

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 227

Session of  
1979

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RHODES, WHITE, RICHARDSON, CIMINI, MILLER, ALDEN, LASHINGER,  
WACHOB, LEVIN, KUKOVICH, DONATUCCI, LEVI, PICCOLA AND  
HELFRICK, FEBRUARY 12, 1979

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 1979

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedures) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 jury selection commissions, providing for the qualifications,  
4 selection and service of jurors and providing penalties.

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

7 Section 1. Subchapter C of Chapter 21 of Title 42, act of  
8 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania  
9 Consolidated Statutes, is amended to read:

10 § 2121. Jury selection commissions.

11 [(a) General rule.--The jury selection commission in each  
12 county of this Commonwealth shall consist of three or more  
13 persons selected as provided in this subchapter or as provided  
14 by home rule charter.

15 (b) Home rule charter counties.--The provisions of this  
16 subchapter shall be subject to any inconsistent provisions of  
17 any home rule charter.]

18 The jury selection commission in each county shall consist of

1 three persons selected as provided in this subchapter.

2 § 2122. Composition of jury selection commissions.

3 [(a) General rule.--Except in the first judicial district,  
4 the jury selection commission shall consist of two jury  
5 commissioners elected as provided in this section and a judge of  
6 the court of common pleas of the judicial district embracing the  
7 county designated from time to time by the president judge of  
8 such court. The judge so designated shall be the chairman of the  
9 commission.]

10 (a) General rule.--Except in the first judicial district,  
11 the jury commission shall consist of two jury commissioners  
12 elected as provided in this section and the president judge of  
13 the court of common pleas of the judicial district embracing the  
14 county. The president judge may from time to time, for cause,  
15 assign another judge of his court to perform his duties  
16 temporarily. The president judge or his assigned replacement  
17 shall be chairman.

18 (b) Election of commissioners.--The jury commissioners shall  
19 be elected as provided in this subsection and, to the extent not  
20 inconsistent with this subsection, as provided by the act of  
21 July 28, 1953 (P.L.723, No.230), known as the "Second Class  
22 County Code" and the act of August 9, 1955 (P.L.323, No.130),  
23 known as "The County Code," as the case may be, and the act of  
24 June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania  
25 Election Code." Any jury commissioner shall be eligible for  
26 reelection for any number of terms. The two persons elected as  
27 jury commissioners shall not be of the same political party. The  
28 candidate for the office who receives the highest number of  
29 votes shall be one of the jury commissioners, and the other  
30 shall be that candidate not being of the same political party as

1 the first who receives the next highest number of votes.

2 (c) Filling of vacancy.--In case of the inability of a jury  
3 commissioner, by sickness, death, or other unavoidable cause, to  
4 discharge the duties of his office, or in case of neglect or  
5 refusal to serve, the president judge of the court of common  
6 pleas of the judicial district shall appoint a suitable person  
7 to perform the duties of the office during the period of  
8 inability.

9 (d) Philadelphia.--[In the first judicial district the jury  
10 selection commission shall consist of the sheriff and the judges  
11 of the Court of Common Pleas of Philadelphia County.] In the  
12 first judicial district, the jury selection board shall be  
13 deemed to constitute the jury selection commission. The clerk of  
14 the board shall be designated the deputy commissioner and the  
15 masters, not to exceed four, shall be called the assistant  
16 commissioners.

17 (e) Quorum.--A jury selection commission may act by any two  
18 of its members.

19 [§ 2123. Staff.

20 The jury selection commission shall appoint and may remove a  
21 clerk and such administrative staff of the commission as may be  
22 authorized pursuant to law.]

23 § 2123. Expenses, staff and quarters.

24 (a) Options.--All expenses incurred in the maintenance and  
25 operation of the commission and the salaries of its employees  
26 shall be payable out of the county funds of the respective  
27 county upon payrolls approved by the commission. All salaries  
28 shall be fixed by the commission, acting in conjunction with the  
29 county commissioners and the county controller of the respective  
30 county, acting as a salary board, and the salary board is hereby

1 authorized to fix the number of employees and their salaries. In  
2 counties of the first class, the salaries shall be fixed by the  
3 commission upon recommendation of the personnel section of the  
4 court of common pleas.

