

Subpart C. LEGISLATIVE DRAFTING MANUAL

Chap.		Sec.
13.	GENERAL PROVISIONS	13.1
15.	STATUTES	15.1
17.	OTHER LEGISLATIVE DOCUMENTS	17.1
19.	FORMS	19.1

CHAPTER 13. GENERAL PROVISIONS

Subchap.		Sec.
A.	PRELIMINARY PROVISIONS	13.1
B.	DRAFTING FUNCTIONS AND PROCEDURES	13.11
C.	STATUTORY CONSTRUCTION	13.101

Subchapter A. PRELIMINARY PROVISIONS

Sec.	
13.1.	Short title of Subpart.
13.2.	Scope and application of Subpart.
13.3.	Definitions.

§ 13.1. Short title of Subpart.

This Subpart shall be known and may be cited as the “Legislative Drafting Manual.”

§ 13.2. Scope and application of Subpart.

(a) *General.* This Subpart sets forth principles and procedures applicable to drafting bills and other legislative documents generally but does not apply to the extent that Subpart D of this Title (relating to the Consolidated Pennsylvania Statutes Style Manual) is applicable and sets forth inconsistent principles and procedures or to the extent that exceptions or variations are necessary to conform to the structure and style of a statute which is being amended.

(b) *Conformity to Consolidated Statutes.* In drafting original enactments which are not incorporated into the Consolidated Pennsylvania Statutes, the structure and style prescribed in Subpart D of this Title should be followed to the maximum extent possible to achieve uniformity of style and to simplify the eventual incorporation of the enactment into the Consolidated Statutes.

§ 13.3. Definitions.

The following words and terms, when used in this Subpart shall have the following meanings, unless the context clearly indicates otherwise:

Act—Act of November 25, 1970 (P. L.707, No.230), known as the Consolidated Pennsylvania Statutes.

Bureau—The Legislative Reference Bureau.

Commonwealth agency—The Governor or any department, departmental board or commission, independent board or commission, legislative service agency or other officer or agency of the Commonwealth.

Constitution—The Constitution of Pennsylvania.

Legislative document—A bill, resolution, motion, legislative citation, conference report, reorganization plan, supplemental assistance plan, bill analysis or amendment to a bill or resolution.

Subchapter B. DRAFTING FUNCTIONS AND PROCEDURES**DRAFTING LEGISLATIVE DOCUMENTS**

- Sec.
13.11. Scope of drafting.
13.12. Objectives in drafting.
13.13. Duty of draftsman.
13.14. Changes in prepared drafts.
13.15. Identifying source of request.
13.16. Subject classification of document.

DRAFTING AIDS

- 13.21. Existing law.
13.22. Bills of current session.
13.23. Bills of past sessions.
13.24. Laws and bills of other states.
13.25. Suggested state legislation.
13.26. Uniform state laws.

TRANSCRIBING DOCUMENTS AND FOLDERS

- 13.31. Headers.
13.32. Page and line numbers.
13.33. Spacing.
13.34. Distribution folders.
13.35. Bureau folders.

PREPARATION OF BILL COVERS

- 13.41. Number and type.
- 13.42. Bill identification and number.
- 13.43. Type of bill.
- 13.44. Title of original bills.
- 13.45. Title of amendatory bill.
- 13.46. Title of supplement or joint resolution.
- 13.47. Date lines.

PREPARATION OF TRACER CARDS

- 13.51. Requester and classification number.
- 13.52. Subject.
- 13.53. Draftsman and transcriber.
- 13.54. Delivery information.
- 13.55. Type of bill.
- 13.56. Other information.
- 13.57. Disposition.

PROOFREADING DOCUMENTS

- 13.61. Purpose of proofreading.
- 13.62. Scope of proofreading.
- 13.63. Title of bill.
- 13.64. Table of contents.
- 13.65. Headings.
- 13.66. Cross references.
- 13.67. Effective dates.
- 13.68. Errors in form.
- 13.69. Notation and distribution of corrections.
- 13.70. Corrective reprints.

DRAFTING LEGISLATIVE DOCUMENTS**§ 13.11. Scope of drafting.**

The work of bill drafting includes the preparation of legislative documents used in the legislative process. Those most frequently in demand are bills, resolutions, amendments to bills and resolutions, citations and conference reports.

§ 13.12. Objectives in drafting.

The prime objective of the draftsman is to express himself in form and language so that there can be no doubt in the mind of any intelligent reader as to what is sought to be accomplished. This is true in all his work and especially true in writing bills. Perfection in bill drafting is attained only when a person reading

in bad faith cannot pretend to misunderstand. The pinnacle of perfection here as in other matters is probably never attained. Success is measured by how near to it one comes.

