

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 552

Session of
1975

INTRODUCED BY SMITH, MURRAY, KELLEY, SCANLON, ROSS, DOUGHERTY
AND LYNCH, APRIL 15, 1975

AS AMENDED ON THIRD CONSIDERATION, JULY 22, 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," further
11 providing for refusal of admittance to and ejection of
12 persons from race tracks AND PROVIDING FOR THE EMPLOYMENT OF <—
13 PUBLIC EMPLOYEES.

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

16 SECTION 1. SUBSECTION (A) OF SECTION 9 OF THE ACT OF <—
17 DECEMBER 11, 1967 (P.L.707, NO.331), ENTITLED "AN ACT PROVIDING
18 FOR AND REGULATING THOROUGHBRED HORSE RACING WITH PARI-MUTUEL
19 WAGERING ON THE RESULTS THEREOF, CREATING THE STATE HORSE RACING
20 COMMISSION AS AN INDEPENDENT ADMINISTRATIVE COMMISSION AND
21 DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE ESTABLISHMENT
22 AND OPERATION OF THOROUGHBRED HORSE RACING PLANTS; IMPOSING
23 TAXES ON REVENUES OF SUCH PLANTS; DISPOSING OF ALL MONEYS

1 RECEIVED BY THE COMMISSION AND ALL MONEYS COLLECTED FROM THE
2 TAXES; AUTHORIZING PENALTIES; AND MAKING APPROPRIATIONS,"
3 AMENDED FEBRUARY 25, 1972 (P.L.84, NO.30), IS AMENDED TO READ:

4 SECTION 9. PROHIBITION OF INTEREST BY PUBLIC OFFICERS,
5 PUBLIC EMPLOYEES AND PARTY OFFICERS IN PARI-MUTUEL RACING
6 ACTIVITIES.--(A) NO PUBLIC OFFICER, PUBLIC EMPLOYEE OR PARTY
7 OFFICER SHALL:

8 (1) HOLD ANY LICENSE TO CONDUCT A PARI-MUTUEL MEET FROM THE
9 STATE HORSE RACING COMMISSION; OR

10 (2) OWN OR HOLD, DIRECTLY OR INDIRECTLY, ANY PROPRIETARY
11 INTEREST, STOCK OR OBLIGATION OF ANY FIRM, ASSOCIATION OR
12 CORPORATION (I) WHICH IS LICENSED BY SUCH COMMISSION TO CONDUCT
13 PARI-MUTUEL RACING, OR (II) WHICH IS LICENSED TO CONDUCT ITS
14 OCCUPATION, TRADE OR BUSINESS AT RACE TRACKS AT WHICH PARI-
15 MUTUEL RACE MEETS ARE CONDUCTED, OR (III) WHICH OWNS OR LEASES
16 TO ANY LICENSED ASSOCIATION OR CORPORATION A RACE TRACK AT WHICH
17 PARI-MUTUEL RACING IS CONDUCTED, OR (IV) WHICH PARTICIPATES IN
18 THE MANAGEMENT OF ANY LICENSEE CONDUCTING PARI-MUTUEL RACING; OR

19 (3) HOLD ANY OFFICE OR EMPLOYMENT WITH ANY FIRM, ASSOCIATION
20 OR CORPORATION SPECIFIED IN CLAUSE (2) OF THIS SECTION; OR

21 (4) SELL (OR BE A MEMBER OF A FIRM OR OWN TEN PERCENT OR
22 MORE OF THE STOCK OF ANY CORPORATION WHICH SELLS) ANY GOODS OR
23 SERVICES TO ANY FIRM, ASSOCIATION OR CORPORATION SPECIFIED IN
24 CLAUSE (2) OF THIS SECTION.

