

No. 374

AN ACT

HB 842

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," increasing the number of days in a calendar year for which corporations may be licensed to conduct harness racing, and further imposing taxes and providing for distribution by the Secretary of Commerce.

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

Section 1. Section 5, 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 December 19, 1967 (P.L.868), is amended to read:

Section 5. Pari-mutuel Betting at Harness Races.—No more than five corporations shall be licensed by the State Harness Racing Commission in any one year to conduct a pari-mutuel meet or meets. No corporation shall be licensed to conduct harness racing for more than [~~sixty-two~~] *one hundred* days in any calendar year. Said pari-mutuel betting conducted at such meeting shall be under the general supervision and control of the State Harness Racing Commission which shall make rules regulating the conduct of such pari-mutuel betting in accordance with the provisions of this act. The Department of Revenue is charged with the financial administration of pari-mutuel betting as prescribed in this act and as supplemented by the rules and regulations of the State Harness Racing Commission. The Department of Revenue shall have authority to prescribe the forms and the system of accounting to be employed, and through its representatives shall, at all times, have power of access to, and examination of, any equipment relating to such betting.

Section 2. Section 15 of the act, amended January 26, 1972 (Act No. 5), 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] *seventeen* 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,]:

(1) *At the close of each of the first sixty-two racing days any permit holder shall be licensed to conduct harness racing in any calendar year except within any school districts of the first class, 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, 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 as provided in clause (3) of this section.*

(2) *At the close of each of the sixty-third through the one-hundredth racing day any permit holder shall be licensed to conduct a harness horse race meeting in any calendar year except within school districts of the first class, the 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 a tax of two per centum which is hereby imposed shall be paid to the Department of Commerce to be distributed by the Secretary of Commerce as provided in clause (3) of this section.*

(3) *Moneys paid to the Department of Commerce to be distributed by the Secretary of Commerce pursuant to clauses (1) and (2) of this section, shall be paid 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)] (i) Is not in conflict with programs of other departments of the Commonwealth;

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

[(3)] (iii) Could not otherwise be financed;

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

[(5)] (v) Is necessary to orderly community development.

(4) 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 3. This act shall take effect immediately.

Office of the Secretary of the Commonwealth

Harrisburg, January 2, 1973

I do certify that the above bill, entitled "An Act 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,' increasing the number of days in a calendar year for which corporations may be licensed to conduct harness racing, and further imposing taxes and providing for distribution by the Secretary of Commerce," was presented to the Governor on the fourth day of December, one thousand nine hundred and seventy-two, and was not returned within thirty days following adjournment by the General Assembly, after it was presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.



Secretary of the Commonwealth.