

936

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law and the tax law, in relation to making persons convicted of certain felonies ineligible for thoroughbred racing, harness racing and video lottery gaming licenses

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 112 to read as follows:
3 S 112. PERSONS CONVICTED OF CERTAIN FELONIES INELIGIBLE FOR CERTAIN
4 LICENSES. 1. THE PROVISIONS OF THIS SECTION APPLY TO LICENSES SUBJECT
5 TO SECTION TWO HUNDRED FIVE OF THIS CHAPTER FOR RUNNING THOROUGHBRED
6 RACES AND LICENSES SUBJECT TO SECTION THREE HUNDRED SEVEN OF THIS CHAPTER FOR THE CONDUCT OF HARNESS RACE MEETINGS.
7 2. A. FOR THE PURPOSES OF THIS SECTION, A CONVICTION OF A FELONY
8 SHALL MEAN THE CONVICTION OF A FELONY INVOLVING MORAL TURPITUDE BY ANY
9 COURT IN THIS STATE OR BY ANY COURT OF THE UNITED STATES OR BY ANY COURT
10 OF ANY OTHER STATE OF THE UNITED STATES; PROVIDED, HOWEVER, THAT IF A
11 CRIME OF WHICH A PERSON IS CONVICTED BY ANY COURT OF THE UNITED STATES
12 OR ANY OTHER STATE IS A FELONY IN THE JURISDICTION IN WHICH THE
13 CONVICTION IS HAD BUT IS NOT A FELONY INVOLVING MORAL TURPITUDE IN THIS
14 STATE, THEN THE CONVICTION SHALL NOT BE DEEMED A CONVICTION OF A FELONY
15 FOR THE PURPOSE OF THIS SECTION. IN THE EVENT THAT A CRIME OF WHICH A
16 PERSON IS CONVICTED BY ANY COURT OF THE UNITED STATES OR BY ANY COURT OF
17 ANY OTHER STATE IS NOT A FELONY IN THE JURISDICTION IN WHICH THE
18 CONVICTION IS HAD BUT IS A FELONY INVOLVING MORAL TURPITUDE IN THIS
19 STATE, THEN THE CONVICTION SHALL BE DEEMED A CONVICTION OF A FELONY FOR
20 THE PURPOSES OF THIS SECTION. IF A PERSON CONVICTED OF SUCH A FELONY OR
21 CRIME DEEMED TO BE SUCH A FELONY IS SUBSEQUENTLY PARDONED BY THE GOVERNOR,
22 [] IS OLD LAW TO BE OMITTED.

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

LBD01078-01-9

1 NOR OF THE STATE WHERE SUCH CONVICTION WAS HAD, OR BY THE PRESIDENT OF
2 THE UNITED STATES, OR SHALL RECEIVE A CERTIFICATE OF GOOD CONDUCT GRANT-
3 ED BY THE BOARD OF PAROLE PURSUANT TO THE PROVISIONS OF THE EXECUTIVE
4 LAW FOR THE PURPOSE OF REMOVING THE DISABILITY UNDER THIS SECTION
5 BECAUSE OF SUCH CONVICTION, THE BOARD MAY, IN ITS DISCRETION, ON APPLI-
6 CATION OF SUCH PERSON, AND ON THE SUBMISSION TO IT OF SATISFACTORY
7 EVIDENCE OF GOOD MORAL CHARACTER AND SUITABILITY, LICENSE SUCH PERSON.

8 B. FOR THE PURPOSES OF THIS SECTION, "MAJOR STOCKHOLDER" SHALL MEAN
9 ANY PERSON WHICH OWNS OR SEEKS TO OWN TWENTY-FIVE PERCENT OR MORE OF THE
10 STOCK OF AN ASSOCIATION, FRANCHISEE OR CORPORATION.

11 3. A. THE STATE RACING AND WAGERING BOARD SHALL REFUSE TO GRANT A
12 LICENSE TO AN ASSOCIATION, FRANCHISEE OR CORPORATION IF IT SHALL DETER-
13 MINE THAT ANY OFFICER, DIRECTOR, MEMBER OR MAJOR STOCKHOLDER OF SUCH
14 ASSOCIATION, FRANCHISEE OR CORPORATION APPLYING FOR A LICENSE HAS BEEN
15 CONVICTED OF A FELONY.