§ 13.13. Duty of draftsman.

(a) *General.* It is not always possible to foresee and provide for every situation that should be covered by a bill. While this may be primarily the function of the proponents of a measure, the draftsman fails in his calling who does not detect and supply or suggest an omission or an error in the proposal as submitted to him. Frequently the application and details are left entirely to the draftsman. It is always his duty to guard against violations of the Constitution and unintended effect on existing law.

(b) *Amendatory bills.* Before preparing an amendatory bill, it is necessary to make a proper search of prior amendments to the provision to be amended. Where the provision has been amended, it is necessary to ascertain that the last amendment has taken into consideration all preceding amendments. This is particularly important in the case of sections amended more than once in the same legislative session.

(c) *Amendments to bills.* In preparing amendments to bills, the draftsman must be sure that he is working with the correct print of the bill and must check prior amendments to the statute to be amended, if any, as well as the title, effective date and the proofreading correction file.

§ 13.14. Changes in prepared drafts.

Frequently the request for a bill is made in the form of a prepared draft, where all the language or changes in language has already been supplied. In such cases it is the function of the draftsman to check it for accuracy and consistency with other laws and to make necessary changes and corrections.

§ 13.15. Identifying source of request.

It is the duty of the draftsman to indicate on each document whether it is for the Senate, House or a Commonwealth agency, together with the name of the person requesting the document.

§ 13.16. Subject classification of document.

In order to be able readily to find office files of work prepared by the Bureau, bills and resolutions are classified by general subjects in accordance with a schedule established by the Bureau. In writing bills and resolutions, it is the duty of the draftsman to select the most appropriate category and place its number at the top of his draft. If more than one subject seems applicable, the class that has the most restricted scope is used. In amendatory bills, the subject of the amendment governs, not the general subject of the statute amended. The transcriber uses this

number on the Bureau folder and on the tracer card. Amendments to bills and conference reports are filed according to bill numbers and require no classification number.

DRAFTING AIDS

§ 13.21. Existing law.

(a) *Preliminary search.* On being given an assignment, the draftsman first finds the present statute on the subject if there is one. The index to Purdon's Statutes is the most comprehensive guide to this information. The indexes in the Laws of Pennsylvania may be helpful if there is reason to believe that the statute is of a particular year or period of time. If the statute on the general subject has been compiled in a bulletin, the table of contents and index of the bulletin may be consulted.

(b) *Full text computer search.* The entire text of Purdon's Statutes is presently available in computer-searchable form through the facilities of the Legislative Date Processing Center, Room 47, Main Capitol Building, Harrisburg, Pennsylvania. By framing an appropriate search question it is possible to locate all sections of Purdon's Statutes which contain a specified word, term or phrase.

(c) *Existing law adequate.* At times the preliminary search reveals that what is proposed is already the law. In that case the attention of the proponent is called to that fact and no bill will be prepared.

§ 13.22. Bills of current session.

As a session progresses and the number of bills presented increases, it becomes more and more important to check the weekly histories of the current session for identical or similar bills. If the same bill has already been introduced in either house, the attention of the person requesting the bill is called to this fact so that he may determine whether he nevertheless wants it in the same or a different form.

§ 13.23. Bills of past sessions.

(a) *General.* The next step is to determine whether the desired bill has been introduced at or prepared for an earlier legislative session. For this, the indexes of bills in the Senate and House histories are used. It is usually not worthwhile going back more than two or three sessions. The Bureau's typewritten drafts filed under the appropriate classification number are also helpful. If a bill is found that accomplishes what is requested or something similar to it, it can be revised in much less time than it takes to write a new bill.

(b) *Precautions.* No bill prepared for an earlier session is used without checking for changes in the law since it was prepared, nor without being quite sure that all dates appearing in the draft are made current. It is also frequently possible to improve the style and substance of the draft. It must not be assumed that because

a bill has been used it is perfect. A great many very badly drawn bills are introduced each legislative session. It is particularly important to review an earlier bill with a view to conforming it to intervening changes in related laws (e.g. appeal procedures, change in names of government agencies, etc.).

§ 13.24. Laws and bills of other states.

If a similar request has been presented in another state, the bill or statute, if enacted, from that state usually is very helpful. In many cases there may be several states with statutes or bills on the subject. A comparison of them invariably proves fruitful. In following a draft of another state, it is necessary to change it throughout to conform to Pennsylvania statutes and terminology. Copies of statutes and bills of other states are usually furnished promptly by legislative service agencies in the various states. Information as to what states have laws or bills on a subject can usually be obtained from the Council of State Governments, Iron Works Pike, Lexington, Kentucky, 40505.

