

# STATE OF NEW YORK

7068

2021-2022 Regular Sessions

## IN SENATE

May 26, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to the excelsior linked deposit program

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

1 Section 1. Section 213 of the state finance law is amended by adding a  
2 new subdivision 24 to read as follows:

3 24. "Certified service-disabled veteran-owned business enterprise"  
4 means any service-disabled veteran-owned business enterprise as provided  
5 for in section three hundred sixty-nine-h of the executive law and  
6 certified pursuant to section three hundred sixty-nine-i of the execu-  
7 tive law.

8 § 2. Paragraph (e) of subdivision 12 of section 213 of the state  
9 finance law, as added by chapter 705 of the laws of 1993, is amended and  
10 a new paragraph (f) is added to read as follows:

11 (e) for certified minority-and women-owned businesses, projects to  
12 provide financing necessary to carry out a procurement contract with an  
13 agency or authority or other entity of the state or federal govern-  
14 ment[-]; or

15 (f) for certified service-disabled veteran-owned business enterprises,  
16 projects to provide financing necessary to carry out a procurement  
17 contract with an agency or authority or other entity of the state or  
18 federal government.

19 § 3. Subdivision 1 of section 218 of the state finance law, as amended  
20 by section 1 of part U of chapter 58 of the laws of 2012, is amended to  
21 read as follows:

22 1. Linked loans made to certified businesses in empire zones or to  
23 eligible businesses in highly distressed areas or to eligible businesses  
24 that are defined in paragraph (b-1) of subdivision eleven of section two  
25 hundred thirteen of this article that are located in a renewal community

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

LBD11424-01-1

1 or defined in paragraph (b-2) of such subdivision that are located in an  
2 empowerment zone or defined in paragraph (b-3) of such subdivision that  
3 are located in an enterprise community, respectively for eligible  
4 projects defined in paragraph (c) of subdivision twelve of section two  
5 hundred thirteen of this article or to service-disabled veteran-owned  
6 business enterprises for an eligible project defined in paragraph (f) of  
7 subdivision twelve of section two hundred thirteen of this article or to  
8 minority- or women-owned business enterprises for an eligible project  
9 defined in paragraph (e) of subdivision twelve of section two hundred  
10 thirteen of this article or to a defense industry manufacturer for a  
11 project defined in paragraph (d) of subdivision twelve of section two  
12 hundred thirteen of this article or to an eligible business pursuant to  
13 paragraph (a) of subdivision eleven of section two hundred thirteen of  
14 this article that produces products defined in subdivision two of  
15 section three hundred one of the agriculture and markets law for an  
16 eligible project as defined in paragraph (b) of subdivision twelve of  
17 section two hundred thirteen of this article shall bear interest at a  
18 fixed rate equal to three percentage points below the fixed interest  
19 rate the lender would have charged for the loan in the absence of a  
20 linked deposit based on its usual credit considerations. All other  
21 linked loans shall bear interest at a fixed rate equal to two percentage  
22 points below the fixed interest rate the lender would have charged for  
23 the loan in the absence of a linked deposit based on its usual credit  
24 considerations. Lenders shall certify to the commissioner of economic  
25 development that the rate to be charged on a linked loan is two percent-  
26 age points or three percentage points, as the case may be, below the  
27 interest rate the lender would have charged for the loan in the absence  
28 of a linked deposit.

29 § 4. Section 220 of the state finance law, as added by section 2 of  
30 part H of chapter 60 of the laws of 2011, is amended to read as follows

31 § 220. Renewal of linked deposit. A lender may, on behalf of a borrow-  
32 er, apply to the commissioner of economic development to request a  
33 renewal of the linked deposit for an additional four year period to  
34 correspond with a second four year period of a borrower's linked loan.  
35 The commissioner may grant such application if the commissioner deter-  
36 mines that the borrower, during the second four year period of the  
37 linked loan, will create additional industrial modernization benefits or  
38 additional export trade benefits or additional jobs. If the commissioner  
39 of economic development grants such application, the commissioner shall  
40 notify the authorized depositor who made the linked deposit that the  
41 commissioner has determined that the application satisfies the require-  
42 ments of this article and shall request the authorized depositor to  
43 continue the linked deposit with the lender for an additional four year  
44 period in accordance with section ninety-eight-a of this chapter and  
45 with the authorized depositor's established procedures. Such linked  
46 deposit shall continue to be secured in accordance with the provisions  
47 of section one hundred five of this chapter. The fixed interest rate on  
48 the continued linked deposit shall be the linked deposit interest rate  
49 in effect on the first day of the continuation of the linked deposit.  
50 The authorized depositor and the lender shall enter into a written  
51 deposit agreement governing the continuation of the linked deposit. The  
52 interest rate payable on the linked loan for the second four year period  
53 shall be, in the case of a certified business in an economic development  
54 zone or an eligible business located in an economically distressed area  
55 or federal empowerment zone or enterprise or renewal community or a  
56 minority or women-owned business enterprise or service-disabled veter-

1 an-owned business enterprises, three percentage points below the inter-  
2 est rate the lender would have charged for the loan in effect on the  
3 first day of the continuation of the linked deposit; or in the case of a  
4 business not located in an economic development zone or economically  
5 distressed area or federal empowerment zone or enterprise or renewal  
6 community or which is not a minority or women-owned business enterprise,  
7 service-disabled veteran-owned business enterprises, two percentage  
8 points below the interest rate the lender would have charged for the  
9 loan in the absence of a linked deposit in effect on the first day of  
10 the continuation of the linked deposit.  
11 § 5. This act shall take effect immediately.