16 B. THE STATE RACING AND WAGERING BOARD SHALL REVOKE ANY LICENSE IN
17 EFFECT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION IF THE PROVISIONS
18 OF PARAGRAPH A OF THIS SUBDIVISION WOULD PRECLUDE ITS ISSUANCE IF IT
19 WERE TO BE APPLIED FOR ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

20 4. UPON THE REVOCATION OF A LICENSE PURSUANT TO PARAGRAPH B OF SUBDI-
21 VISION THREE OF THIS SECTION, THE STATE RACING AND WAGERING BOARD SHALL
22 ISSUE A LICENSE TO A PROVISIONAL OPERATOR TO OPERATE SUCH RACE MEETINGS
23 OR OTHERWISE, AS THE CASE MAY BE, FOR A PERIOD NOT IN EXCESS OF ONE YEAR
24 PENDING THE APPROVAL OF A SUCCESSOR LICENSEE. A PROVISIONAL OPERATOR
25 SHALL RECEIVE NO COMPENSATION OR OTHER REVENUE FROM SUCH OPERATION OTHER
26 THAN A MANAGEMENT FEE, THE AMOUNT OF WHICH OR MANNER OF FIXING WHICH
27 SHALL BE DETERMINED BY THE BOARD.

28 5. ANY INFORMATION OBTAINED BY THE STATE RACING AND WAGERING BOARD IN
29 THE ENFORCEMENT OF THIS SECTION PERTAINING TO A FELONY CONVICTION SHALL
30 BE FORTHWITH TRANSMITTED TO THE DIVISION OF THE LOTTERY IN FURTHERANCE
31 OF SUCH DIVISION'S DUTIES UNDER SUBDIVISION E OF SECTION SIXTEEN HUNDRED
32 SEVENTEEN-A OF THE TAX LAW.

33 6. THE STATE RACING AND WAGERING BOARD SHALL APPROVE NO STOCK TRANSFER
34 SUBJECT TO THE PROVISIONS OF SECTION TWO HUNDRED FOUR-A OR THREE HUNDRED
35 THREE OF THIS CHAPTER TO ANY PERSON WHO WOULD BE INELIGIBLE FOR THE
36 ISSUANCE OF A LICENSE PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF
37 THIS SECTION AND SHALL ACCORDINGLY REQUIRE DIVESTMENT THEREOF.

38 S 2. The racing, pari-mutuel wagering and breeding law is amended by
39 adding a new section 204-a to read as follows:

40 S 204-A. FILING OF INFORMATION CONCERNING STOCK TRANSFERS; NECESSITY
41 FOR STATE RACING AND WAGERING BOARD'S APPROVAL. 1. WHENEVER A TRANSFER
42 OF TWENTY-FIVE PERCENT OR MORE OF THE STOCK OF ANY FRANCHISEE OR CORPO-
43 RATION WHICH IS LICENSED UNDER THIS ARTICLE, OR OF ANY FRANCHISEE OR
44 CORPORATION WHICH LEASES TO SUCH LICENSEE THE TRACK AT WHICH IT CONDUCTS
45 PARI-MUTUEL THOROUGHBRED RUNNING RACES, OR WHICH OWNS TWENTY-FIVE
46 PERCENT OR MORE OF THE STOCK OF SUCH LICENSEE SHALL BE MADE, THERE SHALL
47 BE FILED SIMULTANEOUSLY WITH THE FRANCHISEE OR CORPORATION WHICH ISSUED
48 SUCH STOCK THE FOLLOWING:

49 A. IN DUPLICATE, AN AFFIDAVIT EXECUTED BY THE TRANSFEREE STATING THAT
50 HE OR SHE IS TO BE THE SOLE BENEFICIAL OWNER THEREOF, AND WHETHER OR NOT
51 HE OR SHE (I) HAS BEEN CONVICTED OF A FELONY, AS DEFINED IN SUBDIVISION
52 TWO OF SECTION ONE HUNDRED TWELVE OF THIS CHAPTER, OR OTHER CRIME
53 INVOLVING MORAL TURPITUDE, (II) HAS BEEN ENGAGED IN BOOKMAKING OR OTHER
54 FORM OF ILLEGAL GAMBLING, (III) HAS BEEN FOUND GUILTY OF ANY FRAUD OR
55 MISREPRESENTATION IN CONNECTION WITH RACING OR BREEDING, (IV) HAS BEEN
56 FOUND GUILTY OF ANY VIOLATION OR ATTEMPT TO VIOLATE ANY LAW, RULE OR