5 (b) Quarters.--The county commissioners of the respective  
6 county, and in counties of the first class, the court of common  
7 pleas, upon requisition of the commission, shall provide  
8 suitable office quarters for the commission and shall furnish  
9 and equip the office quarters.

10 § 2124. Powers and duties.

11 Each jury selection commission shall exercise the powers and  
12 perform the duties vested in and imposed upon such commissions  
13 by Subchapter B of Chapter 45 (relating to selection and custody  
14 of jurors) and any other powers and duties vested in and imposed  
15 upon such commissions by law.

16 Section 2. Chapter 45 of Title 42 is amended to read:

17 CHAPTER 45

18 JURIES AND JURORS

19 [(Reserved)]

20 Subchapter

21 A. Qualifications and Exemptions

22 B. Selection and Custody of Jurors

23 C. Summoning Jurors

24 D. Miscellaneous Provisions

25 E. Penalties Generally

26 SUBCHAPTER A

27 QUALIFICATIONS AND EXEMPTIONS

28 Sec.

29 4501. Declaration of policy.

30 4502. Qualifications of jurors.

1 4503. Exemptions from jury duty.

2 § 4501. Declaration of policy.

3 It is the policy of this Commonwealth that all persons  
4 entitled to a jury trial in a civil or criminal action shall  
5 have the right to jurors selected at random from a  
6 representative cross section of the eligible population of the  
7 county. It is further the policy of this Commonwealth that all  
8 qualified citizens shall have the opportunity to be considered  
9 for service as jurors in the courts of this Commonwealth, and  
10 shall have an obligation to serve as jurors when summoned for  
11 that purpose and no citizen shall be excluded from service as a  
12 juror on the basis of race, color, religion, sex, national  
13 origin or economic status.

14 § 4502. Qualifications of jurors.

15 Every citizen of the required minimum age for voting for  
16 State or local officials residing in the county shall be  
17 qualified to serve as a juror therein unless:

18 (1) he is unable to read, write, speak and understand  
19 the English language;

20 (2) he is incapable, by reason of mental or physical  
21 infirmity, to render efficient jury service; or

22 (3) he has been convicted of a crime punishable by  
23 imprisonment for more than one year and has not been granted  
24 pardon or amnesty therefor.

25 § 4503. Exemptions from jury duty.

26 (a) General rule.--No person shall be exempt or excused from  
27 jury duty except the following:

28 (1) Persons in active service of the armed forces of the  
29 United States or of the Commonwealth of Pennsylvania.

30 (2) Persons who have served within three years next

1 preceding on any jury except in those counties where there is  
2 a one day, one juror system, in which case the exemption  
3 period shall be one year.

4 (3) Persons demonstrating to the court undue hardship or  
5 extreme inconvenience may be excused permanently or for such  
6 period as the court determines necessary, and if excused for  
7 a limited period, at the end of the period, the juror shall  
8 be assigned to the next jury panel.

9 (b) Challenge.--This section shall not affect the existing  
10 practice with respect to peremptory challenges and challenges  
11 for cause.

## 12 SUBCHAPTER B

### 13 SELECTION AND CUSTODY OF JURORS

14 Sec.

15 4521. Selection of prospective jurors.

16 4522. List of qualified jurors.

17 4523. Appeals by disqualified jurors.

18 4524. Selection of jurors for service.

19 4525. Equipment used for selection of jurors.

20 4526. Challenging compliance with selection procedures.

21 § 4521 Selection of prospective jurors.

22 (a) Preparation of master list.--In order to accomplish the  
23 objectives of section 4501 (relating to declaration of policy),  
24 the commission shall annually, on or before December 1, prepare  
25 a master list which may be incorporated by reference and which  
26 shall contain all voter registration lists for the county, or  
27 names from such other list or lists which in the opinion of the  
28 commission will provide a number of names of prospective jurors  
29 which is equal to or greater than the number of names contained  
30 in the voter registration list. The commission, in its

1 discretion, may supplement the list or lists in order to foster  
2 the policy and protect the rights secured by this act, which  
3 supplemental list or lists may include but not be limited to  
4 those persons in all of the following categories:

5       (1) Persons listed in telephone, city, municipal  
6 directories and similar directories.

