

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 391 Session of 2021

INTRODUCED BY DOWLING, BOBACK, DUNBAR, TOPPER, ROWE, CIRESI,  
JAMES AND MOUL, FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 3, 2021

AN ACT

1 Repealing the act of April 25, 1933 (P.L.74, No.49), entitled  
2 "An act relating to baseball and football on Sunday;  
3 prohibiting baseball and football on Sunday during certain  
4 hours, and also during certain other hours unless the  
5 electors of a municipality are in favor of the same and, in  
6 certain cases, a license has first been secured from the  
7 municipal authorities; providing for referendums to ascertain  
8 the will of the electors, and for the enactment and repeal of  
9 licensing ordinances and resolutions in accordance therewith;  
10 providing penalties; and repealing inconsistent laws."

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

13 Section 1. The act of April 25, 1933 (P.L.74, No.49),  
14 referred to as the Sunday Baseball and Football Law, is  
15 repealed:

16 [AN ACT

17 Relating to baseball and football on Sunday; prohibiting  
18 baseball and football on Sunday during certain hours, and  
19 also during certain other hours unless the electors of a  
20 municipality are in favor of the same and, in certain cases,  
21 a license has first been secured from the municipal  
22 authorities; providing for referendums to ascertain the will

1 of the electors, and for the enactment and repeal of  
2 licensing ordinances and resolutions in accordance therewith;  
3 providing penalties; and repealing inconsistent laws.

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17 Section 1. Be it enacted, etc., That--Municipality  
18 Defined.--The word "municipality," as used in this act, shall be  
19 construed to mean and include any city, borough, town, and  
20 township of this Commonwealth.

21 Section 2. Penalty for Unlawful Baseball and Football on  
22 Sunday.--It shall be unlawful for any person, copartnership,  
23 association or corporation to conduct, stage or engage in any  
24 baseball or football game, regardless whether a charge or  
25 admission thereto is made or whether labor or business is  
26 necessary to conduct, manage, stage or operate the same, on the  
27 first day of the week, commonly called Sunday, before the hour  
28 of two o'clock post meridian or after the hour of six o'clock  
29 post meridian.

30 It shall be unlawful for any person, copartnership,

1 association or corporation to conduct, stage or engage in any  
2 baseball or football game, regardless whether a charge or an  
3 admission thereto or incidental thereto is made or whether labor  
4 or business is necessary to conduct, manage, stage or operate  
5 the same, on the first day of the week, commonly called Sunday,  
6 between the hours of two o'clock post meridian and six o'clock  
7 post meridian, unless the voters in the municipality have first  
8 voted in favor of baseball and football on Sunday as hereinafter  
9 provided, and unless the person, copartnership, association or  
10 corporation, proposing to conduct or stage any such baseball or  
11 football game to which an admission charge is made or is  
12 incidental, shall first have secured from the proper municipal  
13 authority of the municipality a license authorizing him, her, or  
14 it to conduct or stage such baseball or football game between  
15 said hours on Sunday.

16 Any person, copartnership, association or corporation  
17 violating any of the provisions of this section shall, upon  
18 conviction thereof in a summary proceeding, be sentenced to pay  
19 a fine not exceeding ten dollars (\$10), and, in default of the  
20 payment of such fine and costs of prosecution, such person, or  
21 any member or agent of any copartnership or association, or any  
22 officer or agent of any corporation, responsible for such  
23 violation, shall be imprisoned for a period of not more than  
24 five days.

25 Section 3. Ordinances and Resolutions; License Fees.--If at  
26 the election in the year one thousand nine hundred and thirty-  
27 three, as hereinafter provided, a majority of the electors in  
28 any municipality, voting at said election, vote in favor of  
29 baseball and football on Sunday between the hours of two o'clock  
30 post meridian and six o'clock post meridian, then each

1 municipality, other than a township of the second class, shall,  
2 by ordinance, and each township of the second class shall, by  
3 resolution of the township supervisors, provide for the  
4 licensing of baseball and football games to which an admission  
5 fee is charged or is incidental on Sunday between the hours of  
6 two o'clock post meridian and six o'clock post meridian. If the  
7 vote of the electors in the municipality was not in favor of  
8 baseball and football, then no ordinance or resolution providing  
9 for the licensing of baseball and football games shall be  
10 enacted or adopted.

11 The license fees to be charged, under any such ordinance or  
12 resolution, for any baseball or football game to which an  
13 admission is charged or is incidental shall not exceed the  
14 following amounts: In cities of the first and second class,  
15 fifty dollars (\$50); in cities of the second class A and third  
16 class, twenty-five dollars (\$25); in boroughs, five dollars  
17 (\$5); and in townships, one dollar (\$1).