1 REGULATION OF ANY RACING JURISDICTION FOR WHICH SUSPENSION FROM RACING
2 MIGHT BE IMPOSED IN SUCH JURISDICTION, OR (V) HAS VIOLATED ANY RULE,
3 REGULATION OR ORDER OF THE STATE RACING AND WAGERING BOARD; IF THE
4 TRANSFEREE IS NOT OR IS NOT TO BE THE SOLE BENEFICIAL OWNER THEREOF,
5 THEN THERE SHALL BE ANNEXED TO SAID AFFIDAVIT OF THE TRANSFEREE, AND
6 EXPRESSLY STATED IN SUCH AFFIDAVIT TO BE DEEMED A PART THEREOF, A TRUE
7 AND COMPLETE COPY OR IF ORAL, A COMPLETE STATEMENT OF ALL THE TERMS, OF
8 THE AGREEMENT OR UNDERSTANDING PURSUANT TO WHICH THE STOCK IS TO BE SO
9 HELD BY THE TRANSFEREE, INCLUDING A DETAILED STATEMENT OF THE INTEREST
10 THEREIN OF EACH PERSON WHO IS TO HAVE ANY INTEREST THEREIN; AND AT THE
11 SAME TIME.

12 B. IN DUPLICATE, AN AFFIDAVIT EXECUTED BY EACH PERSON FOR WHOM THE
13 SAID STOCK OR ANY INTEREST THEREIN IS TO BE HELD BY SAID TRANSFEREE,
14 SETTING FORTH WHETHER OR NOT THE AFFIANT (I) HAS BEEN CONVICTED OF A
15 FELONY, AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF
16 THIS CHAPTER, OR OTHER CRIME INVOLVING MORAL TURPITUDE, (II) HAS ENGAGED
17 IN BOOKMAKING OR OTHER FORM OF ILLEGAL GAMBLING, (III) HAS BEEN FOUND
18 GUILTY OF ANY FRAUD OR MISREPRESENTATION IN CONNECTION WITH RACING OR
19 BREEDING, (IV) HAS BEEN GUILTY OF ANY VIOLATION OR ATTEMPT TO VIOLATE
20 ANY LAW, RULE OR REGULATION OF ANY RACING JURISDICTION FOR WHICH SUSPEN-
21 SION FROM RACING MIGHT BE IMPOSED IN SUCH JURISDICTION, OR (V) HAS
22 VIOLATED ANY RULE, REGULATION OR ORDER OF THE STATE RACING AND WAGERING
23 BOARD; TO EACH OF WHICH AFFIDAVITS SHALL BE ANNEXED, AND EXPRESSLY STAT-
24 ED IN SUCH AFFIDAVIT TO BE DEEMED A PART THEREOF, A TRUE AND COMPLETE
25 COPY OR IF ORAL, A COMPLETE STATEMENT OF ALL THE TERMS, OF THE AGREEMENT
26 OR UNDERSTANDING PURSUANT TO WHICH THE STOCK IS TO BE SO HELD BY THE
27 TRANSFEREE, INCLUDING A DETAILED STATEMENT OF THE INTEREST THEREIN OF
28 EACH PERSON WHO IS TO HAVE ANY INTEREST THEREIN.

29 C. SAID FRANCHISEE OR CORPORATION SHALL FORTHWITH FILE WITH THE STATE
30 RACING AND WAGERING BOARD ONE OF EACH OF SAID DUPLICATE AFFIDAVITS.