7       (2) Persons who pay taxes or are assessed for taxes  
8 imposed by the county or by cities, boroughs, townships or  
9 school districts located within the county. Local officials  
10 having custody, possession or control of the tax names shall  
11 make such records available to the commission or its  
12 employees as the commission may deem necessary and proper for  
13 the performance of its duties under this act. The court of  
14 common pleas shall have jurisdiction upon application by the  
15 commission to compel compliance with this paragraph by  
16 appropriate process. This paragraph shall not be construed to  
17 require or permit any official having control of tax records  
18 to provide the commission with any information beyond the  
19 name, mailing address and municipality of residence of such  
20 persons.

21       (3) Persons in the county participating in any State,  
22 county or local program authorized by law, and to the extent  
23 such names are available, persons participating in any  
24 Federal program authorized by law. State and local officials  
25 having custody, possession or control of such records bearing  
26 the names of such persons shall make them available to the  
27 jury commission or its employees for inspection, reproduction  
28 and copying as the commission may deem necessary and proper  
29 for the performance of its duties under this chapter. The  
30 court of common pleas shall have jurisdiction upon

1 application by the commission to compel compliance with this  
2 paragraph by appropriate process. This paragraph shall not be  
3 construed to require or permit an official having control of  
4 records of programs authorized by law:

5 (i) to provide the commission with information  
6 beyond the name, mailing address and municipality of  
7 residence of such persons; or

8 (ii) to provide the commission or otherwise disclose  
9 records or information which the Department of Justice by  
10 regulation determines to be privileged from disclosure.

11 (4) Persons who are on school census lists. The court of  
12 common pleas shall have jurisdiction upon application by the  
13 commission to compel compliance with this paragraph by  
14 appropriate process.

15 (5) Any other person whose name does not appear in the  
16 master file and who meets the qualifications for jurors set  
17 forth in this act and who makes application to be listed on  
18 the list of prospective jurors.

19 (b) Maintenance and access to master list.--The group of  
20 names compiled as set forth in subsection (a) shall constitute  
21 the master list of prospective jurors. The list shall be  
22 maintained in a proper manner with reasonable accuracy and shall  
23 be open to the public.

24 (c) Annual selection of names.--Each year there shall be  
25 selected from the master list the number of names designated by  
26 the president judge, which names shall be selected in random  
27 order to insure a fair cross section of the eligible population  
28 of the county.

29 (d) Juror qualification form.--There shall be mailed to each  
30 person whose name has been selected in a random manner as set



1 forth in subsection (c) a juror qualification form devised by or  
2 for the commission in such manner that there may be determined  
3 from the answers thereto whether or not the prospective juror is  
4 qualified. The questions asked in such juror qualification form  
5 shall be limited to questions reasonably related to the  
6 determination of the person's qualifications to serve as a  
7 juror. The juror qualification form shall be executed by the  
8 prospective juror under penalty of perjury, and shall plainly  
9 and conspicuously state thereon that its execution is subject to  
10 such penalty. If the person is unable to fill out the form,  
11 another person shall do it for him, indicate that he has done  
12 so, and the reason therefor. In any case, where the form does  
13 not appear to be properly executed, the commission shall return  
14 the form to the prospective juror with instructions to make such  
15 additions or corrections as may be necessary and return it to  
16 the commission within the time specified. Any person who fails  
17 to return the juror qualification form as directed may be  
18 summoned by the commission to appear at the offices of the  
19 commission to fill out a juror qualification form. To supplement  
20 the above procedure, the commission may request any prospective  
21 juror to appear at its office to complete the questionnaire or  
22 resolve any ambiguity contained therein. In the event the  
23 prospective juror fails to appear as directed, the commission  
24 may make application to the court of common pleas for an order  
25 requiring the prospective juror to appear before the court to  
26 show cause why he has failed to appear. Failure to comply with  
27 the order or any further order of the court after he has  
28 appeared, shall constitute contempt of court, and if so found,  
29 the judge may impose a fine not exceeding \$250 or imprisonment  
30 not exceeding ten days, or both.

1 § 4522. List of qualified jurors.

