the caption and docket number of the proceeding in divorce.

(b) Foreign decrees.—Where a divorced person has been the subject of a decree of divorce granted in a foreign jurisdiction, a certified copy of such foreign divorce decree may be filed with the clerk of the court of common pleas of the county where the person resides, and thereafter the notice specified in subsection (a) may be filed with reference to such decree.

Section 7. Sections 312 and 342 of Title 59 are amended to read:

§ 312. Rules for determining the existence of a partnership.

In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by section 328 (relating to partner by estoppel), persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(i) As a debt by installments or otherwise.

(ii) As wages of an employee or rent to a landlord.

(iii) As an annuity to a **[widow] surviving spouse** or representative of a deceased partner.

(iv) As interest on a loan, **[through] though** the amount of payment **[vary] varies** with the profits of the business.

(v) As the consideration for the sale of the goodwill of a business or other property by installments or otherwise.

§ 342. Nature of right of partner in specific partnership property.

(a) General rule.—A partner is co-owner with his partners of specific partnership property, holding as a tenant in partnership.

(b) Incidents of tenancy.—The incidents of this tenancy are such that:

(1) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(2) The right of a partner in specific partnership property is not assignable, except in connection with the assignment of the rights of all partners in the same property.

(3) The right of a partner in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(4) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(5) The right of a partner in specific partnership property is not subject to dower, curtesy, or allowances to **[widows]** *surviving spouses*, heirs, or next of kin.

Section 8. Transition provisions on employment benefits.

(a) General rule.—The provisions of 1 Pa.C.S. § 2301(c) (relating to employment benefits) shall not apply to a benefit plan or program in existence on the effective date of this act if the employer:

(1) determines after an actuarial review that the application of such provisions to the plan or program will render the plan or program actuarially unsound;

(2) files a written statement of such determination, together with the relevant data or a summary thereof, within six months after the effective date of this act with the Department of State; and

(3) gives appropriate notice to affected employees.

An employer who effects a filing pursuant to this section shall within one year after the effective date of this act amend the plan or program so as to conform to 1 Pa.C.S. § 2301(c) without affecting the actuarial soundness of the plan or program.

(b) Expiration of section.—This section shall expire one year after the effective date of this act.

Section 9. Repeals.

(a) Absolute repeals.—The following acts or parts of acts are repealed absolutely:

Sections 1 and 2, act of January 12, 1705, 1 Sm.L.31, No.132, entitled “An act for the better confirmation of the owners of lands, and inhabitants of this province, in their just rights and possessions.”

Section 1, act of January 12, 1705, 1 Sm.L.48, No.145, entitled "The law about seven years quiet possession."

Section 3, act of January 12, 1705, 1 Sm.L.49, No.150, entitled "An act for defalcation."

Act of September 30, 1791, 3 Sm.L.58, No.1590, entitled "A supplement to the act, entitled 'An act to establish the Judicial Courts of this commonwealth, in conformity to the alterations and amendments in the constitution.'"

Section 6, act of March 23, 1826 (P.L.133, No.47), entitled "An act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the house of refuge."

Act of March 2, 1827 (P.L.76, No.46), entitled "An act to endow the 'House of Refuge,' and for other purposes therein mentioned."

Act of April 23, 1829 (P.L.341, No.204), entitled "A further supplement to an act, entitled 'An act to reform the penal laws of this commonwealth.'"

Act of April 10, 1835 (P.L.133, No.92), entitled "A supplement to an act entitled, An act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge, passed March twenty three, one thousand eight hundred and twenty six."

Sections 2, 4, 5, 6, 9 and 11, act of April 14, 1835 (P.L.232, No.140), entitled "A supplement to the act entitled An act to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut street in said city."

Section 7, act of April 11, 1850 (P.L.448, No.311), entitled "An act to erect the village of Doverville, in the county of Philadelphia, into a borough, by the name and title of 'The commissioners and inhabitants of the borough of Aramingo, in the county of Philadelphia;' and relating to the Philadelphia House of Refuge."

Clause IX of section 6, act of May 20, 1857 (P.L.581, No.619), entitled "An act to provide for the Due Training of Teachers for the Common Schools of the State."

Act of March 23, 1865 (P.L.642, No.638), entitled "A supplement to an act to increase the revenues and diminish the legislative expenses of the commonwealth, approved the sixteenth day of April, one thousand eight hundred and forty-five, and supplements thereto, relating to theaters, or theatrical exhibitions."

Sections 3 and 4, act of June 2, 1871 (P.L.1301, No.1209), entitled "An act to establish and maintain for the city of Philadelphia, a house of correction, employment and reformation for adults and minors."

