

STATE OF NEW YORK

7855--A

Cal. No. 473

IN SENATE

January 12, 2022

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the board of directors of the western regional off-track betting corporation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new section 502-a to read as follows:

3 § 502-a. Special provisions with regard to the western regional off-
4 track betting corporation. 1. Notwithstanding any inconsistent provision
5 of this article, on the effective date of this section the term of each
6 board member of the western regional off-track betting corporation, or
7 any vacant position, shall be deemed expired, and each such board member
8 or vacant position shall be replaced with the new appointments made
9 pursuant to this section. The western off-track betting corporation
10 board of directors shall be composed of members appointed as follows:
11 one member to represent each county which is a member of the corpo-
12 ration; one member to represent the city of Buffalo; one member to
13 represent the city of Rochester; one member appointed by the governor;
14 one member appointed by the temporary president of the senate; and one
15 member appointed by the speaker of the assembly; provided however, that:

16 (a) the weighted voting power of each member shall be equal to one
17 hundred multiplied by a fraction, the numerator of which shall be equal
18 to the population, as of the latest federal decennial census, of the
19 municipality making an appointment to the board, and the denominator
20 being equal to the total population of all counties represented on the
21 board as of the latest federal decennial census;

22 (b) for those members appointed by the governor, the temporary presi-
23 dent of the senate, and the speaker of the assembly, each such member
24 shall have equal voting power to the municipality with the highest popu-

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

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1 lation after the weighted voting power of all other board members has
2 been calculated; and

3 (c) commencing on the first day of January next succeeding the date
4 upon which the federal decennial census results are finalized, the
5 voting strength of the board members shall be recalculated to reflect
6 the population changes pursuant to such latest federal decennial census.

7 2. (a) No action shall be taken by the corporation except pursuant to
8 the favorable vote of at least fifty-one percent of the total authorized
9 voting strength of the board of directors.

10 (b) The powers of the corporation shall be vested in and shall be
11 exercised by the board of directors at a meeting duly called and held. A
12 quorum shall be constituted by (i) a minimum of fifty-one percent of the
13 total authorized voting strength of the board of directors; and (ii) at
14 least two of the members of the board of directors possessing the top
15 four greatest number of weighted votes.

16 (c) The board of directors shall elect from its membership a chair-
17 person, a vice chairperson, and any other officers it shall deem neces-
18 sary by a majority of the total authorizing voting strength of the board
19 of directors.

20 3. Unless otherwise provided for in this section, the provisions of
21 this article shall apply to the operations and management of the corpo-
22 ration.

23 § 2. This act shall take effect on the one hundred twentieth day after
24 it shall have become a law, provided, however, that effective immediate-
25 ly municipalities may take any action necessary to begin the selection
26 and appointment process for new board member terms pursuant to this act.