§ 13.25. Suggested state legislation.

Annually, the Council of State Governments publishes a volume containing and entitled Suggested State Legislation, covering a variety of subjects. In addition, a cumulative index covering suggested state legislation for the years 1941 through 1973 has been published. Both publications are available in the Bureau library and provide a good source of suggestions for drafting bills.

§ 13.26. Uniform state laws.

Periodically, the Commissioners on Uniform State Laws draft uniform and model statutes for consideration and adoption by states. Numerous uniform statutes have already been enacted in Pennsylvania. Copies of uniform and model statutes may be obtained from The National Conference on Uniform State Laws, 645 North Michigan Avenue, Suite 510, Chicago, Illinois, 60611.

TRANSCRIBING DOCUMENTS AND FOLDERS

§ 13.31. Headers.

(a) *General.* In the upper left hand corner of the first page of each document prepared by the Bureau appear the initials of the draftsman and transcriber, the date and, if applicable, the classification number as follows:

“CM:KC 05/24/73 # 54.”

(b) *Computer documents.* On documents inserted into the computer, an additional identification is included as follows:

“1973D03638 03638 CM:KC 05/24/73 # 54.”

(c) *Printed bills.* Printed bills contain an identification code on the bottom of the last page as follows:

“A22L54JR/1973OH2031B3638.”

In the foregoing example:

- (1) A means January, B means February, etc.
- (2) 22 is the day of the month.
- (3) L means the document was approved by the Bureau. S is used where the document is prepared or submitted without change.
- (4) 54 is the subject classification code used by the Bureau.
- (5) JR are the initials of the draftsman.
- (6) 1973 is the session year.
- (7) O means regular session. 1 is used for Special Session No. 1, 2 for Special Session No. 2, etc.
- (8) H2031 means House Bill No. 2031.
- (9) B means bill. R is used for resolution.
- (10) 3638 is the Printer's No. of the bill.

§ 13.32. Page and line numbers.

The pages of each document consisting of more than one page are numbered beginning with page 2. A document inserted in the computer may contain line numbers at the left hand margin beginning with number 1 on each page.

§ 13.33. Spacing.

Except for titles in bills and joint resolutions, all transcribing is done double-spaced.

§ 13.34. Distribution folders.

All final documents, except conference reports, for distribution to members or other persons are placed in a manila folder containing a gummed label on which is typed the name of the person for whom the document was prepared (preceded by the word "Honorable" for members and others entitled to distinction), and if requested by someone else "Requested by" followed by the name of the requester; and, except for bills, in the lower left hand corner, the words, "Resolution," "Citation," "Amendments to Senate Bill No. 38," or "Amendments to House Bill No. 44," as the case may be. Most work done by the Bureau must have the name of the Bureau stamped on it. On bills this is printed on all four of the backed copies, on the part of the cover folded over the front of the bill. On resolutions, citations and amendments to bills the top of the first page of the first three copies is stamped. Conference reports are not stamped.

§ 13.35. Bureau folders.

Copies of final documents and related material are placed in a manila folder containing a gummed label on which is typed, in the upper left hand corner, the classification number, if any, and the initials of the draftsman and transcriber. In the upper right hand corner of the label is typed the name of the person requesting the document and immediately below, the date on which the document was

made. Immediately below, centered on the label, appears the title of the bill and storage information. On documents other than bills the words "Resolution," "Citation," or "Amendment," appears in lieu of the title accompanied by the bill number being amended or the subject matter of the resolution or citation.

PREPARATION OF BILL COVERS

§ 13.41. Number and type.

Regardless of how many copies of a bill have been made, if it is a final draft, four copies are backed with a bill cover on which is endorsed in printing the form prescribed for bill covers. Three different types of covers are provided. In the absence of specific instructions to the contrary, yellow covers are placed on bills prepared for Senators, blue covers on bills prepared for House members, and green covers on all other bills.

§ 13.42. Bill identification and number.

At the top of the printed form on the back of the bill cover appear the words: "Senate No. _____," "House No. _____," or "No. _____," as the case may be. The number is filled in when the bill is introduced.

§ 13.43. Type of bill.

Immediately following the bill number, appear the words "An Act." If the bill is a supplement or joint resolution, these words are stricken and in their place the words "A Supplement," or "A Joint Resolution," as the case may be, are inserted.

§ 13.44. Title of original bills.