Section 2, act of May 22, 1879 (P.L.73, No.84), entitled "An act to regulate places of public amusement in cities of the first class."

Section 8, act of June 8, 1881 (P.L.63, No.68), entitled "A supplement to an act, entitled 'An act to create a middle penitentiary district in this state, and to provide for the erection of state penitentiary for the same,' approved the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight."

Section 9, act of June 14, 1887 (P.L.399, No.264), entitled "An act to provide for the selection of a site and erection of a State Hospital for injured persons, to be located at or near Hazleton, in the county of Luzerne, to be called the State Hospital for Injured Persons of the Middle Coal Field, and for the management of the same, and making an appropriation therefor."

Act of May 13, 1889 (P.L.192, No.212), entitled "An act to provide for the appointment of police matrons in cities of the first and second classes, and to regulate their duties and compensation."

Except section 13, act of June 26, 1895 (P.L.377, No.269), entitled "An act authorizing the erection of work-houses in the several counties of this Commonwealth."

Clause III of section 3, act of March 7, 1901 (P.L.20, No.14), entitled "An act for the government of cities of the second class."

Act of May 11, 1901 (P.L.187, No.155), entitled "An act authorizing judges of the courts of quarter sessions of the peace, magistrates and justices of the peace to commit vicious or incorrigible minors, of the male sex, to the Philadelphia Protectors for Boys, located at Protectors, Montgomery county, Pennsylvania."

Act of March 27, 1903 (P.L.105, No.84), entitled "An act rendering women eligible to the office of commissioner to take acknowledgment of deeds and instruments of writing under seal."

Act of May 11, 1905 (P.L.518, No.429), entitled, as amended, "An act making an appropriation for the erection of a home or school for indigent orphans, to be called the Thaddeus Stevens State School of Technology, in which school provision shall be made for giving instruction in reading, writing, arithmetic, drawing, duties of citizenship, elementary manual training, the elements of farming, and other requisite branches."

Section 10, act of April 25, 1907 (P.L.106, No.90), entitled "An act to provide for licensing and regulating employment agencies, in cities of the first and second class in this Commonwealth, and providing penalties for the violation thereof."

Section 4, act of May 25, 1907 (P.L.247, No.191), entitled "An act authorizing the employment of male prisoners of the jails, and workhouses of this Commonwealth upon the public highways of the several counties, and regulating the same; and providing for the establishment of Prison Boards, the purchase of material and tools, and employment of deputies, at the expense of the proper county, and a penalty for the escape of prisoners while employed outside of said jails, workhouses."

Section 9, act of June 13, 1907 (P.L.699, No.601), entitled "An act to provide for the selection of a site and the erection of a State Hospital for injured persons, to be located at or near Shamokin, in the county of Northumberland, to be called a State Hospital for Injured Persons of the Treverton, Shamokin and Mount Carmel Coal Fields, and for the management of the same, and making an appropriation therefor."

Act of March 24, 1909 (P.L.62, No.36), entitled "An act continuing the charge and power of the managers of houses of refuge and reform schools, within the Commonwealth of Pennsylvania, over all girls committed to said institution, during the minority of such girls."

Act of May 1, 1909 (P.L.302, No.195), entitled, as amended, "An act requiring counties now or hereafter containing a population of not less than three hundred thousand, and not more than one million two hundred thousand inhabitants, to establish and maintain schools for the care and education of male children under the jurisdiction of the juvenile courts, and conferring the powers and regulating the proceedings for the establishment, maintenance, and management thereof."

Section 2, act of May 14, 1909 (P.L.838, No.656), entitled "An act to define the rights and functions of official visitors of jails, penitentiaries, and other penal or reformatory institutions, and providing for their removal."

Section 1, act of June 7, 1911 (P.L.677, No.267), entitled "An act to require fire drills in factories and industrial establishments, where women or girls are employed; providing for the promulgation of rules in respect thereto, and providing penalties for the violation thereof."

Act of May 20, 1913 (P.L.262, No.182), entitled "An act authorizing and empowering county commissioners, in all counties of this Commonwealth having a population of not less than seven hundred fifty thousand nor more than twelve hundred thousand inhabitants, to turn over to the board of managers of juvenile schools or farms, as heretofore established by the act of Assembly approved the first day of May, one thousand nine hundred and nine, entitled 'An act requiring counties now or hereafter containing a population of not less than seven hundred and fifty thousand, and not more than one million two hundred thousand inhabitants, to establish and maintain schools for the care and education of male children under the jurisdiction of the juvenile courts, and conferring the powers and regulating the proceedings for the establishment, maintenance and management thereof,' and the various supplements thereto,—upon their written request, from time to time, sums of money from the amounts appropriated and the taxes collected thereunder, from time to time, for the maintenance, equipment, and construction thereof,—not less than ten thousand dollars (\$10,000) at any one time."