2 After receipt of the juror qualification form as provided in  
3 section 4521(d) relating to selection of prospective jurors),  
4 the authorized employees of the commission shall ascertain  
5 whether or not those individuals returning the questionnaire are  
6 qualified for jury service, as provided in section 4502  
7 (relating to qualifications of jurors. The names of qualified  
8 persons compiled as set forth in this section shall constitute  
9 the list of qualified jurors and shall be open to the public.

10 § 4523. Appeals by disqualified jurors.

11 Any prospective juror who has been disqualified shall be  
12 notified as soon as possible by the authorized commission  
13 employees of the disqualification, his right to determine from  
14 the commission the reason therefor and his right to appeal  
15 within 30 days to the commission. The commission shall provide  
16 with the notice a simple form for appeal. If an appeal is taken,  
17 the commission shall take evidence and determine whether the  
18 appeal shall be denied or sustained. Such appeal shall be  
19 conducted pursuant to the "Local Agency Law." The commission  
20 shall make its determination within ten days of the appeal  
21 hearing. Any person aggrieved by the decision of the board shall  
22 have a right of appeal to the court of common pleas. No notice  
23 of disqualification shall be required where it appears on the  
24 face of the juror qualification form that the prospective juror  
25 is deceased or permanently removed from the jurisdiction.

26 § 4524. Selection of jurors for service.

27 Except as otherwise provided in section 4525 (relating to  
28 equipment used for selection of jurors), the commission shall  
29 maintain a jury wheel or wheels and shall place therein the  
30 names of persons included on the list of qualified jurors. From

1 time to time, the commission shall publicly draw at random from  
2 the qualified jury wheel such number of names of persons as may  
3 be required for assignment to jury panels. A separate list of  
4 names and addresses of persons assigned to each jury panel shall  
5 be prepared and made available for public inspection at the  
6 offices of the commission no later than 30 days prior to the  
7 date on which the panel is to serve.

8 § 4525. Equipment used for selection of jurors.

9 The commission in its discretion, in the interest of  
10 efficiency, speed and economy is authorized to use mechanical or  
11 electro-mechanical devices or business machines, including, but  
12 not limited to, punch cards, sorting, computing and data  
13 processing-type devices or machines as an aid to it in the  
14 random selection, drawing, investigating, summoning and listing  
15 of jurors.

16 § 4526. Challenging compliance with selection procedures.

17 (a) Motions.--Within seven days after the moving party  
18 discovered or by the exercise of diligence could have discovered  
19 the grounds therefor, and in any event before the petit jury is  
20 sworn to try the case, a party may move to stay the proceedings,  
21 to select a new jury panel, or for other appropriate relief, on  
22 the ground of substantial failure to comply with this act in  
23 selecting the grand or petit jury.

24 (b) Hearing on motion.--Upon motion filed under subsection  
25 (a) containing a sworn statement of facts which, if true, would  
26 constitute a substantial failure to comply with this act, the  
27 moving party is entitled to present in support of the motion the  
28 testimony of the jury commissioner or the clerk, any relevant  
29 records and papers not public or otherwise available used by the  
30 jury commissioner or the clerk, and any other relevant evidence.

1 If the court determines that in selecting either a grand jury or  
2 a petit jury there has been a substantial failure to comply with  
3 this act, the court shall stay the proceedings pending the  
4 selection of the jury in conformity with this act or grant other  
5 appropriate relief.

6 (c) Exclusive remedy.--Until suspended or superseded by  
7 court rules, the procedures prescribed by this section are the  
8 exclusive means by which a person accused of a crime, the  
9 Commonwealth, or a party in a civil case may challenge a jury on  
10 the ground that the jury was not selected in conformity with  
11 this chapter.

12 (d) Records.--The contents of any records or papers used by  
13 the jury commissioner or the clerk in connection with the  
14 selection process and not made public under this act shall not  
15 be disclosed, except in connection with the preparation or  
16 presentation of a motion under subsection (a), until after the  
17 master jury wheel has been emptied and refilled and all persons  
18 selected to serve as jurors before the master jury wheel was  
19 emptied have been discharged. The parties in a case may inspect,  
20 reproduce and copy the records or papers at all reasonable times  
21 during the preparation and pendency of a motion under subsection  
22 (a).

23 SUBCHAPTER C

24 SUMMONING JURORS

25 Sec.

26 4541. Summoning jurors for service.

27 4542. Issuance of venire for jurors.

