

No. 83

AN ACT

SB 1011

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 defining "thoroughbred horse racing"; further providing for refusal of admittance to and ejection of persons from race tracks and making an editorial change.

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

Section 1. Section 1, 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," is amended to read:

Section 1. State Horse Racing Commission.—The State Horse Racing Commission is hereby established as an independent administrative commission, and it shall have general jurisdiction over all pari-mutuel thoroughbred horse racing activities in the State and the corporations engaged therein. For the purposes of this act, "thoroughbred horse racing" shall mean that form of horse racing in which each participating horse is mounted by a jockey, *is duly registered with the Jockey Club, New York, New York* and engages in races on the flat but does not include a steeplechase or hurdle race. Such commission shall consist of three members who shall be appointed by the Governor, by and with the advice and consent of the Senate. The Governor shall designate one of the members as chairman of the commission. The chairman of such commission shall hold office for a term of three years, and the other two members shall hold office for terms of one and two years respectively as designated by the Governor. Thereafter their successors shall be appointed for a full term of three years. Such commissioners shall receive no salary but shall be reimbursed for expenses incurred in the performance of their official duties. The commission shall appoint such deputies, secretaries, officers, representatives and counsel as it may deem necessary, who shall serve during its pleasure, and shall also appoint such employes it may deem necessary and whose duties shall be prescribed by the commission and

whose compensation shall be fixed by the commission within the appropriations available therefor. It shall be the duty of the secretary to keep a full and faithful record of the proceedings of such commission, preserve at the general office of such commission all books, maps, documents, and papers entrusted to his care, prepare for service such papers and notices as may be required of him by the commission, and perform such other duties as the commission may prescribe. It shall be the duty of the secretary to keep, at the offices of the commission, a docket setting forth the names of all stockholders in all corporations licensed under this act, the number of shares held by each such stockholder, and the date on which each shareholder acquired his stock in the corporate licensee. Such docket shall be open for public inspection. The commission, or such officers, employes or agents of the commission as may be designated by the commission for such purpose, shall have the power to administer oaths and examine witnesses, and may issue subpoenas to compel attendance of witnesses, and the production of all relevant and material reports, books, papers, documents, correspondence, and other evidence. Such commission shall, annually, by March 1, make a full report to the Governor of its proceedings for the preceding calendar year and such suggestions and recommendations as it shall deem desirable.

Section 2. Section 12.1 of the act, added July 24, 1970 (P.L.634, No.210) and amended August 1, 1975 (No.82), is amended to read:

Section 12.1. Security Personnel; Powers and Duties; Penalty.—(a) 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 *Commonwealth* 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."]**

(b) *Except as provided for in subsections (c) and (d) of this section, any association licensed by the commission may refuse admission to and eject*

from the enclosure of the race track operated by any association any person except that no person shall be refused admission or be ejected because of the race, color, creed, sex, national origin or religion of such person.

(c) An association licensed by the commission may refuse admission to and eject from the enclosure of the race track operated by the association, any person licensed by the State Horse Racing Commission pursuant to section 11, employed at his occupation at such race track, whose presence there is deemed detrimental to the best interests of horse racing, citing the reason or reasons for such determination. The action of the association in refusing such person admission to or ejecting him from a race meeting ground or enclosure shall have immediate effect. Such person refused admission or ejected shall receive a hearing before the State Horse Racing Commission, if requested, pursuant to rules and regulations adopted for that purpose by the State Horse Racing Commission, and a decision rendered following such hearing.

(d) 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.

(e) 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 18th day of June, A. D. 1976.

MILTON J. SHAPP