Act of June 4, 1915 (P.L.812, No.359), entitled "An act authorizing and regulating the employment of convicts and prisoners on the public highways."

Act of July 5, 1917 (P.L.686, No.254), entitled "An act supplemental to an act, entitled 'An act to protect the public health and welfare; by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof,' approved the twenty-fifth day of July, one thousand nine hundred thirteen; providing for the granting of modifications of the provisions of said act affecting the hours and conditions of employment of females in certain establishments, except the maximum hours per week; providing for the terms and conditions of such modifications; providing for the changing and withdrawing of such modifications; and providing penalties for violation thereof."

Sections 12, 13 and 15, act of July 5, 1917 (P.L.693, No.256), entitled "An act authorizing and empowering the several counties of this Commonwealth to establish and maintain schools for the care and education of children, under the jurisdiction of the courts of quarter sessions of the peace, or other courts, sitting as juvenile courts, and to acquire land therefor by purchase or by condemnation; defining the scope and character of such schools; regulating the proceedings for the establishment, maintenance and management thereof; authorizing the county commissioners to make appropriation, levy taxes, and to incur indebtedness therefor; and providing that all such schools heretofore established by any county shall be continued and maintained under the authority of this act; removing the persons in charge thereof; and providing that any property heretofore acquired for any such schools shall be held and used for the schools provided for in this act."

Paragraph 4 of section 13 of Article XIX, act of June 25, 1919 (P.L.581, No.274), entitled "An act for the better government of cities of the first class of this Commonwealth."

Act of July 8, 1919 (P.L.737, No.300), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first

day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance.”

Act of May 3, 1923 (P.L.136, No.102), entitled “An act authorizing cities, boroughs, towns, and townships to purchase burial plots for certain deceased service men.”

Act of March 21, 1929 (P.L.38, No.37), entitled “An act authorizing and regulating the establishment and operation, by counties, of hospitals for the treatment of women afflicted with nervous diseases; providing for the acquisition of property for such hospitals by the power of eminent domain, the incurring of indebtedness, and the levying of taxes, authorizing counties to pay for patients cared for in hospitals of other counties; and authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals.”

Section 1, act of April 18, 1929 (P.L.542, No.239), entitled “An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions; regulating future commitments by the courts of counties having unsuitable institutions, and imposing the cost of maintenance and transfer of such prisoners upon the county from which committed.”

Section 1, act of June 20, 1935 (P.L.355, No.162), entitled “An act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.”

Sections 2 and 3, act of July 18, 1935 (P.L.1314, No.411 ½), entitled, as amended, “An act authorizing the utilization of the Pennsylvania State Police Academy for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation.”

The second sentence of section 14, act of April 8, 1937 (P.L.262, No.66), known as the “Consumer Discount Company Act.”

The phrase “retiring rooms for women,” of section 3, act of May 18, 1937 (P.L.654, No.174), entitled, as amended, “An act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, materials, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.”

Act of May 27, 1937 (P.L.917, No.248), entitled “An act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards, and of the Department of Labor and Industry; imposing

duties on employers; providing for directory and mandatory orders on employers, and the publication of the names of employers who do not comply with such orders; exempting certain persons from the provisions of this act; and providing penalties.”

Section 501(e), act of June 24, 1937 (P.L.2017, No.396), known as the “County Institution District Law.”

Act of May 15, 1939 (P.L.136, No.66), entitled “An act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week, except in emergency cases.”

Act of May 16, 1939 (P.L.137, No.67), entitled “An act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.”

Section 1, act of May 25, 1939 (P.L.192, No.100), entitled “An act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names; and making certified copies of their election evidence in all cases.”

Act of June 9, 1939 (P.L.323, No.179), entitled “An act requiring cities of the first class to furnish free of charge to uniformed officers and men employed in the police department, fire department and park guards, the first uniform or part thereof made necessary by any changes made in the prescribed uniform.”

Section 28, act of August 6, 1941 (P.L.861, No.323), entitled, as amended, “An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the ‘Pennsylvania Board of Probation and Parole’; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation.”

Act of May 15, 1945 (P.L.569, No.229), entitled “An act to provide for the sentencing of male persons convicted of certain crimes, the commitment of defective delinquents; and repealing certain laws.”

