

No. 82

AN ACT

SB 552

Amending the act of December 11, 1967 (P.L.707, No.331), entitled "An act providing for and regulating thoroughbred horse racing with pari-mutuel wagering on the results thereof, creating the State Horse Racing Commission as an independent administrative commission and defining its powers and duties; providing for the establishment and operation of thoroughbred horse racing plants; 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," further providing for refusal of admittance to and ejection of persons from race tracks and providing for the employment of public employees.

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

Section 1. Subsection (a) of section 9 of the act of December 11, 1967 (P.L.707, No.331), entitled "An act providing for and regulating thoroughbred horse racing with pari-mutuel wagering on the results thereof, creating the State Horse Racing Commission as an independent administrative commission and defining its powers and duties; providing for the establishment and operation of thoroughbred horse racing plants; 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 February 25, 1972 (P.L.84, No.30), is amended to read:

Section 9. Prohibition of Interest by Public Officers, Public Employees and Party Officers in Pari-mutuel Racing Activities.—(a) No public officer, public employe or party officer shall:

(1) Hold any license *to conduct a pari-mutuel meet* from the State Horse Racing Commission; or

(2) Own or hold, directly or indirectly, any proprietary interest, stock or obligation of any firm, association or corporation (i) which is licensed by such commission to conduct pari-mutuel racing, or (ii) which is licensed to conduct its occupation, trade or business at race tracks at which pari-mutuel race meets are conducted, or (iii) which owns or leases to any licensed association or corporation a race track at which pari-mutuel racing is conducted, or (iv) which participates in the management of any licensee conducting pari-mutuel racing; or

(3) Hold any office or employment with any firm, association or corporation specified in clause (2) of this section; or

(4) Sell (or be a member of a firm or own ten percent or more of the stock of any corporation which sells) any goods or services to any firm, association or corporation specified in clause (2) of this section.

The provisions of clause (3) of this subsection (a) shall not apply to a public employe [of a political subdivision] (other than a police officer or paid employe of a police department, sheriff's office, district attorney's office or other law enforcement agency) [whose compensation is less than twelve thousand dollars (\$12,000) per annum]: Provided, That such employment of employes of a political subdivision may be prohibited by ordinance, resolution or local law adopted by the local legislative body or other governing board of such political subdivision.

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Section 2. Section 12.1 of the act, added July 24, 1970 (P.L.634, No.210), is amended to read:

Section 12.1. Security Personnel; Powers and Duties; Penalty.—The State Horse Racing Commission and any association licensed by the commission is hereby authorized and empowered to employ persons as security personnel. These persons shall possess the powers and duties of a peace officer with respect to the enforcement of the criminal laws of the Commonwealth within the race meeting grounds or enclosure. Such designated persons are also authorized and empowered to interrogate and eject from the race meeting grounds or enclosure any persons suspected of violating any rule or regulation promulgated by the State Horse Racing Commission. The State Horse Racing Commission and any association licensed by the commission may refuse admission to and eject from enclosure of the race track operated by any association, any person whose presence there is, in the sole judgment of the State Horse Racing Commission or the association, inconsistent with the orderly or proper conduct of a race meeting or whose presence or conduct is deemed detrimental to the best interest of horse racing. The action of the State Horse Racing Commission or any association in refusing any person admission to or ejecting him from a race meeting ground or enclosure *shall not be because of the race, creed, color, sex, national origin or religion of such person and* shall be reviewable by the Court of Common Pleas of Dauphin County as provided in the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law." A licensee may not refuse admission to or eject a law enforcement official while such official is actually engaged in the performance of his official duties. A person found within a race track enclosure after having been refused admission thereto or ejected therefrom shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding two hundred dollars (\$200) or undergo imprisonment for a term not exceeding thirty days, or both.

Section 3. This act shall take effect immediately.

APPROVED—The 1st day of August, A. D. 1975.

MILTON J. SHAPP