STATE OF NEW YORK

853

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sen. YOUNG -- 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 eligibility to participate 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 16 of section 352 of the economic development law, as amended by section 1 of part K of chapter 59 of the laws of 2015, is amended and a new subdivision 20-a is added to read as follows:

16. "Regionally significant project" means (a) a manufacturer creating at least [~~fifty~~] ten net new jobs in the state and making significant capital investment in the state; (b) a business creating at least [~~twenty~~] ten 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~~] one hundred net new jobs in the state and making significant capital investment in the state, (d) a scientific research and development firm creating at least [~~twenty~~] ten net new jobs in the state, and making significant capital investment in the state or (e) an entertainment company creating or obtaining at least two hundred net new jobs in the state and making significant capital investment in the state. Other businesses creating [~~three~~] one hundred fifty 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 portion of its

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

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

20-a. "Significant capital investment" means a project which will be either a newly constructed facility or a newly constructed addition to, expansion of or improvement of a facility, consisting of tangible personal property and other tangible property, including buildings and structural components of buildings, that are depreciable pursuant to section one hundred sixty-seven of the internal revenue code, have a useful life of four years or more, are acquired by purchase as defined in section one hundred seventy-nine (d) of the internal revenue code, and that is equal to or exceeds (a) one million dollars for a manufacturer; (b) two hundred fifty thousand dollars for an agriculture business; (c) three million dollars for a financial services firm or back office operation; (d) fifteen million dollars for a distribution center; (e) three million dollars for a scientific research and development firm; or (f) three million dollars for other businesses.

§ 2. Subdivisions 3 and 4 of section 353 of the economic development law, subdivision 3 as amended by section 2 of part K of chapter 59 of the laws of 2015 and subdivision 4 as amended by section 1 of part C of chapter 68 of the laws of 2013, are amended to read as follows:

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~~] **five** 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~~] **twenty-five** 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 must create at least five net new jobs; a business entity creating or expanding back office operations must create at least [~~fifty~~] **twenty-five** net new jobs; a business entity operating predominately in music production must create at least five net new jobs; a business entity operating predominantly as an entertainment company must create or obtain at least one hundred net new jobs; or a business entity operating predominantly as a distribution center in the state must create at least [~~seventy-five~~] **fifty** 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

4. A business entity operating predominantly in one of the industries referenced in paragraphs (a) through (h) of subdivision one of this section but which does not meet the job requirements of subdivision three of this section must have at least twenty-five full-time job equivalents unless such business is a business entity operating predominantly in manufacturing then it must have at least [~~ten~~] **five** full-time job equivalents and must demonstrate that its benefit-cost ratio is at least ten to one.

§ 3. This act shall take effect immediately.