Act of January 18, 1952 (P.L.2159, No.615), entitled “An act creating the Pennsylvania Public Safety Commission as a commission; providing for the appointment of a director of Public Safety; setting forth the powers and duties of the commission and the director; defining the scope of existing safety agencies; and making an appropriation.”

Section 2175(5), act of August 9, 1955 (P.L.323, No.130), known as "The County Code."

Section 310, act of August 31, 1955 (P.L.531, No.131), known as the "Pennsylvania Athletic Code."

Act of September 15, 1961 (P.L.1313, No.582), known as "The Minimum Wage Act of 1961."

Sections 2, 3 and 4, act of December 22, 1965 (P.L.1189, No.472), entitled "An act establishing a correctional facility for criminological diagnosis, classification, social and psychological treatment and research, medical treatment and staff training."

(b) Inconsistent repeals.—

(1) The following acts or parts of acts are repealed insofar as they are inconsistent with 1 Pa.C.S. § 2301(b):

Section 2, act of July 2, 1901 (P.L.601, No.297), entitled "An act to establish in cities of the first and second class a house or houses of detention for delinquent, dependent and neglected children, and providing for the management and maintenance thereof."

Section 2, act of May 23, 1907 (P.L.206, No.167), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making violations of its provisions to be misdemeanors, and providing penalties for violations thereof."

Section 13, act of June 4, 1915 (P.L.833, No.373), entitled "An act establishing under the Department of Labor and Industry a system of regulation of employers seeking employes and of persons seeking employment; and prescribing, as incidental thereto, certain duties of employers, and of county, municipal, township, and school authorities, and of agencies procuring employes for others; and prescribing penalties."

Section 3, act of July 8, 1919 (P.L.784, No.322), entitled "An act empowering cities of the second and third classes, boroughs, and counties, to acquire, maintain, and operate playgrounds, play fields, gymnasiums, public baths, swimming pools, and indoor recreation centers; authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes."

Section 445, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

Section 3705, act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code."

Act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law."

Section 2, act of July 3, 1947 (P.L.1228, No.499), entitled "An act to establish in cities of the first class a house of detention for delinquent, dependent and neglected children up to eighteen years of age, and providing for the management and the maintenance thereof."

Sections 2538 and 3003, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

Section 13, act of June 2, 1955 (P.L.134, No.39), entitled "An act relating to public recreation in incorporated towns; providing for the acquisition, maintenance and operation of places of public recreation; providing for a referendum in certain cases; authorizing the levy of taxes for such purposes and validating past actions."

Section 415, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

(2) The following acts or parts of acts are repealed insofar as they are inconsistent with 1 Pa.C.S. § 2301(c):

Sections 2 and 8, act of April 22, 1903 (P.L.248, No.184), entitled "An act to provide a Miners' Home or Homes for old, crippled and helpless employes of the coal mines of Pennsylvania; for the naming of trustees, with power to purchase land, erect buildings thereon, and manage the same; the admission of the wives of such employes where they have reached the age of fifty-five years; the conditions for admission to such Home or Homes, and the raising of revenue to support it or them."

Sections 4301, 4303, 4305, 4308, 4320, 4321, 4322, 4324, 4340, 4343 and 4344, act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code."

Sections 9, 9.2, 9.3, 12.5 and 13, act of May 25, 1933 (P.L.1050, No.242), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created."

Section 11, act of May 22, 1935 (P.L.233, No.99), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act."

Sections 3, 4, 5.1 and 11, 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."

Sections 2110, 2111, 2116 and 2123, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

Section 1, act of May 29, 1956 (P.L.1804, No.600), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships, and the regulation and maintenance thereof; providing for an actuary; continuance of existing funds or transfer thereof to funds herein established; prescribing rights of beneficiaries; contributions by members; providing for expenses of administration; continuation of existing authority to provide annuity contracts; credit for military service; refunds; exempting allowances from judicial process; and repealing certain acts."

Section 1, act of December 8, 1959 (P.L.1718, No.632), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of employes of State penal and correctional institutions, State mental hospitals, Youth Development Centers, County Boards of Assistance, and under certain conditions other employes of the Department of Public Welfare, who are injured in the performance of their duties; and providing benefit to their widows and dependents in certain cases."

Section 910, act of November 10, 1965 (P.L.721, No.346), known as the "Pennsylvania Anthracite Coal Mine Act."

Section 506, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

Section 1, act of June 28, 1967 (P.L.122, No.31), entitled "An act giving city councils of second class A cities authority to provide for a fund for the care of aged widows of former policemen or firemen."

