

No. 1978-12

AN ACT

HB 1600

Amending the act of December 22, 1959 (P.L.1978, No.728), 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," further providing for the disposition of pari-mutuel pools, Pennsylvania Fair Funds and the Pennsylvania Sire Stakes Fund.

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

Section 1. The first paragraph and clause (1) of section 15, clause (3) of subsection (d) of section 16 and subsections (a) and (e) of section 25, act of December 22, 1959 (P.L.1978, No.728), referred to as the Pennsylvania Harness Racing Law, amended December 30, 1974 (P.L.1139, No.364), are 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 seventeen per centum of the total deposits plus the breaks *from all wagers except that in school districts of the first class and counties of the third class, the amount distributed shall be less nineteen per centum of the total deposits plus the breaks from the exacta, daily double, quinella and other wagering involving two horses each racing day, and less twenty-five per centum of the total deposit plus the breaks from the trifecta and other wagering involving more than two horses in one or more races each racing day and less nineteen per centum from regular wagers for any permit holder whose total deposits in its pari-mutuel pool averaged less than three hundred thousand dollars (\$300,000) a day for the previous meeting of the permit holder: and except that in counties of the fourth class the amount distributed shall be less nineteen per centum of the total deposits plus the breaks from the exacta, daily double, quinella and other wagering involving two horses each racing day and from the trifecta and other wagering involving more than two horses in one or more races each racing day:*

(1) At the close of each of the racing days any permit holder shall be licensed to conduct harness racing in any calendar year 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 one and one-half per centum of the amount wagered each day. *Effective July 1, 1979 from the tax one-half of one per centum of the amount wagered each day shall be allocated to the Pennsylvania Sire Stakes Fund in accordance with section 25*, which tax is hereby imposed, and the permit holder shall pay the school district in which the harness horse race meeting is held a tax of four per centum of the amount wagered each day, which tax is hereby imposed for general school purposes and as to other permit holders, the permit holder during any year, 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 and one-half per centum of the amount wagered each day which tax is hereby imposed. *Effective July 1, 1979 from the tax one-half of one per centum of the amount wagered each day shall be allocated to the Pennsylvania Sire Stakes Fund in accordance with section 25.*

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Section 16. Disposition and Appropriation of Funds Accruing under the Provisions of this Act.—* * *

(d) The balance of said moneys shall be paid into a fund known as the Pennsylvania Fair Fund. Moneys in the Pennsylvania Fair Fund are hereby appropriated to the Department of Agriculture and shall be distributed by the Secretary of Agriculture, annually, on or before the first day of March beginning with the year 1968, as follows:

* * *

(3) For reimbursement for each county agricultural society and independent agricultural society conducting races for two and three-year-old colts and fillies, at their annual fair on which a maximum of [seven hundred dollars (\$700) was paid for each such race but not more than] fifty-six hundred dollars (\$5,600) *was paid* annually. Entrance fees collected for each such race shall not be included when computing the amount distributed by the Secretary of Agriculture under this subsection.

* * *

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] *twenty-five* per centum of all *remaining moneys in the Pennsylvania Sire Stakes Fund or the sum of two hundred twenty-five thousand dollars (\$225,000), whichever is less, 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 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. All remaining moneys in the Pennsylvania Sire Stakes Fund shall be divided equally among the licensees licensed under section 7 of this act.

* * *

[(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 2. This act shall take effect immediately.

APPROVED—The 11th day of April, A. D. 1978.

MILTON J. SHAPP