

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1769

Session of  
1987

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INTRODUCED BY DOMBROWSKI, BOYES, CAPPABIANCA, BOWSER, MERRY AND  
REBER, SEPTEMBER 30, 1987

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AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 9, 1988

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## AN ACT

1 Amending the act of December 17, 1981 (P.L.435, No.135),  
2 entitled "An act providing for the regulation of pari-mutuel  
3 thoroughbred horse racing and harness horse racing  
4 activities; imposing certain taxes and providing for the  
5 disposition of funds from pari-mutuel tickets," further  
6 providing for simulcasts by racing corporations who did not  
7 have a 1986 racing schedule.

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

10 Section 1. Section 234 of the act of December 17, 1981  
11 (P.L.435, No.135), known as the Race Horse Industry Reform Act,  
12 amended May 16, 1986 (P.L.205, No.63), is amended to read:

13 Section 234. Simulcasting.

14 The State Horse Racing Commission and the State Harness  
15 Racing Commission may permit intrastate simulcasting between two  
16 licensed corporations when each schedules 95% of the racing days  
17 it initially scheduled in 1986 and the average number of live  
18 races per race day must be equal to 90% of the average number of  
19 live races conducted per day in 1985, subject to any actions or

1 activities beyond the control of the licensee; and, as to each  
2 corporation or any corporation conducting racing at the same  
3 location as the sending or receiving racetrack, such intrastate  
4 simulcasting shall not be permitted unless each or any  
5 corporation schedules 95% of the racing days initially scheduled  
6 in 1986 and the average number of live races per race day must  
7 be equal to 90% of the average number of live races conducted  
8 per day at that location in 1985, subject to any actions or  
9 activities beyond the control of the licensee at these  
10 locations. For ANY licensed [corporations] CORPORATION that [did <—  
11 not schedule racing days in 1986 or thereafter,] WAS GRANTED A <—  
12 PERMANENT LICENSE IN OCTOBER 1986, the respective commissions  
13 may permit intrastate simulcasting when the licensed corporation  
14 schedules a minimum of [80] 50 racing days in a calendar year.  
15 For purposes of this section a racing day shall consist of a  
16 minimum of eight live races, except at thoroughbred tracks on  
17 Breeders' Cup Event Day. For any licensed racing corporation  
18 engaged in simulcasting, regardless of location or distance from  
19 another licensed racing corporation, there shall exist a written  
20 agreement with the horsemen's organization representing a  
21 majority of the owners and trainers at both the sending and  
22 receiving racetracks. If no agreement can be reached, then the  
23 licensed corporation may petition the court of common pleas in  
24 the county in which the licensed corporation racetrack is  
25 located, which may, upon good cause shown by the licensed  
26 corporation that failure to consent would be detrimental to the  
27 Pennsylvania racing industry, direct the organization  
28 representing the horsemen to approve the simulcast agreement.  
29 The respective commission may then authorize the simulcasting,  
30 if, in the opinion of the appropriate commission, such

1 simulcasting will have significant value to the Pennsylvania  
2 racing industry. The simulcast signal shall be encoded, and the  
3 racetrack receiving the simulcast signal shall not send this  
4 signal anywhere other than public locations authorized under  
5 section 218 or 218-A. All forms of pari-mutuel wagering  
6 described in section 221 shall be allowed on races to be  
7 televised by simulcasting under this section. The State Horse  
8 Racing Commission and the State Harness Racing Commission may  
9 promulgate regulations on wagering and the operation of these  
10 races. All money wagered by patrons on these races shall be  
11 computed in the amount of money wagered each racing day for  
12 purposes of taxation under section 222. Any corporation that  
13 does not schedule the required number of racing days, as set  
14 forth in this section, shall not be permitted to simulcast the  
15 following year. In the event the simulcast is between a  
16 thoroughbred racetrack and a harness racetrack, both commissions  
17 shall have jurisdiction, and any approval required hereunder  
18 must be received from both commissions: Provided, however, That  
19 if no agreement can be reached between the horsemen's  
20 organization aforementioned, then the licensed corporation may  
21 petition the court of common pleas in the county in which the  
22 licensed corporation racetrack is located, which may, upon good  
23 cause shown by the licensed corporation that failure to consent  
24 would be detrimental to the Pennsylvania racing industry, direct  
25 the organization representing the horsemen to approve the  
26 simulcast agreement. The respective commissions may then  
27 authorize the simulcasting if, in the opinions of the respective  
28 commission, such simulcasting will have a significant value to  
29 the Pennsylvania racing industry.

30 Section 2. This act shall take effect immediately.