In the space following the type of bill designation, the balance of the title is written in single space. The first line is brought out to the margin. The balance is indented two spaces. If the title is short and the space permits writing the whole title without crowding, the whole title is written. Otherwise, the first part of the title is written as far as it can be included without crowding, and the balance of the title is omitted, substituting three asterisks to indicate omission, unless the last provision of the title refers to making an appropriation, in which case this reference is added after the asterisks.

§ 13.45. Title of amendatory bill.

The title shows the citation of the statute amended, its title or short title in quotes and the new matter. The official or unofficial short title is used, if the statute amended has one. If there is no short title and the title of the statute amended is long, enough of the title is copied to give some indication of what the statute is about, followed by three asterisks inside the quotation marks. If the new mat-

ter is too long to go on the cover, as much as is possible is added followed by three asterisks to indicate omission.

§ 13.46. Title of supplement or joint resolution.

The titles for supplement bills and joint resolutions are written the same as for other bills with such variations as are necessary to conform to the title of the bill or joint resolution.

§ 13.47. Date lines.

Besides the title, the only thing that is typed on the bill covers is completing the year on each of three date lines. The remaining blanks are filled in when the bill is introduced and reported from committee.

PREPARATION OF TRACER CARDS

§ 13.51. Requester and classification number.

For each bill and resolution a tracer card is prepared. On this card appears first the name of the person for whom the bill or resolution is prepared. Immediately following, appear the words "House," "Senate," "Dept.," and "Misc.,". Under-scoring is used to indicate whether the person whose name appears above is a Senator, a member of the House of Representatives, an officer or employee of a Commonwealth agency, or if he does not fit in any of these classifications, miscellaneous. In the upper right hand corner appears the classification number of the bill or resolution.

§ 13.52. Subject.

The next space is designated "subject." In this space is indicated what the bill or resolution is about. If it is a bill amending an existing statute, included, in figures, is the year, page in the Laws of Pennsylvania and number of the statute being amended.

§ 13.53. Draftsman and transcriber.

Below the subject to the left is a space indicated "Drafted by." In this space is inserted the name or initials of the draftsman. The next space designated "Typed by" is for the name or initials of the transcriber.

§ 13.54. Delivery information.

The following space designated "Delivered by _____ Date" is left blank. This is completed when the documents are picked up at the Bureau.

§ 13.55. Type of bill.

The three spaces at the bottom of the card designated "Amendment," "Supplement," and "New" are used to indicate whether the bill is an amendment to

existing law, a supplement to existing law, or a new bill having no direct reference to existing law. An "X" is placed under the appropriate heading.

§ 13.56. Other information.

The larger space in the lower right hand corner designated "Remarks" is used to indicate the fact that a bill has been written both for the House and the Senate, if such is the case; if it was requested by someone other than the person whose name appears at the top of the card, the name of the person making the request after the words "Requested by"; whether extra copies are made; whether the draft is a "Resolution," "Concurrent Resolution," "Citation," or "Appropriation;" storage information; and other matters of importance.

§ 13.57. Disposition.

The tracer card is fastened to the outside of the distribution folder with a paper clip. All tracer cards are removed before any work leaves the Bureau, and a notation made, in the space indicated, of the date and the name or identity of the person taking it out. They are then filed according to the classification number under the name of the member or other person making the request.

PROOFREADING DOCUMENTS

§ 13.61. Purpose of proofreading.

The objectives in having bills proofread are to have important errors corrected before the bill is introduced or becomes a law, and to find minor errors that can be corrected in editing copy for the slip laws and Laws of Pennsylvania.

§ 13.62. Scope of proofreading.

Every transcribed copy of a bill is checked against the manuscript from which it was copied. Original bills are read by one person for misspelled words, transposed lines and errors in language. Amendatory bills and bills containing repeals or other references to or quotations from existing law are proofread by two persons against the language in the Laws of Pennsylvania. In addition, all references to existing law are carefully checked as to date, page in the Laws of Pennsylvania and act number and as to whether there are intervening amendments, repeals or other circumstances affecting the language or status of the provision referred to or amended. For this purpose, the marked copies of the Laws of Pennsylvania are used.

§ 13.63. Title of bill.

(a) *General.* Changes in the draft of a bill after it is completed or amendments to a bill after it is introduced often necessitate a change in the title of the bill. It is necessary to determine that all changes come within the scope of the title and if not, that the title be changed or amended accordingly.

(b) *Title of statute amended.* It is also frequently important to amend the title of an existing statute so as to incorporate changes made by amendments to the statute. This, of course, does not take the place of the new matter in the amending title, which still must adequately cover the changes. The importance of amending titles of existing statutes is to avoid incomplete coverage in the titles of future amendments.

§ 13.64. Table of contents.

