§ 102. New York state gaming commission. 1. There is hereby created within the executive department the New York state gaming commission. The commission shall consist of seven members appointed by the governor by and with the advice and consent of the senate. Of the seven members, one shall be appointed upon the recommendation of the temporary president of the senate and one shall be appointed upon the recommendation of the speaker of the assembly. All members shall continue in office until their successors have been appointed and qualified.

2. Members of the commission shall each possess no less than five years of responsible administrative experience in public or business administration and have any one or more of the following qualifications:

(a) significant service as a certified public accountant experienced in accounting and auditing,

(b) a comprehensive knowledge of corporate finance and securities,

(c) professional experience in gaming or racing regulatory administration or gaming or racing industry management,

(d) significant experience in the fields of criminal investigation, law enforcement, or law, or

(e) significant experience in the prevention or treatment of problem gambling.

3. A member shall be designated as chair of the commission by the governor to serve in such capacity at the pleasure of the governor or until his or her term as commission member expires, whichever first occurs. The members shall be appointed for terms of five years; provided, however, that initial appointments to the commission shall be for terms as follows:

(a) one member appointed by the governor shall serve for a one year term, one member appointed by the governor shall serve for a two year term, one member appointed by the governor shall serve for a three year term, one member appointed by the governor shall serve for a four year term, one member appointed by the governor shall serve for a five year term; and

(b) each of the members appointed by the governor upon the recommendation of the temporary president of the senate and upon the

recommendation of the speaker of the assembly shall serve for a four year term.

4. The members shall, when performing the work of the commission, be compensated at a rate of three hundred dollars per day, together with an allowance for actual and necessary expenses incurred in the discharge of their duties.

5. The members of the commission shall not hold any other public office or public employment for which they shall receive compensation, other than necessary travel or other expenses incurred in the performance of the duties of such office or employment. Members may engage in private employment or in a profession or business, provided, however, such employment does not interfere or conflict with the performance or proper discharge of his or her duties.

6. Each member of the commission shall be a resident of the state of New York. No member of the legislature or person holding any elective or appointive office in the federal, state or local government shall be eligible to serve as a member of the commission.

7. The governor may remove any member for inefficiency, neglect of duty or misconduct in office after giving him or her a copy of the charges against them, and an opportunity of being heard in person or by counsel in their own defense, upon not less than ten days' notice. If such member shall be removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his or her findings thereon, together with a complete record of the proceeding.