31 2. IF, AFTER THE FILING OF ANY AFFIDAVIT REQUIRED TO BE FILED PURSUANT
32 TO SUBDIVISION ONE OF THIS SECTION, THERE BE ANY CHANGE IN THE STATUS OF
33 ANY SUCH AFFIANT WITH RESPECT TO ANY OF THE MATTERS SET FORTH IN SUBPAR-
34 AGRAPH (I), (II), (III), (IV) OR (V) OF PARAGRAPH A OF SUBDIVISION ONE
35 OF THIS SECTION OF THE AFFIDAVIT THERETOFORE FILED BY HIM OR HER, SUCH
36 AFFIANT SHALL FORTHWITH FILE WITH THE FRANCHISEE OR CORPORATION WITH
37 WHICH HIS OR HER AFFIDAVIT WAS SO FILED A NEW AFFIDAVIT, EXECUTED BY HIM
38 OR HER IN DUPLICATE, SETTING FORTH SUCH CHANGE OF STATUS, AND THE FRAN-
39 CHISEE OR CORPORATION SHALL FORTHWITH FILE ONE OF SAID AFFIDAVITS WITH
40 THE STATE RACING AND WAGERING BOARD.

41 3. WHENEVER ANY CHANGE SHALL BE MADE IN THE AMOUNT, NATURE OR OTHER-
42 WISE OF THE INTEREST OF ANY PERSON HAVING A TWENTY-FIVE PERCENT OR MORE
43 INTEREST IN THE ISSUED STOCK OF ANY SUCH FRANCHISEE OR CORPORATION, OR
44 ANY NEW INTEREST SHALL BE CREATED THEREIN, WITHOUT A TRANSFER THEREOF,
45 THE RECORD OWNER OF SUCH STOCK AND EACH PERSON WHOSE INTEREST THEREIN
46 HAS BEEN SO ATTEMPTED TO BE CHANGED OR CREATED SHALL FILE WITH THE FRAN-
47 CHISEE OR CORPORATION WHICH ISSUED SUCH STOCK, IN DUPLICATE, AFFIDAVITS
48 AS PROVIDED BY PARAGRAPHS A AND B OF SUBDIVISION ONE OF THIS SECTION,
49 EXCEPT THAT SUCH AFFIDAVITS NEED NOT INCLUDE THE MATTERS REFERRED TO IN
50 SUBPARAGRAPHS (I), (II), (III), (IV) AND (V) OF PARAGRAPH A OF SUBDIVI-
51 SION ONE OF THIS SECTION, UNLESS THEN REQUIRED PURSUANT TO SUBDIVISION
52 TWO OF THIS SECTION AND ONE COPY THEREOF SHALL FORTHWITH BE FILED BY THE
53 FRANCHISEE OR CORPORATION WITH THE STATE RACING AND WAGERING BOARD.

54 4. IF THE STATE RACING AND WAGERING BOARD DETERMINES THAT IT IS INCON-
55 SISTENT WITH THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY, OR WITH THE
56 BEST INTERESTS OF RACING GENERALLY, THAT ANY PERSON CONTINUE TO BE A

1 MAJOR STOCKHOLDER, AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED
2 TWELVE OF THIS CHAPTER, OF RECORD OR THE BENEFICIAL OWNER OF ANY INTER-
3 EST IN STOCK STANDING IN THE NAME OF ANOTHER IN ANY FRANCHISEE OR CORPO-
4 RATION LICENSED UNDER THIS ARTICLE, OR WHICH OWNS TWENTY-FIVE PERCENT OR
5 MORE OF THE STOCK OF SUCH LICENSEE, THE STATE RACING AND WAGERING BOARD
6 SHALL HAVE FULL POWER AND AUTHORITY TO ORDER OR DIRECT EACH SUCH STOCK-
7 HOLDER OR BENEFICIAL OWNER IRRESPECTIVE OF THE TIME WHEN SUCH STOCKHOLD-
8 ER OR BENEFICIAL OWNER ACQUIRED HIS OR HER STOCK OR INTEREST THEREIN TO
9 DISPOSE OF SUCH STOCK OR INTEREST WITHIN A PERIOD OF TIME TO BE SPECI-
10 FIED BY THE STATE RACING AND WAGERING BOARD, WHICH PERIOD THE BOARD
11 SHALL HAVE FULL POWER AND AUTHORITY TO EXTEND FROM TIME TO TIME.