28 4543. Form of summons to jurors.

29 SUBCHAPTER C

30 SUMMONING JURORS

1 § 4541. Summoning jurors for service.

2 Jurors who have been selected for service shall be summoned  
3 to serve by the sheriff in a manner determined by the commission  
4 with the concurrence of the president judge. A prospective juror  
5 who has been summoned to serve and fails to appear as summoned  
6 shall, unless exempt or excused pursuant to section 4503  
7 (relating to exemptions from jury duty), be punishable for  
8 contempt of court, and if so found the judge may impose a fine  
9 not exceeding \$500 or imprisonment not exceeding ten days, or  
10 both.

11 § 4542. Issuance of venire for jurors.

12 Venire for jurors in the several courts of the respective  
13 counties shall be issued from time to time in the manner now  
14 provided by law and shall be substantially in the following  
15 form:

16 COMMONWEALTH OF PENNSYLVANIA

17 SS:

18 COUNTY OF.....

19 To the sheriff and the commission for the selection of  
20 jurors:

21 You are hereby directed to draw the names of ..... persons  
22 to serve as..... jurors in the court of ..... to be held  
23 in and for the county of ..... on ..... at ... o'clock  
24 ....M. to serve as jurors in that court or in any other court of  
25 the county, civil or criminal, as the president judge of the  
26 court of common pleas may direct, and you are directed to summon  
27 the persons so selected to appear in said court at said time and  
28 place and to have then and there this writ, with the names,  
29 addresses, and occupations of the persons summoned respectively  
30 in a panel hereto annexed, and then and there make return as to

1 the manner in which you have executed this writ.

2 WITNESS the hand and seal of the Honorable.....

3 Judge of said court this..... day of .....

4 .....(Seal)

5 Attest

6 .....

7 § 4543. Form of summons to jurors.

8 The summons to the jurors drawn upon each venire shall be in  
9 substantially the following form:

10 SHERIFF'S OFFICE

11 COMMONWEALTH OF PENNSYLVANIA

12 SS:

13 COUNTY OF.....

14 TO.....

15 Sir:

16 You are hereby summoned to appear before the judges of the  
17 court of ..... at (the building in which the court will be  
18 held) on the ..... day of ..... at ..... o'clock.....M.,  
19 there to serve as a ..... juror in that court or in any  
20 other court of the county, civil or criminal, as the president  
21 judge of the court of common pleas may direct.

22 WITNESS the hand and seal of the Honorable .....

23 Judge of said court this ..... day of .....

24 .....(Seal)

25 Attest

26 .....

27 .....(Sheriff)

28 SUBCHAPTER D

29 MISCELLANEOUS PROVISIONS

30 Sec.

1 4561. Compensation of jurors.

2 4562. Juror's right to refuse inquiries.

3 4563. Protection of employment of jurors.

4 § 4561. Compensation of jurors.

5 (a) Compensation.--A juror summoned to serve shall receive  
6 compensation at the rate of \$9 a day for the first two days in  
7 any calendar year he shall be required to report for service and  
8 \$25 a day for each day thereafter in such calendar year that  
9 such juror is required to report. In addition, jurors shall be  
10 compensated for mileage at the rate of 15¢ per mile for the  
11 distance traveled to and from his home and the courthouse;  
12 however, no mileage shall be paid in the first judicial  
13 district.

14 (b) State reimbursement.--The Commonwealth shall reimburse  
15 each county the total amount expended by the county for such  
16 compensation and mileage beyond the first two days of service if  
17 the juror is participating in a trial. Application for  
18 reimbursement shall be made by the county to the State Treasurer  
19 through the administrative office on forms and pursuant to  
20 uniform procedures prescribed by said office.

21 § 4562. Juror's right to refuse inquiries.

22 Except where jury tampering is being investigated by the  
23 proper authorities, no juror need answer to any person  
24 concerning the manner in which the jury reached the verdict or  
25 why it was unable to agree upon a verdict.

26 § 4563. Protection of employment of jurors.

27 (a) General rule.--An employer shall not deprive an employee  
28 of his employment, or threaten or otherwise coerce him with  
29 respect thereto, because the employee receives a summons,  
30 responds thereto, serves as a juror or attends court for

1 prospective jury service.

