

## No. 5

## AN ACT

## HB 1501

Amending the act of December 22, 1959 (P.L.1978), entitled, as amended, "An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as a departmental administrative commission within the Department of Agriculture and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations," making permanent taxes on revenues of certain plants for general school purposes in school districts of the first class and for distribution by the Secretary of Commerce.

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

Section 1. Section 15, act of December 22, 1959 (P.L.1978), entitled, as amended, "An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as a departmental administrative commission within the Department of Agriculture and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations," amended August 7, 1969 (P.L.225), is amended to read:

Section 15. Disposition of Pari-mutuel Pools.—Every corporation authorized under this act to conduct pari-mutuel betting at a harness horse race meeting on races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets be presented for payment before April first of the year following the year of their purchase, less fifteen per centum of the total deposits plus the breaks, and as to harness horse race meetings held within school districts of the first class during the years 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970 and 1971 less seventeen per centum of the total deposits plus the breaks. At the close of each racing day, the permit holder out of the amount retained on said day by said permit holder, shall pay, through the Department of Revenue into the State Treasury for credit to the State Harness Racing Fund, a tax of five per centum of the amount wagered each day, which tax is hereby imposed, and as to harness horse race meetings held within school districts of the first class during the years 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, [and] 1971 *and each year thereafter* the permit holder shall pay the school district in which the harness horse race meeting is held a tax of two per centum of the amount wagered each day, which tax is hereby imposed for general school

purposes and as to other permit holders, *during any year*, a tax of two per centum of the amount wagered each day is imposed and shall be paid to the Department of Commerce to be distributed by the Secretary of Commerce to eligible boroughs having a population of less than ten thousand, eligible townships having a population of less than twelve thousand, each of their municipality authorities, or county authorities authorized to service the borough or township, for projects providing for the construction, rehabilitation, alteration, expansion, or improvement of water facilities, sewage disposal facilities and access roads, in amounts not to exceed twenty-five per centum of the cost thereof, in accordance with regulations promulgated by the Secretary of Commerce and approved by the Governor. No distribution shall be made in connection with any project unless it is determined that the project:

(1) Is not in conflict with programs of other departments of the Commonwealth;

(2) Is not inconsistent with an existing development plan for the municipality;

(3) Could not otherwise be financed;

(4) Will either strengthen the income-producing capability of the municipality, or improve the health and safety of the community; and

(5) Is necessary to orderly community development.

In addition, each permit holder shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of fifty per centum of the total sum of such odd cents, which tax is hereby imposed and shall be paid by the permit holder to the Department of Revenue for credit to the Pennsylvania Sire Stakes Fund, which fund is hereby appropriated to the Pennsylvania Harness Racing Commission for distribution in accordance with the terms of this act.

Section 2. This act shall take effect immediately.

APPROVED—The 26th day of January, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 5.



Secretary of the Commonwealth.