12 5. IF THE STATE RACING AND WAGERING BOARD SHALL MAKE ANY ORDER OR
13 DIRECTION AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, THE PERSON
14 AGGRIEVED THEREBY SHALL BE GIVEN NOTICE OF THE TIME AND PLACE OF A HEAR-
15 ING BEFORE THE BOARD AT WHICH THE BOARD WILL HEAR SUCH PERSON IN REFER-
16 ENCE THERETO. THE ACTION OF THE BOARD IN MAKING ANY SUCH ORDER OR DIREC-
17 TION SHALL BE REVIEWABLE IN THE COURTS OF THIS STATE IN THE MANNER
18 PROVIDED BY, AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF
19 THE CIVIL PRACTICE LAW AND RULES.

20 6. UPON APPLICATION OF THE STATE RACING AND WAGERING BOARD, THE
21 SUPREME COURT SHALL HAVE JURISDICTION TO ISSUE FINAL ORDERS, ON NOTICE
22 AND AFTER HEARING, COMMANDING ANY PERSON TO COMPLY WITH THE PROVISIONS
23 OF THE ORDERS OR DIRECTIONS ISSUED BY THE BOARD UNDER SUBDIVISION FOUR
24 OF THIS SECTION.

25 7. IN CASE OF CONFLICT BETWEEN THIS SECTION AND ARTICLE EIGHT OF THE
26 UNIFORM COMMERCIAL CODE, THE PROVISIONS OF THIS SECTION SHALL CONTROL.

27 S 3. Section 303 of the racing, pari-mutuel wagering and breeding law
28 is amended to read as follows:

29 S 303. Filing of information concerning stock transfers; necessity for
30 board's approval. 1. Whenever a transfer of stock of any association or
31 corporation which is licensed under this article, or of any association
32 or corporation which leases to such licensee the track at which it
33 conducts pari-mutuel harness races, or which owns twenty-five percent or
34 more of the stock of such licensee shall be made, there shall be filed
35 simultaneously with the association or corporation which issued such
36 stock the following:

37 a. In duplicate, an affidavit executed by the transferee stating that
38 he OR SHE is to be the sole beneficial owner thereof, and whether or not
39 he OR SHE (i) has been convicted of a FELONY, AS DEFINED IN SUBDIVISION
40 TWO OF SECTION ONE HUNDRED TWELVE OF THIS CHAPTER, OR OTHER crime
41 involving moral turpitude, (ii) has been engaged in bookmaking or other
42 forms of illegal gambling, (iii) has been found guilty of any fraud or
43 misrepresentation in connection with racing or breeding, (iv) has been
44 guilty of any violation or attempt to violate any law, rule or regu-
45 lation of any racing jurisdiction for which suspension from racing might
46 be imposed in such jurisdiction, or (v) has violated any rule, regu-
47 lation or order of the board; if the transferee is not, or is not to be,
48 the sole beneficial owner thereof, then there shall be annexed to said
49 affidavit of the transferee, and expressly stated in such affidavit to
50 be deemed a part thereof, a true and complete copy, or if oral, a
51 complete statement of all the terms, of the agreement or understanding
52 pursuant to which the stock is to be so held by the transferee, includ-
53 ing a detailed statement of the interest therein of each person who is
54 to have any interest therein; and at the same time.

55 b. In duplicate, an affidavit executed by each person for whom the
56 said stock, or any interest therein, is to be held by said transferee,

1 setting forth whether or not the affiant (i) has been convicted of a
2 FELONY, AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF
3 THIS CHAPTER, OR OTHER crime involving moral turpitude, (ii) has engaged
4 in bookmaking or other forms of illegal gambling, (iii) has been found
5 guilty of any fraud or misrepresentation in connection with racing or
6 breeding, (iv) has been guilty of any violation or attempt to violate
7 any law, rule or regulation of any racing jurisdiction for which suspen-
8 sion from racing might be imposed in such jurisdiction, or (v) has
9 violated any rule, regulation or order of the board; to each of which
10 affidavits shall be annexed, and expressly stated in such affidavit to
11 be deemed a part thereof, a true and complete copy, or if oral, a
12 complete statement of all the terms, of the agreement or understanding
13 pursuant to which the stock is to be so held by the transferee, includ-
14 ing a detailed statement of the interest therein of each person who is
15 to have any interest therein.

16 c. Said association or corporation shall forthwith file with the board
17 one of each of said duplicate affidavits.