2 (b) Penalty.--Any employer who violates subsection (a) is  
3 guilty of a summary offense.

4 (c) Civil remedy available.--If an employer penalizes an  
5 employee in violation of subsection (a) the employee within six  
6 months may bring a civil action for recovery of wages or  
7 benefits lost as a result of the violation and for an order  
8 requiring the reinstatement of the employee. Damages recoverable  
9 shall not exceed wages and benefits actually lost. If he  
10 prevails, the employee shall be allowed a reasonable attorney's  
11 fee fixed by the court.

## 12 SUBCHAPTER E

### 13 PENALTIES

14 Sec.

15 4581. Interfering with selection of jurors.

16 4582. Tampering with names of jurors.

17 4583. Tampering with jurors.

18 § 4581. Interfering with selection of jurors.

19 (a) Commission members and employees.--Any member of the  
20 commission or any employee, clerk, investigator or assistant in  
21 the employ of the commission, who shall violate any of the  
22 provisions of this chapter for the purpose of unlawfully  
23 procuring the selection of any person for jury service shall be  
24 guilty of a misdemeanor of the second degree and upon conviction  
25 thereof shall be forthwith removed from his office of employment  
26 and in addition thereto shall be ineligible to hold any public  
27 office existing under the Laws of the Commonwealth of  
28 Pennsylvania. In the case of the judicial member of the  
29 commission, such member shall be removed from his position on  
30 the commission and referred to the Judicial Inquiry Review Board



1 of the Supreme Court for its review.

2 (b) Other persons.--Any person other than a member of the  
3 commission or employee, clerk, assistant or investigator of and  
4 for the commission, who undertakes or offers by illegal means to  
5 influence the selection or excusing of any person from jury  
6 service or who gives money or anything of value to any person  
7 for the purpose of effecting the impartial selection of jurors  
8 or to procure exemption from jury service or who solicits,  
9 demands or receives money or anything of value or the promise  
10 thereof from any person for the purpose of in any manner  
11 affecting the selection or exemption of any persons from jury  
12 service or does any of these things for the purpose of enabling  
13 himself or another to evade or escape jury service, shall be  
14 guilty of a misdemeanor of the second degree.

15 § 4582. Tampering with names of jurors.

16 Any person who directly or indirectly unlawfully tampers with  
17 the names drawn from the jury wheel or with the jury wheel or  
18 with any jury list, with intent to hinder the operation of any  
19 of the provisions of this chapter, shall be guilty of a  
20 misdemeanor of the second degree.

21 § 4583. Tampering with jurors.

22 Any person, who having in any way ascertained the names of  
23 persons drawn from the jury wheel, shall thereafter discuss with  
24 the prospective juror the facts of any particular suit or cause  
25 then listed for trial in the court for which the prospective  
26 juror has been summoned for jury service, with the intent to  
27 influence the juror in his service or in the consideration of  
28 the evidence in the suit, action or cause, shall be guilty of a  
29 misdemeanor of the second degree. The penalty provided in this  
30 section shall be in addition to the penalties now prescribed by

1 law for bribery.

2 Section 3. (a) The act of May 22, 1933 (P.L.851, No.153),  
3 entitled "An act fixing the pay and mileage of jurors and  
4 witnesses," is repealed.

5 (b) All other acts or parts of acts are repealed to the  
6 extent they are inconsistent with this act.

7 Section 4. This act shall apply and be implemented as  
8 follows:

9 (1) This act shall apply in all counties on and after  
10 January 1, 1982.

11 (2) Section 4561 shall apply in all counties on and  
12 after January 1, 1981.

13 (3) By order of the president judge of the court of  
14 common pleas, this act, except § 4561 (relating to  
15 compensation of jurors), may be put into effect in the  
16 respective county, in whole or in part or in successive  
17 stages at any time prior to January 1, 1982.

18 (4) Incumbent commissioners shall continue in service  
19 until successors are duly qualified.

20 Section 5. Proceedings occurring on and after the effective  
21 date of this act and prior to January 1, 1982, which relate to  
22 matters affected by this act shall be valid if conducted in a  
23 manner that would be or was authorized either under this act or  
24 any act or part of an act repealed or superseded by this act.

25 Section 6. This act shall take effect immediately.