STATE OF NEW YORK

10259

IN SENATE

May 8, 2026

Introduced by Sen. BYNOE -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to prohibiting mobile sports wagering operators from being eligible to receive the excelsior jobs program credit

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

Section 1. Subdivision 5 of section 353 of the economic development law, as amended by section 2 of part K of chapter 59 of the laws of 2015, is amended to read as follows:

5. [~~A~~] **The following entities, including any parent company or subsidiary thereof, shall not be eligible to receive the tax credit under this article or any component thereof: (a) a** not-for-profit business entity[~~,~~]**; (b)** a business entity whose primary function is the provision of services including personal services, business services, or the provision of utilities[~~, and~~]**; (c)** a business entity engaged predominantly in the retail or entertainment industry, other than a business operating as an entertainment company as defined in this article and other than a business entity engaged in music production[~~, and~~]**; (d)** a company engaged in the generation or distribution of electricity, the distribution of natural gas, or the production of steam associated with the generation of electricity [~~are not eligible to receive the tax credit described in this article~~]**; and (e) a mobile sports wagering operator, as defined by section thirteen hundred sixty-seven of the racing, pari-mutuel wagering and breeding law**.

§ 2. This act shall take effect immediately.

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

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