

7918

I N S E N A T E

May 25, 2016

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York racing association, and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 207 of the racing, pari-mutuel
2 wagering and breeding law is REPEALED and a new subdivision 1 is added
3 to read as follows:
4 1. A. THE BOARD OF DIRECTORS, TO BE CALLED THE NEW YORK RACING ASSOCI-
5 ATION BOARD, SHALL CONSIST OF FIFTEEN MEMBERS, EIGHT OF WHOM SHALL BE
6 ELECTED BY THE EXECUTIVE COMMITTEE OF THE NEW YORK RACING ASSOCIATION
7 REORGANIZATION BOARD OF WHICH AT LEAST ONE SHALL BE A FULL TIME RESIDENT
8 OF EACH OF NASSAU, QUEENS AND SARATOGA COUNTIES, ONE SHALL BE THE CHIEF
9 EXECUTIVE OFFICER OF THE NEW YORK RACING ASSOCIATION, TWO SHALL BE
10 APPOINTED BY THE GOVERNOR, ONE SHALL BE APPOINTED BY THE TEMPORARY PRES-
11 IDENT OF THE SENATE, ONE SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEM-
12 BLY, ONE SHALL BE APPOINTED BY THE NEW YORK THOROUGHBRED BREEDERS INC.
13 PROVIDED THAT A REPRESENTATIVE OF THE NEW YORK RACING ASSOCIATION SHALL
14 SERVE ON THE BOARD OF DIRECTORS OF THE NEW YORK THOROUGHBRED BREEDERS
15 INC., AND ONE SHALL BE APPOINTED BY THE NEW YORK THOROUGHBRED HORSEMEN'S
16 ASSOCIATION (OR SUCH OTHER ENTITY AS IS CERTIFIED AND APPROVED PURSUANT
17 TO SECTION TWO HUNDRED TWENTY-EIGHT OF THIS ARTICLE) PROVIDED THAT A
18 REPRESENTATIVE OF THE NEW YORK RACING ASSOCIATION SHALL SERVE ON THE
19 BOARD OF DIRECTORS OF THE NEW YORK THOROUGHBRED HORSEMEN'S ASSOCIATION
20 (OR SUCH OTHER ENTITY AS IS CERTIFIED AND APPROVED PURSUANT TO SECTION
21 TWO HUNDRED TWENTY-EIGHT OF THIS ARTICLE).
22 (I) THE GOVERNOR SHALL NOMINATE A MEMBER TO SERVE AS THE FIRST CHAIR,
23 SUBJECT TO CONFIRMATION BY MAJORITY VOTE OF THE BOARD OF DIRECTORS. ALL
24 MEMBERS SHALL HAVE EQUAL VOTING RIGHTS.
25 (II) IN THE EVENT OF A MEMBER VACANCY OCCURRING BY DEATH, RESIGNATION
26 OR OTHERWISE, THE RESPECTIVE APPOINTING OFFICER OR OFFICERS SHALL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD15607-01-6

1 APPOINT A SUCCESSOR WHO SHALL HOLD OFFICE FOR THE UNEXPIRED PORTION OF
2 THE TERM. A VACANCY FROM THE MEMBERS APPOINTED FROM THE PRESENT BOARD OF
3 THE NEW YORK RACING ASSOCIATION REORGANIZATION BOARD, SHALL BE FILLED BY
4 THE REMAINING SUCH MEMBERS.

