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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 146 Session of  
1991

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INTRODUCED BY PESCI, ITKIN, E. Z. TAYLOR, NOYE, TRELLO,  
COLAIZZO, STEELMAN, BELFANTI, HESS, TIGUE AND VEON,  
JANUARY 29, 1991

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AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,  
JUNE 29, 1991

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AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An  
2 act concerning townships of the second class; and amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," further providing for the jurisdiction of second  
5 class township supervisors over its police force; and  
6 ~~prohibiting horse race meets at certain~~ PROVIDING FOR  
7 racetracks. <—

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

10 Section 1. Section 590 of the act of May 1, 1933 (P.L.103,  
11 No.69), known as The Second Class Township Code, reenacted and  
12 amended July 10, 1947 (P.L.1481, No.567), amended July 2, 1953  
13 (P.L.354, No.83) and June 29, 1965 (P.L.152, No.102), is amended  
14 to read:

15 Section 590. [Petition for Appointment of Police; Contracts  
16 for Police Services.--A. Upon the petition of not less than  
17 twenty-five registered electors or taxpayers of any township, or  
18 of two or more adjacent townships, representing that the safety  
19 of the citizens and the security of property make it necessary

1 for the appointment of one or more policemen, the supervisors of  
2 such township or townships shall consider said petition, and, if  
3 satisfied of the reasonableness and propriety of said  
4 application, shall appoint one or more registered electors, who  
5 shall be residents of the Commonwealth, to act as policemen, and  
6 to serve at the will of said supervisors.

7 The supervisors of such township or townships shall fix the  
8 number of policemen, the compensation of such policemen, and  
9 shall limit the term of service of said policemen as it may deem  
10 proper. Where such policemen are appointed for two or more  
11 townships, the supervisors of such townships shall fix the  
12 amount of compensation which shall be paid by each of such  
13 townships. Such compensation shall be paid from the general  
14 township fund. The supervisors of the township or townships may  
15 assign any policeman, with his consent, to undergo a course of  
16 training at any training school for policemen established and  
17 made available by the State or Federal Government, and may  
18 provide for the payment by the township of his expenses or a  
19 part thereof while in attendance in such training school.]

20 Creating or Disbanding Police Force.--A. The board of township  
21 supervisors may, by resolution: (1) create or disband a police  
22 force within the township, or (2) upon the petition of not less  
23 than twenty-five registered electors or taxpayers of the  
24 township, appoint police officers.

25 B. The board of township supervisors shall provide for the  
26 organization and supervision, and determine the number and the  
27 compensation of such police officers. The chairman of the board  
28 of township supervisors shall have the authority to swear in  
29 police officers. The board of township supervisors may assign  
30 any police officer to undergo a course of training at any

1 training school for police officers established or made  
2 available by the Federal or State government, and provide for  
3 payment of the officer's expenses while in attendance at the  
4 training school.

5 [B.] C. Any township may contract with any adjacent township  
6 of the first or second class, or with any borough or city, and  
7 may expend moneys from the general fund for the purpose of  
8 securing the services within the township of the police of such  
9 adjacent township, borough or city. When any such contract has  
10 been entered into, the police of the employing township, borough  
11 or city shall have all the powers and authority conferred by law  
12 on township police in the territory of the township which has  
13 contracted to secure such police service.

14 Section 2. The act is amended by adding a section to read:

15 ~~Section 703. Racetracks. (a) Notwithstanding the~~ <—  
16 ~~provisions of this act and the act of December 17, 1981~~  
17 ~~(P.L.435, No.135), known as the "Race Horse Industry Reform~~  
18 ~~Act," no licensed corporation shall conduct a horse race meet at~~  
19 ~~a racetrack in a township if the racetrack was not in operation~~  
20 ~~prior to January 1, 1991, unless the racetrack is located~~  
21 ~~outside a fifty mile area of a racetrack which was in operation~~  
22 ~~prior to January 1, 1991. The fifty mile area of a racetrack is~~  
23 ~~defined as that land area included in a circle drawn with the~~  
24 ~~racetrack which was in operation prior to January 1, 1991, as~~  
25 ~~the center and a radius of fifty air miles.~~

26 ~~(b) The definitions provided for in the "Race Horse Industry~~  
27 ~~Reform Act" shall apply to this section.~~

28 ~~Section 3. This act shall take effect in 60 days.~~

29 ~~SECTION 703. RACETRACKS.--A. IN ADDITION TO THE POWERS AND~~ <—  
30 ~~DUTIES IMPOSED UPON THE TOWNSHIP SUPERVISORS BY THIS ACT OR ANY~~

1 OTHER PROVISION OF LAW, THE TOWNSHIP SUPERVISORS SHALL HAVE THE  
2 POWER AND DUTY TO SECURE THE HEALTH, SAFETY AND WELFARE OF  
3 PERSONS AND PROPERTY BY ADOPTING AN ORDINANCE PROHIBITING THE  
4 CONDUCTING OF LIVE HORSE RACE MEETS BY A LICENSED CORPORATION AT  
5 A RACETRACK LOCATED WITHIN THE AREA OF FIFTY AIR MILES FROM THE  
6 CENTER OF AN EXISTING, CURRENTLY LICENSED RACETRACK,  
7 NOTWITHSTANDING THE PROVISIONS OF THE ACT OF DECEMBER 17, 1981  
8 (P.L.435, NO.135), KNOWN AS THE "RACE HORSE INDUSTRY REFORM  
9 ACT": PROVIDED, THAT A MAJORITY OF ELECTORS OF THE TOWNSHIP  
10 APPROVE A REFERENDUM PURSUANT TO SUBSECTION B PROHIBITING THE  
11 CONDUCTING OF SUCH HORSE RACE MEETS WITHIN THE TOWNSHIP.

12 B. THE TOWNSHIP SUPERVISORS MAY OR, UPON THE PETITION OF A  
13 NUMBER OF ELECTORS OF THE TOWNSHIP EQUAL TO AT LEAST TWENTY-FIVE  
14 PER CENTUM OF THE HIGHEST NUMBER OF VOTES FOR A PUBLIC OFFICE OF  
15 THE TOWNSHIP AT THE LAST PRECEDING MUNICIPAL ELECTION, SHALL  
16 ADOPT A RESOLUTION DIRECTING THE COUNTY BOARD OF ELECTIONS TO  
17 PLACE A REFERENDUM QUESTION ON THE BALLOT FOR THE PRIMARY OR  
18 GENERAL ELECTION, WITH RESPECT TO THE CONDUCTING OF LIVE HORSE  
19 RACE MEETS BY LICENSED CORPORATIONS WITHIN THE TOWNSHIP. THE  
20 QUESTION SHALL BE IN THE FOLLOWING FORM:

21 SHALL LIVE HORSE RACE MEETS CONDUCTED BY LICENSED  
22 CORPORATIONS BE PROHIBITED WITHIN THE AREA OF FIFTY AIR  
23 MILES FROM THE CENTER OF AN EXISTING, CURRENTLY LICENSED  
24 RACETRACK?

25 C. THE DEFINITIONS PROVIDED FOR IN THE "RACE HORSE INDUSTRY  
26 REFORM ACT" SHALL APPLY TO THIS SECTION.

27 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

28 (1) THE AMENDMENT OF SECTION 590 OF THE ACT SHALL TAKE  
29 EFFECT IN 60 DAYS.

30 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

1 IMMEDIATELY.