If an original enactment has a table of contents and during the course of drafting or by amendment of the bill after it has been introduced, a change is made in any heading appearing in the table, it is necessary to determine that the change is also made in the table. In amending an existing statute that has a table of contents it is not necessary to amend the table of contents even though a heading appearing in the table is amended elsewhere in the bill.

§ 13.65. Headings.

When a section or other subdivision having a heading is changed either in the course of drafting a bill or in amending a bill after it is introduced it is necessary to consider whether a corresponding change is needed in the heading. This also applies to the original preparation of a bill amending an existing statute having section or other subdivision headings. It is frequently necessary to amend these headings as well to prevent their becoming misleading.

§ 13.66. Cross references.

When a bill has been written either in whole or in part, and a change is made involving a change in the numbering or lettering of sections or other subdivisions, it is necessary to check the entire bill for cross references that may be affected. The same is true in amending bills.

§ 13.67. Effective dates.

Effective dates are checked at every opportunity. This becomes increasingly important as a session continues. Frequently a date specified in a bill is passed before the bill is acted on by the Governor, or a bill without an effective date provision intended to take effect on a particular date does not become a law until later. While existing law provides when such statutes become effective it often happens that another date may be more desirable.

§ 13.68. Errors in form.

While it is incumbent on the proofreaders to check bills for form, no correction is made without consulting one of the draftsmen as to whether the deviation in form may affect the validity of the statute. A bill is not reprinted because of bad

form unless the defect is fatal, such as citing an entire section for amendment and setting out a part only. Improvements in form should be made only if other changes are necessary.

§ 13.69. Notation and distribution of corrections.

(a) *General.* All corrections to original transcribed copies of bills are marked on such copies and corrections are made and final copies prepared. All corrections on printed bills are noted in the Bureau files so that corrections may be made by amendment or in editing statutes for printing.

(b) *Formal amendments.* Corrections requiring a change in language are typewritten in the usual form and sent to the committee chairman if the bill is in committee, otherwise to the majority leader of the house in which the bill is pending. The first page of all correction amendments and the envelope in which they are delivered are stamped "Legislative Reference Bureau Bill Reading Corrections." The envelopes containing vital corrections must also be stamped to call attention to the fact that without the amendments the bill may be fatally defective.

§ 13.70. Corrective reprints.

Occasionally, bills reprinted for the purpose of incorporating amendments adopted by either house or a committee contain errors which merit correction before consideration by the house having possession of the bill. In such case, the bill is reprinted without formal amendment with the caption at the top of the first page of the bill "HOUSE AMENDED" or "SENATE AMENDED" immediately followed on a separate line by "CORRECTIVE REPRINT."

SUBCHAPTER C. STATUTORY CONSTRUCTION

WORDS AND PHRASES

- Sec.
13.101. Meaning.
13.102. Number, gender and tense.
13.103. Joint authority and quorum.
13.104. Bonds.

TIME

- 13.111. Uniform standard time.
13.112. Computation of time.
13.113. Computation of months.
13.114. Publication for "successive weeks."

STATUTES GENERALLY

- 13.121. Grammar and punctuation.
- 13.122. Titles, preambles, limitations and headings.
- 13.123. Severability.
- 13.124. Retroactive effect.
- 13.125. Penalties.
- 13.126. Reference to statute or regulation.
- 13.127. Reference to public body or officer.

CONFLICTING STATUTORY PROVISIONS

- 13.131. General and special provisions.
- 13.132. Clauses in same statute.
- 13.133. Statutes passed by same General Assembly.
- 13.134. Statutes passed by different General Assemblies.

AMENDMENTS AND REENACTMENTS

- 13.141. Merger of statute and amendment.
- 13.142. Merger of multiple amendments.
- 13.143. Amendment overlooking another amendment.
- 13.144. Conflicting amendments.
- 13.145. Reenacting deleted language.
- 13.146. Effect of reenactment.

REPEALS

- 13.151. Repealed provisions incorporated into code.
- 13.152. Repeal by implication.
- 13.153. Nonexistence of reason for statute and nonuser.
- 13.154. Effect of repeal on statutory provisions.
- 13.155. Effect of repeal on rights and remedies.

WORDS AND PHRASES**§ 13.101. Meaning.**

(a) *General.* The act (1 Pa.C.S. § 1903) provides that:

(1) Words and phrases shall be construed according to rules of grammar and according to their common and approved usage.

(2) Technical words and phrases and such others as have acquired a peculiar and appropriate meaning shall be construed according to such peculiar and appropriate meaning.

(3) General words shall be construed to take their meanings and be restricted by preceding particular words.