5 (III) EACH BOARD MEMBER, OTHER THAN THE CHIEF EXECUTIVE OFFICER OF THE
6 NEW YORK RACING ASSOCIATION, SHALL SERVE A TERM OF THREE YEARS. HOWEVER,
7 THE FIRST TERMS OF FIVE OF THE MEMBERS ELECTED BY THE EXECUTIVE COMMIT-
8 TEE OF THE NEW YORK RACING ASSOCIATION REORGANIZATION BOARD SHALL EXPIRE
9 DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN; THE FIRST TERMS OF THE
10 REMAINING THREE MEMBERS ELECTED BY THE EXECUTIVE COMMITTEE OF THE NEW
11 YORK RACING ASSOCIATION REORGANIZATION BOARD, THE MEMBER APPOINTED BY
12 THE NEW YORK THOROUGHBRED BREEDERS INC., AND THE MEMBER APPOINTED BY THE
13 NEW YORK THOROUGHBRED HORSEMEN'S ASSOCIATION SHALL EXPIRE DECEMBER THIR-
14 TY-FIRST, TWO THOUSAND EIGHTEEN; AND THE FIRST TERMS OF THE MEMBERS
15 APPOINTED BY THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER
16 OF THE ASSEMBLY SHALL EXPIRE DECEMBER THIRTY-FIRST, TWO THOUSAND NINE-
17 TEEN.

18 B. THE FRANCHISED CORPORATION SHALL ESTABLISH A COMPENSATION COMMITTEE
19 TO FIX SALARY GUIDELINES, SUCH GUIDELINES TO BE CONSISTENT WITH AN OPER-
20 ATION OF OTHER FIRST CLASS THOROUGHBRED RACING OPERATIONS IN THE UNITED
21 STATES; AN EQUINE SAFETY COMMITTEE, TO REVIEW INDUSTRY BEST PRACTICES TO
22 IMPROVE THE SAFETY OF HORSES RACING AT EACH OF THE THREE RACETRACKS; A
23 FINANCE COMMITTEE, TO REVIEW ANNUAL OPERATING AND CAPITAL BUDGETS FOR
24 EACH OF THE THREE RACETRACKS; A NOMINATING COMMITTEE, TO NOMINATE ANY
25 NEW DIRECTORS TO BE DESIGNATED BY THE FRANCHISED CORPORATION TO REPLACE
26 ITS EXISTING DIRECTORS; A RACING COMMITTEE, TO REVIEW INDUSTRY BEST
27 PRACTICES TO IMPROVE THE QUALITY OF RACING AT THE THREE RACETRACKS; AND
28 AN EXECUTIVE COMMITTEE. EACH OF THE COMPENSATION, FINANCE, NOMINATING
29 AND EXECUTIVE COMMITTEES SHALL INCLUDE AT LEAST ONE OF THE DIRECTORS
30 APPOINTED BY THE GOVERNOR, AND THE EXECUTIVE COMMITTEE SHALL INCLUDE THE
31 DIRECTOR APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE
32 DIRECTOR APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

33 C. UPON THE EFFECTIVE DATE OF THIS PARAGRAPH, THE STRUCTURE OF THE
34 BOARD OF THE FRANCHISED CORPORATION SHALL BE DEEMED TO BE INCORPORATED
35 WITHIN AND MADE PART OF THE CERTIFICATE OF INCORPORATION OF THE FRAN-
36 CHISED CORPORATION, AND NO AMENDMENT TO SUCH CERTIFICATE OF INCORPO-
37 RATION SHALL BE NECESSARY TO GIVE EFFECT TO ANY SUCH PROVISION, AND ANY
38 PROVISION CONTAINED WITHIN SUCH CERTIFICATE INCONSISTENT IN ANY MANNER
39 SHALL BE SUPERSEDED BY THE PROVISIONS OF THIS SECTION. SUCH BOARD SHALL,
40 HOWEVER, MAKE APPROPRIATE CONFORMING CHANGES TO ALL GOVERNING DOCUMENTS
41 OF THE FRANCHISED CORPORATION INCLUDING BUT NOT LIMITED TO CORPORATE
42 BY-LAWS. FOLLOWING SUCH CONFORMING CHANGES, AMENDMENTS TO THE BY-LAWS OF
43 THE FRANCHISED CORPORATION SHALL ONLY BE MADE BY UNANIMOUS VOTE OF THE
44 BOARD.

45 S 2. This act shall take effect October 18, 2016.