

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1276 Session of  
1975

INTRODUCED BY ENGLEHART, MANMILLER, PIEVSKY AND J. B. KELLY III,  
MAY 7, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 7, 1975

AN ACT

1 Amending the act of December 11, 1967 (P.L.707, No.331),  
2 entitled "An act providing for and regulating thoroughbred  
3 horse racing with pari-mutuel wagering on the results  
4 thereof, creating the State Horse Racing Commission as an  
5 independent administrative commission and defining its powers  
6 and duties; providing for the establishment and operation of  
7 thoroughbred horse racing plants; imposing taxes on revenues  
8 of such plants; disposing of all moneys received by the  
9 commission and all moneys collected from the taxes;  
10 authorizing penalties; and making appropriations," changing  
11 terms, and further providing for the location of horse race  
12 meetings, license renewal and employment of public employes.

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

15 Section 1. Section 1, the third paragraph of section 3 and  
16 subsection (a) of section 7, act of December 11, 1967 (P.L.707,  
17 No.331), referred to as the State Horse Racing Law, are amended  
18 to read:

19 Section 1. State Horse Racing Commission.--The State Horse  
20 Racing Commission is hereby established as an independent  
21 administrative commission, and it shall have general  
22 jurisdiction over all pari-mutuel thoroughbred horse racing  
23 activities in the State and the corporations engaged therein.

1 For the purposes of this act, "thoroughbred horse racing" shall  
2 mean that form of horse racing in which each participating horse  
3 is mounted by a jockey and engages in races on the flat but does  
4 not include a steeplechase or hurdle race. Such commission shall  
5 consist of three members who shall be appointed by the Governor,  
6 by and with the advice and consent of the Senate. The Governor  
7 shall designate one of the members as chairman of the  
8 commission. The chairman of such commission shall hold office  
9 for a term of three years, and the other two members shall hold  
10 office for terms of one and two years respectively as designated  
11 by the Governor. Thereafter their successors shall be appointed  
12 for a full term of three years. Such commissioners shall receive  
13 no salary but shall be reimbursed for expenses incurred in the  
14 performance of their official duties. The commission shall  
15 appoint an executive director and such deputies, secretaries,  
16 officers, representatives and counsel as it may deem necessary,  
17 who shall serve during its pleasure, and shall also appoint such  
18 employes it may deem necessary and whose duties shall be  
19 prescribed by the commission and whose compensation shall be  
20 fixed by the commission within the appropriations available  
21 therefor. It shall be the duty of the [secretary] executive  
22 director to keep a full and faithful record of the proceedings  
23 of such commission, preserve at the general office of such  
24 commission all books, maps, documents, and papers entrusted to  
25 his care, prepare for service such papers and notices as may be  
26 required of him by the commission, and perform such other duties  
27 as the commission may prescribe. It shall be the duty of the  
28 [secretary] executive director to keep, at the offices of the  
29 commission, a docket setting forth the names of all stockholders  
30 in all corporations licensed under this act, the number of

1 shares held by each such stockholder, and the date on which each  
2 shareholder acquired his stock in the corporate licensee. Such  
3 docket shall be open for public inspection. The commission, or  
4 such officers, employees or agents of the commission as may be  
5 designated by the commission for such purpose, shall have the  
6 power to administer oaths and examine witnesses, and may issue  
7 subpoenas to compel attendance of witnesses, and the production  
8 of all relevant and material reports, books, papers, documents,  
9 correspondence, and other evidence. Such commission shall,  
10 annually, by March 1, make a full report to the Governor of its  
11 proceedings for the preceding calendar year and such suggestions  
12 and recommendations as it shall deem desirable.

13 Section 3. Incorporation.--\* \* \*

14 No corporation organized pursuant to this act shall have or  
15 be given the right or power to conduct any thoroughbred horse  
16 race meet pursuant to this act, except on obtaining a license  
17 from the commission and at the location designated in its  
18 [certificate of incorporation] license as the place at which it  
19 was proposed to conduct its business: Provided, That this  
20 restriction shall not apply to any such corporation whose racing  
21 plant or the usefulness thereof or of any material part thereof,  
22 in the discretion of the commission, shall, for any reason  
23 beyond the control of such corporation, be totally destroyed or  
24 so substantially interfered with or damaged as to render same  
25 unfit for continued operation. Pending the rebuilding or  
26 restoration of its usefulness, or the making of the required  
27 repairs to said plant or the part thereof so destroyed or  
28 damaged, the State Horse Racing Commission may license such  
29 corporation to conduct its thoroughbred horse racing meetings at  
30 any other suitable location.

