
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 892 Session of
1993

INTRODUCED BY BAKER, PUNT AND ARMSTRONG, APRIL 1, 1993

REFERRED TO STATE GOVERNMENT, APRIL 1, 1993

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 nonprimary location wagering.

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

9 Section 1. Section 102 of the act of December 17, 1981
10 (P.L.435, No.135), known as the Race Horse Industry Reform Act,
11 is amended by adding a definition to read:

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall
14 have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 * * *

17 "Municipality." A city, borough, incorporated town or
18 township or a home rule municipality formerly classified as a
19 city, borough, incorporated town or township.

1 * * *

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

3 Section 218-B. Approval by commissions; local option referendum
4 required.

5 (a) Notwithstanding any other provisions of this act to the
6 contrary, the commissions may not approve the establishment of
7 any nonprimary location by a licensed corporation in any
8 municipality that has not approved the establishment of the
9 nonprimary location by an affirmative vote in a referendum at a
10 municipal election in accordance with the provisions of this
11 section.

12 (b) In any municipality, an election may be held on the date
13 of the primary election immediately preceding any municipal
14 election, but not more than once in four years, to determine the
15 will of the electors with respect to the establishment of a
16 nonprimary location within the limits of such municipality under
17 the provisions of this act. Where an election shall have been
18 held at the primary election preceding a municipal election in
19 any year, another election may be held under the provisions of
20 this act at the primary election occurring the fourth year after
21 the prior election. Whenever electors equal to at least 25% of
22 the highest vote cast for any office in the municipality at the
23 last preceding general election shall file a petition with the
24 county board of elections of the county, or the governing body
25 of the municipality adopts, by a majority vote, a resolution to
26 place the question on the ballot and a copy of the resolution is
27 filed with the board of elections of the county, for a
28 referendum on the question of issuing licenses, the county board
29 of elections shall cause a question to be placed on the ballot
30 or on the voting machine board and submitted at the primary

election immediately preceding the municipal election. The
question shall be in the following form:

Do you favor the establishment of an off-track betting
parlor in the _____ of _____ ?

(c) If a majority of the electors voting on the question
vote "yes," then the appropriate commission may approve the
establishment of a nonprimary location in the municipality, but
if a majority of the electors voting on the question vote "no,"
then the commission shall not approve the establishment of a
nonprimary location or shall revoke its prior approval of the
establishment of a nonprimary location, as the case may be,
unless and until, at a later election, a majority of the voting
electors vote "yes" on the question.

(d) Proceedings under this section shall be in accordance
with the provisions of the act of June 3, 1937 (P.L.1333,
No.320), known as the "Pennsylvania Election Code."

(e) This section shall only apply to the commissions'
approval or withdrawal of approval of the establishment of
nonprimary locations that have not been approved prior to the
effective date of this act.

(f) The referendum procedure contained in this section shall
also be available to withdraw the approval of the establishment
or continued operation of a nonprimary location.

(g) This section shall apply only to nonprimary locations
not separated by at least 1,000 feet from a parcel which is
included in whole or in part, in a residential or recreational
zone district or upon which is located a church, school, public
building, playground or park.

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