

RULES AND REGULATIONS

Title 58—RECREATION

STATE HORSE RACING COMMISSION

[58 PA. CODE CH. 163]

Pennsylvania Breeding Fund Program

The State Horse Racing Commission (Commission) amends Chapter 163 (relating to rules of racing).

Statutory Authority

The Race Horse Industry Reform Act (act) (4 P. S. §§ 325.101—325.402) provides the general legal authority for this final-form rulemaking.

Section 202 of the act (4 P. S. § 325.202) provides the Commission authority to adopt rules and regulations necessary to its supervision of thoroughbred horse race meetings; and section 223(b) of the act (4 P. S. § 325.223(b)) requires the Commission to promulgate regulations describing awards under the Pennsylvania Breeding Fund Program (Program).

Purpose of the Final-Form Rulemaking

The final-form rulemaking amends and clarifies several definitions regarding the Program and meets the statutory requirement that the Commission promulgate a regulation providing for Program awards.

Background

The Pennsylvania Breeding Fund (Fund) is intended to stimulate and sustain this Commonwealth's thoroughbred breeding industry. The Fund currently receives an amount equivalent to 1% of the dollar amount wagered each day on thoroughbred horses at facilities in this Commonwealth conducting pari-mutuel wagering. The Fund is a restricted account in the State Racing Fund and helps support live thoroughbred racing for a series of incentive award payments to: (1) breeders of Pennsylvania-bred thoroughbred horses sired either by a registered Pennsylvania sire or a nonregistered sire; (2) owners of registered Pennsylvania sires; and (3) licensed owners of registered Pennsylvania-bred thoroughbred horses. The act, since 1981, provides a clear description of how awards are to be calculated and distributed, but also requires that the Commission address this subject in regulation.

The Pennsylvania Horse Breeders' Association retains records relevant to the Commission's administration of the Program and performs other functions described in section 223 of the act.

Comments and Responses

Notice of proposed rulemaking was published at 36 Pa.B. 2173 (May 6, 2006) affording the public, the Legislature and the Independent Regulatory Review Commission (IRRC) the opportunity to offer comments. No comments were offered.

Fiscal Impact

The final-form rulemaking imposes no additional costs and has no fiscal impact upon the Commonwealth, political subdivisions, the public sector or the general public.

Paperwork Requirements

The final-form rulemaking will result in no additional paperwork for the Commission.

Effective Date

The final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

Additional Information

Individuals who need information about the final-form rulemaking should contact Benjamin H. Nolt, Jr., Executive Secretary, State Horse Racing Commission, Room 304, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 346-9643.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 24, 2006, the Commission submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 2173, to IRRC and the Chairpersons of the House State Government Committee and the Senate State Government Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Commission has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 6, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. The final-form rulemaking was deemed approved under section 5(g) of the Regulatory Review Act, effective September 7, 2006.

Findings

The Commission finds that:

(1) Public notice of intention to adopt this final-form regulation has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were received.

(3) The adoption of the amendments in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Commission, acting under the authorizing statutes, orders the following:

(a) The regulations of the Commission, 58 Pa. Code Chapter 163, are amended by amending §§ 163.531 and 163.538 to read as set forth at 36 Pa.B. 2173.

(b) The Executive Secretary of the Commission shall submit this order and 36 Pa.B. 2173 to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Executive Secretary of the Commission shall certify and deposit this order and 36 Pa.B. 2173 with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BENJAMIN H. NOLT, Jr.,
Executive Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 5941 (September 23, 2006).)

Fiscal Note: Fiscal Note 34-65 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1967. Filed for public inspection October 6, 2006, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

STATE CONSERVATION COMMISSION

[25 PA. CODE CH. 83]

Corrective Amendment to 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483, and 83.491

The State Conservation Commission has discovered a discrepancy between the agency text of 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491 as deposited with the Legislative Reference Bureau and the official text published at 36 Pa.B. 2636 (June 3, 2006) and the text currently appearing in the *Pennsylvania Code*. Those sections were intended to be rescinded and were not so indicated when published in the *Pennsylvania Bulletin* on June 3, 2006.

Therefore, under 45 Pa.C.S. § 901: The State Conservation Commission has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code

§§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491.

The corrective amendment to 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491 is effective as of October 1, 2006, the effective date of the amendments included in the document printed at 36 Pa.B. 2636.

The correct version of 25 Pa. Code §§ 83.391, 83.392, 83.401—83.404, 83.411, 83.421, 83.431, 83.441, 83.451—83.453, 83.461, 83.471, 83.472, 83.481—83.483 and 83.491 appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

Subchapter D. NUTRIENT MANAGEMENT

§ 83.391. (Reserved).

§ 83.392. (Reserved).

§§ 83.401—83.404. (Reserved).

§ 83.411. (Reserved).

§ 83.421. (Reserved).

§ 83.431. (Reserved).

§ 83.441. (Reserved).

§§ 83.451—83.453. (Reserved).

§ 83.461. (Reserved).

§ 83.471. (Reserved).

§ 83.472. (Reserved).

§§ 83.481—83.483. (Reserved).

§ 83.491. (Reserved).

[Pa.B. Doc. No. 06-1968. Filed for public inspection October 6, 2006, 9:00 a.m.]