(b) *Statutory definitions.* The act (1 Pa.C.S. § 1991) provides that the words and phrases defined in 1 Pa.C.S. § 1991 (relating to definitions), when used in any statute finally enacted on or after September 1, 1937, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in 1 Pa.C.S. § 1991.

§ 13.102. Number, gender and tense.

The act (1 Pa.C.S. § 1902) provides that:

- (1) The singular shall include the plural, and the plural the singular.
- (2) Words used in the masculine gender shall include the feminine and neuter.
- (3) Words used in the past or present tense shall include the future.

§ 13.103. Joint authority and quorum.

The act (1 Pa.C.S. § 1905) provides that:

- (1) Words in a statute conferring a joint authority upon three or more public officers or other persons shall be construed to confer authority upon a majority of such officers or persons.
- (2) A majority of any board or commission shall constitute a quorum.

§ 13.104. Bonds.

The act (1 Pa.C.S. § 1906) provides that a statute requiring bond or undertaking with sureties to be given by any person, shall be construed to permit in lieu thereof a bond of indemnity or surety bond for the amount of such bond or undertaking, given by any indemnity or surety company authorized to do business in this Commonwealth, and approved by the proper authority.

TIME

§ 13.111. Uniform standard time.

The act (1 Pa.C.S. § 1907) provides that every mention of, or reference to any hour or time in any statute, shall be construed with reference to eastern standard time, unless a different standard is therein expressly provided for, or unless the standard time shall be advanced for any portion of the year, by any act of Congress.

§ 13.112. Computation of time.

The act (1 Pa.C.S. § 1907) provides that except as otherwise provided in § 13.113 (relating to computation of months) or § 13.114 (relating to publication for “successive weeks”):

(1) When any period of time is referred to in any statute, such period in all cases shall be so computed as to exclude the first and include the last day of such period.

(2) Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.

§ 13.113. Computation of months.

The act (1 Pa.C.S. § 1910) provides that whenever in any statute the lapse of a number of months after or before a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made, unless there be not so many days in the last month so counted, in which case the period computed shall expire with the last day of such month.

§ 13.114. Publication for “successive weeks.”

The act (1 Pa.C.S. § 1909) provides that whenever in any statute providing for the publishing of notices, the phrase “successive weeks” is used:

(1) Weeks shall be construed as calendar weeks.

(2) The publication upon any day of such weeks shall be sufficient publication for that week, but at least five days shall elapse between each publication.

(3) At least the number of weeks specified in “successive weeks” shall elapse between the first publication and the day for the happening of the event for which publication shall be made.

STATUTES GENERALLY

§ 13.121. Grammar and punctuation.

The act (1 Pa.C.S. § 1923) provides that:

(1) Grammatical errors shall not vitiate a statute and a transposition of words and clauses may be resorted to where a sentence is without meaning as it stands.

(2) In no case shall the punctuation of a statute control or affect the intention of the General Assembly in the enactment thereof unless the statute was finally enacted after December 31, 1964.

§ 13.122. Titles, preambles, limitations and headings.

The act (1 Pa.C.S. § 1924) provides that:

(1) The title and preamble of a statute may be considered in the construction thereof.

(2) Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer.

(3) Exceptions expressed in a statute shall be construed to exclude all others.

(4) The headings prefixed to titles, parts, articles, chapters, sections and other divisions of a statute shall not be considered to control but may be used to aid in the construction thereof.

§ 13.123. Severability.

The act (1 Pa.C.S. § 1925) provides that the provisions of every statute shall be severable and that if any provision of any statute or the application thereof to any person or circumstance is held invalid, the remainder of the statute, and the application of such provision to other persons or circumstances, shall not be affected thereby, unless the court finds that the valid provisions of the statute are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

§ 13.124. Retroactive effect.

The act (1 Pa.C.S. § 1926) provides that no statute shall be construed to be retroactive unless clearly and manifestly so intended by the General Assembly.

§ 13.125. Penalties.

(a) *Preservation of civil remedies.* The act (1 Pa.C.S. § 1929) provides that the provision in any statute for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such statute.

(b) *Application to each offense.* The act (1 Pa.C.S. § 1930) provides that whenever a penalty or forfeiture is provided for the violation of a statute, such penalty or forfeiture shall be construed to be for each such violation.

§ 13.126. Reference to statute or regulation.

The act (1 Pa.C.S. § 1937) provides that a reference in a statute finally enacted on or after July 1, 1971 to a statute or to a regulation issued by a public body or public officer includes the statute or regulation with all amendments and supplements thereto and any new statute or regulation substituted for such statute or regulation, as in force at the time of application of the provision of the statute in which such reference is made, unless the specific language or the context of the reference in the provision clearly includes only the statute or regulation as in force on the effective date of the statute in which such reference is made.