25 THE PROVISIONS OF CLAUSE (3) OF THIS SUBSECTION (A) SHALL NOT
26 APPLY TO A PUBLIC EMPLOYEE [OF A POLITICAL SUBDIVISION] (OTHER
27 THAN A POLICE OFFICER OR PAID EMPLOYEE OF A POLICE DEPARTMENT,
28 SHERIFF'S OFFICE, DISTRICT ATTORNEY'S OFFICE OR OTHER LAW
29 ENFORCEMENT AGENCY) [WHOSE COMPENSATION IS LESS THAN TWELVE
30 THOUSAND DOLLARS (\$12,000) PER ANNUM]: PROVIDED, THAT SUCH

1 EMPLOYMENT OF EMPLOYEES OF A POLITICAL SUBDIVISION MAY BE
2 PROHIBITED BY ORDINANCE, RESOLUTION OR LOCAL LAW ADOPTED BY THE
3 LOCAL LEGISLATIVE BODY OR OTHER GOVERNING BOARD OF SUCH
4 POLITICAL SUBDIVISION.

5 * * *

6 Section ~~1.~~ 2. Section 12.1, ~~act of December 11, 1967~~ <—
7 ~~(P.L.707, No.331), entitled "An act providing for and regulating~~
8 ~~thoroughbred horse racing with pari mutuel wagering on the~~
9 ~~results thereof, creating the State Horse Racing Commission as~~
10 ~~an independent administrative commission and defining its powers~~
11 ~~and duties; providing for the establishment and operation of~~
12 ~~thoroughbred horse racing plants; imposing taxes on revenues of~~
13 ~~such plants; disposing of all moneys received by the commission~~
14 ~~and all moneys collected from the taxes; authorizing penalties;~~
15 ~~and making appropriations," added July 24, 1970 (P.L.634,~~
16 ~~No.210), is amended to read:~~ OF THE ACT, ADDED JULY 24, 1970 <—
17 (P.L.634, NO.210), IS AMENDED TO READ:

18 Section 12.1. Security Personnel; Powers and Duties;
19 Penalty.--The State Horse Racing Commission and any association
20 licensed by the commission is hereby authorized and empowered to
21 employ persons as security personnel. These persons shall
22 possess the powers and duties of a peace officer with respect to
23 the enforcement of the criminal laws of the Commonwealth within
24 the race meeting grounds or enclosure. Such designated persons
25 are also authorized and empowered to interrogate and eject from
26 the race meeting grounds or enclosure any persons suspected of
27 violating any rule or regulation promulgated by the State Horse
28 Racing Commission. The State Horse Racing Commission ~~and any~~ <—
29 ~~association licensed by the commission~~ may refuse admission to <—
30 and eject from enclosure of the race track operated by any

1 association, any person whose presence there is, in the sole
2 judgment of the State Horse Racing Commission for the <—
3 association,† inconsistent with the orderly or proper conduct of <—
4 a race meeting or whose presence or conduct is deemed
5 detrimental to the best interest of horse racing. The action of
6 the State Horse Racing Commission for any association† in <—
7 refusing any person admission to or ejecting him from a race
8 meeting ground or enclosure shall not be because of the race,
9 creed, color, sex, national origin or religion of such person
10 and shall be reviewable by the Court of Common Pleas of Dauphin
11 County as provided in the act of June 4, 1945 (P.L.1388,
12 No.442), known as the "Administrative Agency Law." Any <—
13 ~~association licensed by the commission may refuse admission to~~
14 ~~and eject from the enclosure of the race track operated by any~~
15 ~~association any person except that no person shall be refused~~
16 ~~admission or be ejected because of the race, color, creed, sex,~~
17 ~~national origin or religion of such person.~~ A licensee may not
18 refuse admission to or eject a law enforcement official while
19 such official is actually engaged in the performance of his
20 official duties. A person found within a race track enclosure
21 after having been refused admission thereto or ejected therefrom
22 shall, upon conviction thereof in a summary proceeding, be
23 sentenced to pay a fine not exceeding two hundred dollars (\$200)
24 or undergo imprisonment for a term not exceeding thirty days, or
25 both.

26 Section 2- 3. This act shall take effect immediately. <—