

# STATE OF NEW YORK

3863

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

Introduced by M. of A. NORRIS, DeSTEFANO, J. M. GIGLIO, MORINELLO --  
read once and referred to the Committee on Economic Development

AN ACT to amend the economic development law and the tax law, in  
relation to creating a tax credit for manufacturing companies that  
have one established place of business in the state and relocate a  
minimum of fifty employees from outside the state into the state

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

1 Section 1. The economic development law is amended by adding a new  
2 section 107 to read as follows:

3 § 107. Encourage manufacturing jobs. 1. The commissioner shall promote  
4 the location and development of new businesses in the state by encourag-  
5 ing manufacturing companies that already have at least one established  
6 place of business in the state and bring at least fifty employees from  
7 an out of state location to the state for the purposes of expanding  
8 their manufacturing company.

9 2. The commissioner shall determine what companies qualify for a tax  
10 credit pursuant to section one hundred eighty-seven-q of the tax law,  
11 but only manufacturing companies that bring long term jobs to the state  
12 shall be eligible for such credit, provided that:

13 (a) the commissioner shall have the power to define and determine  
14 which jobs are "long term"; and

15 (b) notwithstanding paragraph (a) of this subdivision, a manufacturing  
16 company that loses its contract, closes a facility or suffers from a  
17 catastrophic event as determined by the commissioner shall not be deemed  
18 ineligible for such credit.

19 § 2. The tax law is amended by adding a new section 187-q to read as  
20 follows:

21 § 187-q. Manufacturing jobs incentive credit. 1. General. A taxpayer  
22 shall be allowed a one time credit, to be credited against the taxes  
23 imposed under sections one hundred eighty-three and one hundred eighty-

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

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1 four of this article. Such credit, to be computed as hereinafter  
2 provided, shall be allowed for qualified manufacturing companies pursu-  
3 ant to section one hundred seven of the economic development law.  
4 Provided, however, that the amount of such credit allowable against the  
5 tax imposed by section one hundred eighty-four of this article shall be  
6 the excess of the credit allowed by this section over the amount of such  
7 credit allowable against the tax imposed by section one hundred eighty-  
8 three of this article.

9 2. Amount of credit. The amount of the credit under this section shall  
10 be 2.5 percent of the average salaries of the newly created manufactur-  
11 ing jobs multiplied by the number of new jobs brought into the state by  
12 such companies.

13 3. Carryover. In no event shall the credit under this section be  
14 allowed in an amount which will reduce the tax payable to less than the  
15 applicable minimum tax fixed by section one hundred eighty-three of this  
16 article. If, however, the amount of credit allowable under this section  
17 for any taxable year reduces the tax to such amount, any amount of cred-  
18 it not deductible in such taxable year may be carried over to the  
19 following year or years and may be deducted from the taxpayer's tax for  
20 such year or years.

21 § 3. This act shall take effect immediately and shall apply to taxable  
22 years beginning on or after the first of January next succeeding the  
23 date on which it shall have become a law. Effective immediately, the  
24 addition, amendment and/or repeal of any rule or regulation necessary  
25 for the implementation of this act on its effective date are authorized  
26 to be made and completed on or before such effective date.