§ 13.127. Reference to public body or officer.

The act (1 Pa.C.S. § 1938) provides that a reference in a statute to a governmental agency, department, board, commission or other public body or to a public officer includes an entity or officer which or who succeeds to substantially the same functions as those performed by such public body or officer on the effective date of the statute, unless the specific language or the context of the reference in the statute clearly includes only the public body or officer on the effective date of the statute.

CONFLICTING STATUTORY PROVISIONS**§ 13.131. General and special provisions.**

The act (1 Pa.C.S. § 1933) provides that whenever a general provision in a statute shall be in conflict with a special provision in the same or another statute:

- (1) The two shall be construed, if possible, so that effect may be given to both.
- (2) If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be enacted later and it shall be the manifest intention of the General Assembly that such general provision shall prevail.

§ 13.132. Clauses in same statute.

The act (1 Pa.C.S. § 1934) provides that except as provided in § 13.131 (relating to general and special provisions), whenever, in the same statute, several clauses are irreconcilable, the clause last in order of date or position shall prevail.

§ 13.133. Statutes passed by same General Assembly.

The act (1 Pa.C.S. § 1935) provides that except as otherwise provided in the case of separate amendments or repeals on code provisions, whenever the provisions of two or more statutes enacted finally during the same General Assembly are irreconcilable, the statute latest in date of final enactment, and where two or more irreconcilable statutes are enacted finally on the same date, the statute bearing the highest number, in either case irrespective of its effective date, shall prevail from the time it becomes effective.

§ 13.134. Statutes passed by different General Assemblies.

The act (1 Pa.C.S. § 1936) provides that whenever the provisions of two or more statutes enacted finally by different General Assemblies are irreconcilable, the statute latest in date of final enactment shall prevail.

AMENDMENTS AND REENACTMENTS**§ 13.141. Merger of statute and amendment.**

The act (1 Pa.C.S. § 1953) provides that whenever a section or part of a statute is amended:

- (1) The amendment shall be construed as merging into the original statute, become a part thereof, and replace the part amended, and the remainder of the original statute and the amendment shall be read together and viewed as one statute passed at one time.
- (2) The portions of the statute which were not altered by the amendment shall be construed as effective from the time of their original enactment.
- (3) The new provisions shall be construed as effective only from the date when the amendment became effective.

§ 13.142. Merger of multiple amendments.

The act (1 Pa.C.S. § 1954) provides that whenever a statute has been more than once amended:

- (1) The latest amendment shall be read into the original statute as previously amended and not into such statute as originally enacted, whether or not the previous amendment is referred to and whether or not its language is incorporated in the latest amendment.
- (2) If the insertions in and the deletions from the statute made by the previous amendment are not incorporated in the later, they shall nevertheless be read into the later amendment as though they had in fact been incorporated therein.

§ 13.143. Amendment overlooking another amendment.

The act (1 Pa.C.S. § 1955) provides that whenever two or more amendments to the same provision of a statute are enacted at the same or different sessions, one amendment overlooking and making no reference to the other or others, the changes in the statute made by each shall be given effect and all the amendments shall be read into each other.

§ 13.144. Conflicting amendments.

(a) *General.* The act (1 Pa.C.S. § 1955) provides that if changes made in a statute by two or more amendments which overlook each other are to any extent in direct conflict with each other, the rules relating to irreconcilable statutes shall govern.

(b) *When amendments are in conflict.* The fact that a later amendment restates language of the original statute which was deleted by an earlier amendment, or fails to restate language inserted by an earlier amendment, does not of itself create a conflict between the two amendments. Amendments are in conflict with

each other only if the changes in the statute made by each without considering the inserts and strike-outs of the other cannot be put into operation simultaneously.

§ 13.145. Reenacting deleted language.

(a) *Amendatory statute.* The act (1 Pa.C.S. § 1956) provides that the provisions of a statute no longer effective because of having been deleted by an earlier amendment or otherwise shall not be construed as being revived by reenactment in an amendatory statute, unless it shall clearly appear by notice thereof in the title of the amendatory statute that the General Assembly intended to revive such provisions.

(b) *Repealing statute.* The act (1 Pa.C.S. § 1962) provides that whenever a statute is repealed and its provisions are at the same time reenacted in the same or substantially the same terms by the repealing statute, the earlier statute shall be construed as continued in active operation. All rights and liabilities incurred under such earlier statute are preserved and may be enforced.

§ 13.146. Effect of reenactment.