18 All license fees collected under the provisions of any such  
19 ordinance or resolution shall be paid into the treasury of the  
20 municipality.

21 Section 4. Referendum; Statement of Question on Ballots.--At  
22 the municipal election in the year one thousand nine hundred and  
23 thirty-three, there shall be submitted, in the manner provided  
24 by the election laws of the Commonwealth, a question to  
25 determine the will of the electors of each municipality in this  
26 Commonwealth with respect to baseball and football games on  
27 Sunday. Such question shall be in the following form--

28 Do you favor the conduct, staging and playing of  
29 baseball and football games, regardless of whether Yes  
30 an admission charge is made or incidental thereto

1 or whether labor or business is necessary to conduct,  
2 stage or operate the same, between the hours of two No  
3 and six, post meridian, on Sunday?

4 The said question shall be printed on separate official  
5 ballots, in bound form, by the county commissioners of each  
6 county, and sufficient number of ballots shall be furnished to  
7 the election officers in each election district of the county so  
8 that one ballot may be supplied to each voter at such election.  
9 In districts where voting machines are used, such question shall  
10 appear on the face of the machine where the machine is properly  
11 equipped for such purposes.

12 Section 5. Returns and Computation of Votes.--The votes cast  
13 on such question shall be counted by the election officers and  
14 returns thereof made by them, and by election officers where  
15 voting machines are used, to the prothonotary of the county, who  
16 shall lay the same before the return board for computation at  
17 the same time and in the same manner as other returns. The  
18 return board shall compute the said returns by municipalities  
19 and certify the results of the vote cast on the question to the  
20 legislative body of each municipality within the county.

21 Such election shall be governed by the election laws of the  
22 Commonwealth, and all penalties provided by said laws shall  
23 apply to such elections.

24 Section 6. Future Referendums.--In any municipality the will  
25 of the electors with respect to baseball and football on Sunday  
26 may, after the year one thousand nine hundred and thirty-three,  
27 but not oftener than once in three years, be ascertained, and  
28 the question, as provided in this act, shall be submitted to the  
29 electors of any municipality upon demand, in writing, of  
30 petitioners equal to at least five per centum of the highest

1 vote cast for any office in the municipality at the last  
2 preceding general or municipal election. Such petition shall be  
3 filed with the corporate authorities at least sixty days before  
4 the day of any general or municipal election at which the  
5 question is to be submitted, and, if the petition is  
6 sufficiently signed, shall thereupon be certified to the county  
7 commissioners, who shall cause such question to be submitted in  
8 the same manner as is provided in this act for the election in  
9 the year one thousand nine hundred and thirty-three.

10 If a majority of the electors, voting in any municipality  
11 which licenses baseball and football games to which an admission  
12 charge is made or is incidental, are not in favor of such  
13 licensing, then the ordinance or resolution licensing such  
14 baseball and football games shall be repealed; but if a majority  
15 of the electors in any such municipality which does not license  
16 baseball and football games are in favor of such licensing, then  
17 an ordinance or resolution shall be enacted or adopted licensing  
18 baseball and football games to which an admission charge is made  
19 or is incidental, as provided in this act.

20 Section 7. Intent of Act.--It is the intent of this act to  
21 provide a method whereby the will of the electors of each  
22 municipality with respect to baseball and football games on  
23 Sunday between the hours of two o'clock post meridian and six  
24 o'clock post meridian may be ascertained, and it shall be the  
25 duty of the legislative body of each municipality to enact,  
26 adopt or repeal any ordinance or resolution in accordance with  
27 the will of the electors as ascertained at said elections. In  
28 case of a failure so to do, the duty herein imposed upon the  
29 legislative body of any municipality may be enforced by  
30 mandamus.

1 Section 8. Repeal.--Section one of the act, approved the  
2 twenty-second day of April, one thousand seven hundred and  
3 ninety-four (3 Sm. L. 177), entitled "An act for the prevention  
4 of vice and immorality and of unlawful gaming, and to restrain  
5 disorderly sports and dissipation," be, and the same is hereby,  
6 repealed in so far as it prohibits baseball and football games  
7 on Sunday.

8 Section 9. Constitutionality.--The provisions of this act  
9 are severable, and if any of the provisions hereof are held to  
10 be unconstitutional, the decision shall not be construed to  
11 impair any other provision of this act. It is hereby declared as  
12 the legislative intent that this act would have been adopted had  
13 such unconstitutional provision not been included herein.

14 Section 10. Hunting and Fishing.--Nothing contained in this  
15 act shall relate to Sunday hunting and fishing or be construed  
16 as repealing any law relating thereto.

17 Section 11. Effective Date.--This act shall be effective  
18 immediately upon final enactment.]

19 Section 2. This act shall take effect in 60 days.