

No. 441

AN ACT

HB 1630

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," establishing a Pennsylvania Sire Stakes Fund; appropriating the moneys therefor; and providing for the operation of such fund by the Pennsylvania Harness Racing Commission.

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 January 25, 1966 (P. L. 1575), 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 and 1967 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 and 1967, 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, 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 townships and boroughs having a population of less than ten thousand or their municipality authorities, 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 [State Harness Racing Fund] 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. The act is amended by adding after section 24 a new section to read:

Section 25. Appropriation of Funds of Pennsylvania Sire Stakes Fund.—(a) After deduction of sufficient funds to cover the commission's cost of administration of the provisions of this section seventy-five per centum of all remaining moneys in the Pennsylvania Sire Stakes Fund shall be divided equally among the licensees licensed under section 7 of this act.

(b) As an additional condition of the grant of a license under section 7 of this act, each licensee shall accept such amount, to be used solely as purses for the following races, which each licensee shall sponsor at some time during its licensed meeting:

(1) Four two year old races—one pace for colts, one pace for fillies, one trot for colts, and one trot for fillies;

(2) Four three year old races—one pace for colts, one pace for fillies, one trot for colts, one trot for fillies;

(3) Two aged races—one free-for-all pace, and one free-for-all trot. Entry for these races shall be limited to harness horses which were sired by a standard-bred stallion regularly standing in Pennsylvania; and each such race shall be designated a Pennsylvania Sire Stakes Race. The commission shall make such provisions and regulations as it shall deem necessary for the proper administration of the entry restriction.

(c) Each licensee shall divide the funds received hereunder as follows: ten per centum for each of the two year old races, twelve and one-half per centum for each of the three year old races, and five per centum for each of the aged races; each such allotment shall provide purse money for the respective races. Such purse money shall be in addition to any entry fees or other funds available.

(d) Each licensee shall schedule such races subject to the right of the commission to prevent conflicts in the event of contemporaneous meetings.

(e) The remaining moneys in the Pennsylvania Sire Stakes Fund shall be divided equally among those agricultural fairs conducting harness horse races for two year old and three year old harness horses. Each fair receiving such funds shall divide the total amount equally among all eligible races for two year old and three year old harness horses and shall apply the funds solely as additional purse funds. Only races to which entry is restricted to Pennsylvania bred or foaled horses shall be eligible and the commission shall make such provisions and regulations as it shall deem necessary for the proper administration of the eligibility restriction.

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 442

AN ACT

SB 253

Authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses.

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

Section 1. Statement of Legislative Intent.—It is the purpose of this act to clarify and broaden the existing methods by which the Commonwealth may preserve land in or acquire land for open space uses. The Legislature finds that it is important to preserve open space in and near urban areas and to meet needs for recreation, amenity, and conservation of natural resources, including farm land, forests, and a pure and adequate water supply. The acquisition and resale of property interests authorized by this act are hereby declared to be for the public benefit, for the advancement of the public health, safety, morals and general welfare of the citizens of the Commonwealth, and for the promotion of sound land development by preserving suitable open space and concentrating more dense development in nearby areas.

Section 2. Definitions.—For the purpose of this act the following definitions shall apply:

(1) "Open space benefits." The benefits to the citizens of the Commonwealth which result from the preservation or restriction of the use of selected predominantly undeveloped open spaces or areas, including but not limited to: (i) the protection and conservation of water resources and watersheds, by appropriate means, including but not limited to preserving the natural cover, preventing floods and soil erosion, protecting water quality and replenishing surface and ground water supplies; (ii) the protection and conservation of forests and land being used to produce timber crops; (iii) the protection and conservation of farmland; (iv) the protection of existing or planned park, recreation or conservation sites; (v) the protection and conservation of natural or scenic resources, including but not limited to soils, beaches, streams, flood plains, steep slopes or marshes; (vi) the protection of scenic areas for public visual enjoyment from public rights of way; (vii) the preservation of sites of historic, geologic or