

No. 1978-277

AN ACT

HB 210

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 distribution of Pennsylvania Breeding Fund, providing for the appointment of an official State veterinarian and State steward.

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

Section 1. Section 17.1, act of December 11, 1967 (P.L.707, No.331), referred to as the Pennsylvania Thoroughbred Horse Racing Law, added December 30, 1974 (P.L.1115, No.358), is amended to read:

Section 17.1. Pennsylvania Breeding Fund.—(a) There is hereby created the Pennsylvania Breeding Fund which shall consist of the money appropriated under the provisions of section 17 and which shall be administered by the commission.

(b) After the deduction of expenses **[for advisory services of] related to the administration and development of the Pennsylvania Breeding Fund program incurred by** the Pennsylvania Horse Breeder's Association the commission shall, by rule or regulation, provide for awards **[and for purses, the latter to be divided equally among the pari-mutuel permit holders in Pennsylvania]** as follows:

[(1) Non-claiming Pennsylvania-bred fund races, with Pennsylvania-bred horses preferred.

(2) Claiming races with Pennsylvania-bred horses preferred.

(3)] (1) An award of **[fifteen] twenty** percent of the purse earned to the breeder of every *registered* Pennsylvania-bred horse which finishes first, second or third in a race conducted by a pari-mutuel permit holder in Pennsylvania.

[(4)] (2) An award of **[five] ten** percent of the purse earned to the owner of a *registered* Pennsylvania sire, which regularly stands for a breeding season in Pennsylvania, of any *registered* Pennsylvania-bred horse which **[wins] finishes first, second or third in** a race conducted by a pari-mutuel permit holder in Pennsylvania.

(3) The remaining fund moneys will be divided as hereinafter provided among the pari-mutuel permit holders in Pennsylvania to be used for purses as follows:

(i) Claiming and non-claiming Pennsylvania Fund races, which restrict entry to registered Pennsylvania-breds.

(ii) Non-claiming Pennsylvania Fund races in which registered Pennsylvania-breds are preferred starters. In these races, should eight or more registered Pennsylvania-breds pass the entry box, the race shall be considered closed to horses other than registered Pennsylvania-breds.

(iii) Claiming Pennsylvania Fund races in which registered Pennsylvania-breds are preferred starters. In these races, should nine or more registered Pennsylvania-breds pass the entry box, the race shall be considered closed to horses other than registered Pennsylvania-breds.

(4) The remaining fund moneys:

(i) for the calendar years 1978 and 1979 shall be divided among pari-mutuel permit holders in Pennsylvania in direct proportion to the number of days of actual racing conducted by said permit holders in said years;

(ii) for the calendar years 1980 and 1981 shall be divided among the pari-mutuel permit holders in Pennsylvania one-half in direct proportion to the number of days of actual racing conducted by said permit holders in said years and one-half in direct proportion to the rate by which each permit holder generated the fund during the previous year; and

(iii) for the calendar year 1982 and thereafter shall be divided among pari-mutuel permit holders in Pennsylvania in direct proportion to the rate by which each permit holder generated the fund during the previous year.

(c) The Pennsylvania Breeding Fund Advisory Committee, under jurisdiction of the State Horse Racing Commission, is hereby established and shall be part of the Pennsylvania State Horse Racing Commission. The committee shall consist of five members, all of whom shall be residents of Pennsylvania, to be appointed by the commission by June 1 of each year. The committee shall consist of two members of the Pennsylvania Horse Breeder's Association, recommended by it; one member from the permit holders recommended by them; one member from the association representing horsemen racing in Pennsylvania, recommended by it and one member of the commission designated by it. If any member other than the commission member has not been recommended by June 1 of each year, the commission with the approval of the Governor shall make an appointment for the organization failing to so recommend a member of the committee. The committee shall assist and advise the commission in accordance with the provisions of this act but shall have no power in administering the fund. The members of the committee shall receive no compensation for their services as members.

(d) The Pennsylvania Horse Breeder's Association as the responsible body for the registration and records of Pennsylvania-breds, shall advise the commission when called upon, shall determine the qualifications for Pennsylvania-bred horses and Pennsylvania sires, and its registration and record facts are hereby declared as official Pennsylvania records. [The commission shall on an annual basis reimburse for expenses actually incurred, from moneys in the Pennsylvania-bred Race Fund, the Pennsylvania Horse Breeder's Association for the services it renders in its capacity as advisor to the commission.] *At the close of the calendar year,*

the Pennsylvania Horse Breeder's Association, through the Pennsylvania Breeding Fund Advisory Committee, shall submit to the Commission for its approval an itemized budget of projected expenses related to the administration and development of the Pennsylvania Breeding Fund Program. The Commission, on no more than a quarterly basis, shall reimburse from the Fund the Pennsylvania Horse Breeder's Association for those expenses actually incurred in the administration and development of the Breeding Fund Program.

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

Section 22.1. Official Veterinarian and State Steward.—(a) The State Horse Racing Commission shall appoint and employ a licensed veterinarian and a steward to serve as the State steward and State veterinarian, respectively, at each meeting conducted by a permit holder licensed by the State Horse Racing Commission. The State Horse Racing Commission shall have the authority to employ such other individuals as shall be necessary to carry out the responsibilities under this section.

(b) The costs and the compensation of the State veterinarian and the State steward and other individuals employed to carry out the provisions of this act shall be fixed and paid by the State Horse Racing Commission.

Section 3. This act shall take effect immediately.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP