S T A T E O F N E W Y O R K

3902

2015-2016 Regular Sessions

I N S E N A T E

February 20, 2015

Introduced by Sen. GOLDEN -- 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 including video game developers in the excelsior jobs program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 14 of section 352 of the economic development law, as added by section 1 of part MM of chapter 59 of the laws of 2010, is amended and a new subdivision 20 is added to read as follows:

14. "Regionally significant project" means (a) a manufacturer creating at least fifty net new jobs in the state and making significant capital investment in the state; (b) a business creating at least twenty net new jobs in agriculture in the state and making significant capital investment in the state, (c) a financial services firm, distribution center, or back office operation creating at least three hundred net new jobs in the state and making significant capital investment in the state, [or] (d) a scientific research and development firm creating at least twenty net new jobs in the state, and making significant capital investment in the state, OR (E) A VIDEO GAME DEVELOPER CREATING AT LEAST TWENTY NET NEW JOBS IN THE STATE AND MAKING SIGNIFICANT CAPITAL INVESTMENT IN THE STATE. Other businesses creating three hundred or more net new jobs in the state and making significant capital investment in the state may be considered eligible as a regionally significant project by the commissioner as well. The commissioner shall promulgate regulations pursuant to section three hundred fifty-six of this article to determine what constitutes significant capital investment for each of the project categories indicated in this subdivision and what additional criteria a business must meet to be eligible as a regionally significant project, including, but not limited to, whether a business exports a substantial

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

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portion of its products or services outside of the state or outside of a metropolitan statistical area or county within the state.

20. "VIDEO GAME DEVELOPER" MEANS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, OR OTHER ENTITY PRINCIPALLY ENGAGED IN THE PRODUCTION OR POST-PRODUCTION OF VIDEO GAMES, OR THE PRODUCTION OR POST-PRODUCTION OF VIDEO GAMES OTHER THAN THOSE EMBEDDED AND USED EXCLUSIVELY IN ADVERTISING, PROMOTIONAL WEBSITES OR MICROSITES, BUT SHALL NOT INCLUDE AN ENTITY PRINCIPALLY ENGAGED IN THE PRODUCTION OF CONTENT INTENDED PRIMARILY FOR INDUSTRIAL, CORPORATE OR INSTITUTIONAL END-USERS, PRINCIPALLY ENGAGED IN THE PRODUCTION OF FUNDRAISING PROGRAMS, OR ENGAGED IN THE PRODUCTION OF CONTENT FOR WHICH RECORDS ARE REQUIRED, UNDER SECTION 2257 OF TITLE 18 OF THE UNITED STATES CODE, TO BE MAINTAINED WITH RESPECT TO ANY PERFORMER IN SUCH PRODUCTION.

S 2. Paragraph (c) of subdivision 1 and subdivision 3 of section 353 of the economic development law, paragraph (c) of subdivision 1 as amended by section 2 of part G of chapter 61 of the laws of 2011 and subdivision 3 as amended by section 1 of part C of chapter 68 of the laws of 2013, are amended to read as follows:

(c) in software development and new media, OR AS A VIDEO GAME DEVELOPER;

3. For the purposes of this article, in order to participate in the excelsior jobs program, a business entity operating predominantly in manufacturing must create at least ten net new jobs; a business entity operating predominately in agriculture must create at least five net new jobs; a business entity operating predominantly as a financial service data center or financial services customer back office operation must create at least fifty net new jobs; a business entity operating predominantly in scientific research and development must create at least five net new jobs; a business entity operating predominantly in software development OR AS A VIDEO GAME DEVELOPER must create at least five net new jobs; a business entity creating or expanding back office operations must create at least fifty net new jobs; or a business entity operating predominantly as a distribution center in the state must create at least seventy-five net new jobs, notwithstanding subdivision five of this section; or a business entity must be a regionally significant project as defined in this article; or

S 3. This act shall take effect immediately.