

7918--A

I N S E N A T E

May 25, 2016

Introduced by Sens. BONACIC, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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2 wagering and breeding law is REPEALED and a new subdivision 1 is added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 CURRENT BOARD MEMBER OF THE NEW YORK RACING ASSOCIATION
14 SHALL SERVE ON THE BOARD OF DIRECTORS OF THE NEW YORK THOROUGHBRED
15 BREEDERS INC., AND ONE SHALL BE APPOINTED BY THE NEW YORK THOROUGHBRED
16 HORSEMEN'S ASSOCIATION (OR SUCH OTHER ENTITY AS IS CERTIFIED AND
17 APPROVED PURSUANT TO SECTION TWO HUNDRED TWENTY-EIGHT OF THIS ARTICLE)
18 PROVIDED THAT A CURRENT BOARD MEMBER OF THE NEW YORK RACING ASSOCIATION
19 SHALL SERVE ON THE BOARD OF DIRECTORS OF THE NEW YORK THOROUGHBRED
20 HORSEMEN'S ASSOCIATION (OR SUCH OTHER ENTITY AS IS CERTIFIED AND
21 APPROVED PURSUANT TO SECTION 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.

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

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1 (II) IN THE EVENT OF A MEMBER VACANCY OCCURRING BY DEATH, RESIGNATION
2 OR OTHERWISE, THE RESPECTIVE APPOINTING OFFICER OR OFFICERS SHALL
3 APPOINT A SUCCESSOR WHO SHALL HOLD OFFICE FOR THE UNEXPIRED PORTION OF
4 THE TERM. A VACANCY FROM THE MEMBERS APPOINTED FROM THE PRESENT BOARD OF
5 THE NEW YORK RACING ASSOCIATION REORGANIZATION BOARD, SHALL BE FILLED BY
6 THE REMAINING SUCH MEMBERS.

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

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

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

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