1 Section 7. Licenses for Thoroughbred Horse Racing

2 Meetings.--(a) Any corporation desiring to conduct thoroughbred  
3 horse race meetings at which pari-mutuel betting shall be  
4 permitted may apply to the State Horse Racing Commission for a  
5 license to do so. If, in the judgment of the State Horse Racing  
6 Commission, the public interest, convenience or necessity will  
7 be served thereby and a proper case for the issuance of such  
8 license is shown consistent with the purposes of this act and  
9 the best interests of racing generally, it may grant such  
10 license for a term ending not later than the fifteenth day of  
11 November next succeeding the granting thereof, specifying dates  
12 and hours during which, and the place where, the licensee may  
13 operate. Any license so issued [may] shall be renewed [upon  
14 application] automatically, unless the license is revoked or  
15 suspended pursuant to section 19, in accordance with the  
16 procedures set forth in section 20.

17 \* \* \*

18 Section 2. Subsection (a) of section 9 of the act, amended  
19 February 25, 1972 (P.L.84, No.30), is amended to read:

20 Section 9. Prohibition of Interest by Public Officers,  
21 Public Employes and Party Officers in Pari-mutuel Racing  
22 Activities.--(a) No public officer, public employe or party  
23 officer shall:

24 (1) Hold any license to conduct a pari-mutuel meet from the  
25 State Horse Racing Commission; or

26 (2) Own or hold, directly or indirectly, any proprietary  
27 interest, stock or obligation of any firm, association or  
28 corporation (i) which is licensed by such commission to conduct  
29 pari-mutuel racing, or (ii) which is licensed to conduct its  
30 occupation, trade or business at race tracks at which pari-

1   mutuel race meets are conducted, or (iii) which owns or leases  
2   to any licensed association or corporation a race track at which  
3   pari-mutuel racing is conducted, or (iv) which participates in  
4   the management of any licensee conducting pari-mutuel racing; or

5       (3)   Hold any office or employment with any firm, association  
6   or corporation specified in clause (2) of this section; or

7       (4)   Sell (or be a member of a firm or own ten percent or  
8   more of the stock of any corporation which sells) any goods or  
9   services to any firm, association or corporation specified in  
10   clause (2) of this section.

11       The provisions of clause (3) of this subsection (a) shall not  
12   apply to a public employe [of a political subdivision] (other  
13   than a police officer or paid employe of a police department,  
14   sheriff's office, district attorney's office or other law  
15   enforcement agency) [whose compensation is less than twelve  
16   thousand dollars (\$12,000) per annum]: Provided, That such  
17   employment of employes of a political subdivision may be  
18   prohibited by ordinance, resolution or local law adopted by the  
19   local legislative body or other governing board of such  
20   political subdivision.

21       \* \* \*

22       Section 3.   Section 22 of the act, amended May 22, 1972  
23   (P.L.303, No.80), is amended to read:

24       Section 22.   Prohibition of Wagering by Certain Officials,  
25   Employes and Minors; Prohibition of Attendance by Minors.--No  
26   commissioner, executive director, secretary, deputy, officer,  
27   representative, employe or counsel of the commission shall bet  
28   upon the outcome of any thoroughbred horse race conducted at a  
29   track at which pari-mutuel betting is conducted by any licensee  
30   of the commission, and no corporation which is licensed under

1 this act shall permit any person who is actually and apparently  
2 under eighteen years of age to bet at a thoroughbred horse race  
3 meeting conducted by it and no such corporation shall permit any  
4 person who is actually and apparently between ten and eighteen  
5 years of age to attend a thoroughbred horse race meeting  
6 conducted by it unless such person is accompanied by a parent or  
7 guardian and no such corporation shall permit any person who is  
8 actually and apparently under ten years of age to attend a  
9 thoroughbred horse race meeting conducted by it. This section  
10 shall not be construed to prohibit persons under eighteen years  
11 of age, who are legally employed, from being in and upon the  
12 race track premises for the purpose solely of engaging in the  
13 performance of their duties as employees. The State Horse Racing  
14 Commission shall, by rule, provide for enforcement of this  
15 section.

16 Section 4. Section 23 of the act is amended to read:

17 Section 23. Free Passes, Cards, or Badges.--A corporation  
18 licensed to conduct pari-mutuel betting on thoroughbred horse  
19 races run at its race track shall not issue free passes, cards,  
20 or badges except to persons hereafter described: Officers,  
21 shareholders and employees of the corporation conducting the race  
22 meeting; members, the executive director, officers and employees  
23 of the State Horse Racing Commission, members of thoroughbred  
24 horse racing associations of other states and foreign countries;  
25 public officers engaged in the performance of their duties;  
26 persons actually employed and accredited by the press to attend  
27 such meetings; owners, stable managers, trainers, jockeys,  
28 concessionaires, all persons on active duty in the Armed Forces  
29 of the United States, upon presentation of identification to  
30 that effect, such other persons as permitted by the State Horse

1 Racing Commission, and other persons whose actual duties require  
2 their presence at such race track. The issuance of tax-free  
3 passes, cards, or badges shall be under the rules and  
4 regulations of the State Horse Racing Commission and a list of  
5 all persons to whom free passes, cards, or badges are issued  
6 shall be filed with the State Horse Racing Commission.

7       Section 5. This act shall take effect immediately.