18 2. If, after the filing of any affidavit hereinabove required to be
19 filed, there be any change in the status of any such affiant with
20 respect to any of the matters set forth in subparagraph (i), (ii),
21 (iii), (iv) or (v) of paragraph a of subdivision one of this section of
22 the affidavit theretofore filed by him OR HER, such affiant shall forth-
23 with file with the association or corporation with which his OR HER
24 affidavit was so filed a new affidavit, executed by him OR HER in dupli-
25 cate, setting forth such change of status, and the association or corpo-
26 ration shall forthwith file one of said affidavits with the board.

27 3. Whenever any change shall be made in the amount, nature, or other-
28 wise, of the interest of any person having an interest in stock of any
29 such association or corporation, or any new interest shall be created
30 therein, without a transfer thereof as hereinabove provided, the record
31 owner of such stock, and each person whose interest therein has been so
32 attempted to be changed or created, shall file with the association or
33 corporation which issued such stock, in duplicate, affidavits as
34 provided by paragraphs a and b of subdivision one of this section,
35 except that such affidavits need not include the matters referred to in
36 subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph a of subdivi-
37 sion one of this section, unless then required pursuant to subdivision
38 two of this section, and one copy thereof shall forthwith be filed by
39 the association or corporation with the board.

40 4. [The board may, upon application to it for good cause shown, waive
41 compliance with subdivisions one, two and three of this section.

42 5.] If the board determines that it is inconsistent with the public
43 interest, convenience or necessity, or with the best interests of racing
44 generally, that any person continue to be a stockholder of record, or
45 the beneficial owner of any interest in stock standing in the name of
46 another, in any association or corporation licensed under this article,
47 or of any association or corporation which leases to such licensee the
48 track at which it conducts pari-mutuel harness racing or which owns
49 twenty-five percent or more of the stock of such licensee, the board
50 shall have full power and authority to order or direct each such stock-
51 holder or beneficial owner irrespective of the time when such stockhold-
52 er or beneficial owner acquired his OR HER stock or interest therein to
53 dispose of such stock or interest within a period of time to be speci-
54 fied by the board, which period the board shall have full power and
55 authority to extend from time to time.

1 [6.] 5. If the board shall make any order or direction as provided in
2 subdivision [five] FOUR of this section, the person aggrieved thereby
3 shall be given notice of the time and place of a hearing before the
4 board at which the board will hear such person in reference thereto. The
5 action of the board in making any such order or direction shall be
6 reviewable in the courts of this state in the manner provided by, and
7 subject to the provisions of article seventy-eight of the civil practice
8 law and rules.

9 [7.] 6. Upon application of the board, the supreme court of this state
10 shall have jurisdiction to issue final orders, on notice and after hear-
11 ing, commanding any person to comply with the provisions of the orders
12 or directions issued by the board under subdivision [five] FOUR of this
13 section.

14 [8.] 7. In case of conflict between this section and article eight of
15 the uniform commercial code, this section shall control.

16 S 4. Section 1617-a of the tax law is amended by adding a new subdivi-
17 sion e to read as follows:

18 E. (1) NO LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ANY PERSON OR
19 OTHER ENTITY WHICH HAS BEEN CONVICTED OF A FELONY.

20 (2) FOR THE PURPOSES OF THIS SECTION, THE TERM "CONVICTION OF A FELO-
21 NY" HAS THE MEANING PRESCRIBED THEREFOR IN SUBDIVISION TWO OF SECTION
22 ONE HUNDRED TWELVE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

23 (3) THE DIVISION SHALL REVOKE ANY SUCH LICENSE IN EFFECT ON OR AFTER
24 THE EFFECTIVE DATE OF THIS SUBDIVISION IF THE PROVISIONS OF PARAGRAPH
25 ONE OF THIS SUBDIVISION WOULD PRECLUDE ITS ISSUANCE IF IT WERE TO BE
26 APPLIED FOR ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

27 S 5. This act shall take effect on the first of January next succeed-
28 ing the date on which it shall have become a law; provided that any and
29 all rules and regulations and any other measures necessary to implement
30 any provision of this act on its effective date may be promulgated and
31 taken, respectively, on or before the effective date of such provision;
32 and provided, however, that the amendments to section 1617-a of the tax
33 law, made by section four of this act, shall not affect the repeal of
34 such section and shall be deemed repealed therewith.