
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1179 Session of
2019

INTRODUCED BY FRITZ, DUNBAR, PICKETT, MILLARD, TOOHL, JAMES,
PYLE, OBERLANDER, BERNSTINE, KEEFER, MACKENZIE AND NEILSON,
APRIL 10, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2019

AN ACT

1 Repealing the act of June 2, 1933 (P.L.1423, No.308), entitled
2 "An act relating to Sunday music; permitting musicians to
3 receive compensation for services rendered on Sunday;
4 authorizing pay concerts to be given and broadcast on Sunday
5 under certain circumstances, and allowing school and certain
6 public buildings and parks to be used therefor; conferring
7 powers and imposing duties on the Department of Public
8 Instruction; and imposing penalties."

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

11 Section 1. The act of June 2, 1933 (P.L.1423, No.308),
12 entitled "An act relating to Sunday music; permitting musicians
13 to receive compensation for services rendered on Sunday;
14 authorizing pay concerts to be given and broadcast on Sunday
15 under certain circumstances, and allowing school and certain
16 public buildings and parks to be used therefor; conferring
17 powers and imposing duties on the Department of Public
18 Instruction; and imposing penalties," is repealed:

19 [AN ACT

20 Relating to Sunday music; permitting musicians to receive

1 compensation for services rendered on Sunday; authorizing pay
2 concerts to be given and broadcast on Sunday under certain
3 circumstances, and allowing school and certain public
4 buildings and parks to be used therefor; conferring powers
5 and imposing duties on the Department of Public Instruction;
6 and imposing penalties.

7 Section 1. Be it enacted, etc., That from and after the
8 passage of this act, it shall be lawful for any musician within
9 this Commonwealth to receive compensation for singing or playing
10 on Sunday in connection with the rendering of any public concert
11 authorized as hereinafter provided, but the compensation paid to
12 any such musician shall not exceed an amount computed at the
13 rate of compensation received by such musician for similar
14 musical services rendered during week-days.

15 Section 2. If, and when, authorized by the Department of
16 Public Instruction of this Commonwealth, public concerts may be
17 rendered and broadcast anywhere within this Commonwealth on
18 Sunday after twelve o'clock noon; and it shall be lawful for the
19 person or persons rendering any such concert to charge an
20 admission fee thereto at a rate which it is estimated will cover
21 the expenses of rendering such concert, including light, heat
22 and compensation to ushers, janitors and musicians: Provided,
23 That the cost of light and heat and compensation to ushers,
24 janitors and musicians shall not exceed an amount computed at
25 the rate charged for light and heat and compensation to ushers,
26 janitors and musicians for week-days: And provided further, That
27 should the amount collected for admission fees to any such
28 concert exceed the actual expenses for light, heat and
29 compensation to ushers, janitors and musicians, the excess shall
30 be paid to the Department of Public Instruction of this

1 Commonwealth to be employed by it for such public music purposes
2 as it may deem proper.

3 Section 3. The Department of Public Instruction may
4 authorize concerts or series of concerts, to be rendered and
5 broadcast as herein provided; such concerts, or series of
6 concerts, to maintain music of high order, although not
7 necessarily what is known as sacred music. Whenever the said
8 department shall have authorized any such concert, or series of
9 concerts, to be rendered and broadcast, it shall issue a permit,
10 setting forth its authorization thereof, which permit shall also
11 state the date or dates, hour or hours when, and place or places
12 where, such concert, or series of concerts, shall be held. The
13 Department of Public Instruction shall make a charge of five
14 dollars for every permit issued under the provisions of this
15 section.

16 Section 4. It shall be lawful to use any public school
17 building, or any building owned by the Commonwealth or by any
18 county, city, borough, incorporated town or township, or any
19 public park, for rendering any concert authorized under the
20 provisions of this act by the Department of Public Instruction,
21 if the board of school directors, board of trustees, councils or
22 other agency having control of such building or park shall give
23 permission to make such use thereof.

24 Section 5. Any person or persons to whom the Department of
25 Public Instruction shall have issued a permit under the
26 provisions of this act shall keep an accurate account of all
27 moneys received and expended in connection with the rendering
28 and broadcasting of the concert, or series of concerts,
29 authorized in such permit, and the Department of Public
30 Instruction, by its duly authorized agent, shall have the right

1 at any time to inspect and audit such account. In order to
2 enable such audit to be made, the person or persons having
3 charge of such account shall render a complete, verified
4 statement of receipts and expenditures within thirty days after
5 each concert to the Department of Public Instruction.

6 Section 6. It shall be unlawful at any concert rendered
7 under the provisions of this act to provide any form of
8 entertainment except music, and any person who shall provide or
9 furnish, or assist in providing or furnishing, any other form of
10 entertainment at any such concert shall be guilty of a
11 misdemeanor, and, upon conviction thereof in the proper court,
12 shall be punished by a fine of not less than one hundred dollars
13 or more than one thousand dollars, or imprisonment for not less
14 than thirty days or more than one year, or both, in the
15 discretion of the court.

16 Section 7. Any person having charge of any concert, or
17 series of concerts, rendered under the provisions of this act,
18 who shall fail to pay to the Department of Public Instruction,
19 as hereinbefore required, any moneys received as admission fees
20 in excess of the actual cost of light, heat and compensation to
21 ushers, janitors and musicians for such concert, or series of
22 concerts, or who shall fail to keep an account of moneys
23 received and expended, or fail or refuse to permit the duly
24 authorized agent of the Department of Public Instruction to
25 inspect and audit the same, shall be guilty of a misdemeanor.
26 Upon conviction thereof in the proper court, any person who
27 shall improperly retain moneys shall be punished by a fine in
28 double the amount of the moneys so retained, or by imprisonment
29 for not more than one year, or both, in the discretion of the
30 court; and any person who shall have bailed or refused to keep

1 an account of moneys received and expended, or to permit the
2 duly authorized agent of the Department of Public Instruction to
3 inspect such account, shall be punished, for a first offense, by
4 a fine of not less than one hundred dollars or more than one
5 thousand dollars, or by imprisonment for not less than thirty
6 days or more than one year, or both, in the discretion of the
7 court, and, for a second or subsequent offense, by a fine of not
8 less than one hundred dollars or more than one thousand dollars,
9 and by imprisonment for not less than thirty days or more than
10 one year.]

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