(a) *Original statute.* The act (1 Pa.C.S. § 1961) provides that whenever a statute reenacts a former statute, the provisions common to both statutes shall date from their first adoption. Such provisions only of the former statute as are omitted from the reenactment shall be deemed abrogated, and only the new or changed provisions shall be deemed to be the law from the effective date of the reenactment.

(b) *Intermediate statutes.* The act (1 Pa.C.S. § 1963) provides that a statute which reenacts the provisions of an earlier statute shall not be construed to repeal an intermediate statute which modified but did not effect an amendment to such earlier statute. Such intermediate statute shall be construed to remain in force and to modify the reenactment in the same manner as it modified the earlier statute.

REPEALS

§ 13.151. Repealed provisions incorporated into code.

(a) *Repeal by other statute.* The act (1 Pa.C.S. § 1974) provides that whenever a statute repeals any provision of another statute incorporated into a code adopted by the same General Assembly, the statute repealing the provision so incorporated into the code shall be construed to effect a repeal of the corresponding provision of the code.

(b) *Amendment of repealed provision.* The act (1 Pa.C.S. § 1952) provides that whenever any existing statute, incorporated into and repealed by a code, is also amended by other legislation enacted by the same General Assembly, such separate amendment shall be construed to be in force, notwithstanding the repeal

by the code of the statute such other legislation amends, and such amendment shall be construed to prevail over the corresponding provisions of the code.

§ 13.152. Repeal by implication.

(a) *General.* The act (1 Pa.C.S. § 1971) provides that except as otherwise provided in subsections (b) and (c) of this section, a later statute shall not be construed to supply or repeal an earlier statute unless the two statutes are irreconcilable.

(b) *Revision of statutes.* Whenever a statute purports to be a revision of all statutes upon a particular subject, or sets up a general or exclusive system covering the entire subject matter of a former statute and is intended as a substitute for such former statute, such statute shall be construed to supply and therefore to repeal all former statutes upon the same subject.

(c) *Existing local or special statute.* Whenever a general statute purports to establish a uniform and mandatory system covering a class of subjects, such statute shall be construed to supply and therefore to repeal pre-existing local or special statutes on the same class of subjects.

§ 13.153. Nonexistence of reason for statute and nonuser.

The act (1 Pa.C.S. §§ 1972 and 1973) provides that a statute shall not be deemed repealed because the reason for its passage no longer exists or by failure to use such statute.

§ 13.154. Effect of repeal on statutory provisions.

(a) *Original statute.* The act (1 Pa.C.S. § 1956) provides that, except as otherwise provided in § 13.151 (b) of this Title (relating to amendment of repealed provision incorporated into code), the repeal of an original statute, or section or provision of an original statute, repeals all subsequent amendments to the original statute, or to the original section or provision, as the case may be.

(b) *Amendatory statute.* The act (1 Pa.C.S. § 1956) provides that the repeal of an amendatory statute does not revive the corresponding provision or section of the original statute or of any prior amendment.

(c) *Repealing statute.* The act (1 Pa.C.S. § 1977) provides that the repeal of a repealing statute shall not be construed to revive the statute originally repealed.

§ 13.155. Effect of repeal on rights and remedies.

(a) *Limitation of actions.* The act (1 Pa.C.S. § 1975) provides that whenever a limitation or period of time, prescribed in any statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before a statute repealing such statute takes effect, and the same or any other limitation is prescribed in any other statute passed by the same General Assembly, the time which

has already run shall be deemed part of the time prescribed as such limitation in such statute passed by the same General Assembly.

(b) *Civil actions.* The act (1 Pa.C.S. § 1976) provides that the repeal of any civil provisions of a statute shall not affect or impair any act done, or right existing or accrued, or affect any civil action pending to enforce any right under the authority of the statute repealed. Such action may be proceeded with and concluded under the statutes in existence when such action was instituted, notwithstanding the repeal of such statutes, or such action may be proceeded with and concluded under the provisions of the new statute, if any, enacted.

(c) *Common law rights.* The act (1 Pa.C.S. § 1978) provides that whenever a statute which created a personal or property right in derogation of the common law is repealed as obsolete or by a code which does not contain an express provision with respect to such personal or property right, the repeal shall not be construed to revive the prior inconsistent common law rule, but such repeal shall be construed as a recognition by the General Assembly that such personal or property right has been received into and has become a part of the common law of this Commonwealth.

(d) *Private corporation existence.* The act (1 Pa.C.S. § 1976) provides that the repeal of any statute shall not affect the corporate existence of any private corporation created by or incorporated under such statute.

[Next page is 15-1.]

13-22

(235660) No. 278 Jan. 98

Copyright © 1998 Commonwealth of Pennsylvania