

STATE OF NEW YORK

1398

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. VANEL, SCHIMMINGER -- read once and referred to the Committee on Economic Development

AN ACT to amend the economic development law, in relation to the development and creation of distributed ledger technology and business entities that develop such technology

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

1 Section 1. Subdivisions 8 and 23 of section 352 of the economic development law, as amended by section 1 of part K of chapter 59 of the laws of 2017, are amended to read as follows:

2 8. "Financial services data centers or financial services customer
3 back office operations" means operations that manage the data or
4 accounts of existing customers or provide product or service information
5 and support to customers of financial services companies, including
6 banks, other lenders, securities and commodities brokers and dealers,
7 investment banks, portfolio managers, trust offices, [~~and~~] insurance
8 companies, and financial technology companies that develop distributed
9 ledger technology. For purposes of this subdivision "distributed ledger
10 technology" means a mathematically secured, chronological, and decen-
11 tralized consensus ledger or database, whether maintained via internet
12 interaction, peer-to-peer network, or otherwise used to authenticate,
13 record, share and synchronize transactions in their respective electron-
14 ic ledgers or databases.

15 23. "Software development" means the creation of distributed ledger
16 technology, coded computer instructions or production or post-production
17 of video games, as defined in subdivision one-a of section six hundred
18 eleven of the general business law, other than those embedded and used
19 exclusively in advertising, promotional websites or microsites, and also
20 includes new media as defined by the commissioner in regulations. For
21 purposes of this subdivision "distributed ledger technology" means a
22 mathematically secured, chronological, and decentralized consensus
23 ledger or database.

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

LBD01308-01-9

1 ledger or database, whether maintained via internet interaction, peer-
2 to-peer network, or otherwise used to authenticate, record, share and
3 synchronize transactions in their respective electronic ledgers or data-
4 bases.

5 § 2. Subdivision 4 of section 353 of the economic development law, as
6 separately amended by section 3 of part K and section 2 of part ZZ of
7 chapter 59 of the laws of 2017, is amended to read as follows:

8 4. A business entity operating predominantly in one of the industries
9 referenced in paragraphs (a) through (h) or in paragraph (k) of subdivi-
10 sion one of this section but which does not meet the job requirements of
11 subdivision three of this section must have at least twenty-five full-
12 time job equivalents unless such business is a business entity operating
13 predominantly in manufacturing then it must have at least five full-time
14 job equivalents and must demonstrate that its benefit-cost ratio is at
15 least ten to one, or unless it is a software development entity that
16 develops distributed ledger technology which has been in operation for
17 more than one year and less than five years, then it must have at least
18 two full-time job equivalents.

19 § 3. Section 354 of the economic development law is amended by adding
20 a new subdivision 6 to read as follows:

21 6. The commissioner shall strive to ensure that there is participation
22 on a broad regional geographic basis within the program and outreach to
23 all eligible industries defined in section three hundred fifty-two of
24 this article. The commissioner shall also promote diverse ownership and
25 workforces of participating businesses through outreach to businesses
26 owned by people with disabilities as defined under subdivision twenty-
27 one of section two hundred ninety-two of the executive law or subdivi-
28 sions three and twenty-two of section 1.03 of the the mental hygiene
29 law, minority- and women-owned businesses and veteran-owned businesses
30 in those industries where their participation is not currently preva-
31 lent.

32 § 4. This act shall take effect immediately.