Sections 3 and 6, act of June 11, 1968 (P.L.149, No.84), known as the "Volunteer Firemen's Relief Association Act."

Section 403, act of February 1, 1974 (P.L.34, No.15), known as the "Pennsylvania Municipal Retirement Law."

(3) The following acts or parts of acts are repealed insofar as they are inconsistent with 1 Pa.C.S. § 2301(d):

Section 1, act of May 27, 1871 (P.L.1255, No.1159), entitled "An act supplemental to an act, entitled 'An act to protect ship-owners and regulate the licensing of stevedores in Philadelphia,' approved the sixth day of April Anno Domini one thousand eight hundred and seventy."

Section 9, act of July 25, 1913 (P.L.1311, No.816), entitled "An act providing for the establishment of a State Industrial Home for Women; authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings; providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years, convicted of, or pleading guilty to, the commission of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act."

Section 7, act of June 3, 1919 (P.L.366, No.179), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance and transportation of such police; providing for barracks and substations therefor; and prescribing penalties."

Section 2.1, act of May 16, 1921 (P.L.579, No.262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth class by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons."

Sections 1 and 2, act of April 14, 1931 (P.L.38, No.30), entitled, as amended, "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class."

Section 6, act of May 13, 1931 (P.L.121, No.90), entitled "An act providing for the acquisition of land, and the erection, construction and maintenance of jails and/or workhouses by cities of the first class; providing for their management and control of same by the inspectors of existing jails or prisons, and the transfer of prisoners by such inspectors."

Section 7, act of June 12, 1931 (P.L.512, No.166), entitled "An act providing for the joint construction by any two or more counties of industrial farms and workhouses; providing for the acquisition of sites and the erection and equipment of buildings; providing for their government and control, and for the commitment, admission, employment, and discharge of inmates, the appointment of an advisory board, and defining its duties; authorizing counties to incur indebtedness and issue bonds for the purpose of paying their share of the cost of erection; imposing the cost of maintenance of inmates on the counties; and repealing inconsistent legislation."

Section 11, act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties."

Section 13, act of May 18, 1937 (P.L.665, No.176), entitled "An act relating to the performance of industrial work in homes; regulating, and in

certain cases prohibiting, industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties."

Sections 5, 6 and 7, act of June 27, 1939 (P.L.1207, No.405), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation."

Section 20, act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws."

Section 20, act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws."

Section 3, act of June 15, 1951 (P.L.586, No.144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class."

Sections 7 and 9, act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes."

Section 1531, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

Section 2328, act of August 9, 1955 (P.L.323, No.130), known as "The County Code."

Section 205, act of November 30, 1955 (P.L.756, No.225), known as the "Gas Operations Well-Drilling Petroleum and Coal Mining Act."

Sections 103, 107, 108, 122, 206, 218, 221, 222, 224, 226, 228, 230, 242, 244, 249, 250, 252, 257, 263, 264, 266, 269, 271, 272, 273, 282, 285, 287, 290, 293, 299.1 and 328, act of July 17, 1961 (P.L.659, No.339), known as the "Pennsylvania Bituminous Coal Mine Act."

Sections 103, 107, 108, 109, 127, 224, 263, 272, 277, 412, 502, 521, 614, 615, 636, 703, 711, 722, 723, 724, 805, 811, 814, 1112 and 1129, act of November 10, 1965 (P.L.721, No.346), known as the "Pennsylvania Anthracite Coal Mine Act."

Section 7, act of December 22, 1969 (P.L.394, No.175), entitled "An act providing for the establishment, operation and maintenance of detention facilities for certain persons by adjoining counties on approval by the Bureau of Correction."

(4) All other acts and parts of acts, including but not limited to the following, are repealed insofar as they are inconsistent with this act:

Section 1, act of May 25, 1907 (P.L.247, No.191), entitled "An act authorizing the employment of male prisoners of the jails, and workhouses of this Commonwealth upon the public highways of the several counties, and regulating the same; and providing for the establishment of Prison Boards, the purchase of material and tools, and employment of deputies, at the expense of the proper county, and a penalty for the escape of prisoners while employed outside of said jails, workhouses."

Sections 2403 and 2505, act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code."

Section 1, act of August 13, 1963 (P.L.774, No.390), entitled "An act authorizing courts to permit certain prisoners to leave jail during reasonable and necessary hours for occupational, scholastic or medical purposes; conferring powers and imposing duties upon courts, county commissioners and sheriffs and other persons in charge of a jail or workhouse."

Section 421, act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the "Mental Health and Mental Retardation Act of 1966."

Section 10. Effective date.

This act shall take effect in 60 days.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP