



STATE OF NEW YORK
EXCELSIOR JOBS PROGRAM

Section 352 of the Economic Development Law (19 NYCRR Part 190) - DEFINITIONS

"Agriculture" means both agricultural production (establishments performing the complete farm or ranch operation, such as farm owner-operators, tenant farm operators, and sharecroppers) and agricultural support (establishments that perform one or more activities associated with farm operation, such as soil preparation, planting, harvesting, and management, on a contract or fee basis).

"Back Office Operations" means a business function that may include one or more of the following activities: customer service, information technology and data processing, human resources, accounting and related administrative functions.

"Distribution Center" means a large scale facility involving processing, repackaging and/or movement of finished or semi-finished goods to retail locations across a multi-state area.

"Financial Services Data Centers Or Financial Services Customer Back Office Operations" means operations that manage the data or accounts of existing customers or provide product or service information and support to customers of financial services companies, including banks, other lenders, securities and commodities brokers and dealers, investment banks, portfolio managers, trust offices, and insurance companies.

"High value-added products" mean durable goods requiring assembly by skilled technicians, automation, or other advanced technology.

"Manufacturing" means the process of working raw materials into products suitable for use or which gives new shapes, new quality or new combinations to matter which has already gone through some artificial process by the use of machinery, tools, appliances, or other similar equipment. "Manufacturing" does not include an operation that involves only the assembly of components, provided, however, the assembly of motor vehicles or other high value-added products shall be considered manufacturing.

"Net new jobs" means jobs created in this state that: (i) are new to the state; (ii) have not been transferred from employment with another business located in this state including from a Related Person in this state; (iii) are either full-time wage-paying jobs or equivalent to a full-time wage-paying job requiring at least thirty-five hours per week; and (iv) are filled for more than six months during the year for which credits are being granted.

"New media" means the application of information technology to traditional communications outlets, particularly through interactive modes such as the Internet, including video games, web search portals, interactive web-based content, and interactive advertising.

"Qualified investment" means an investment in tangible property (including a building or a structural component of a building) owned by a business entity which: (i) is depreciable pursuant to section one hundred sixty-seven of the internal revenue code; (ii) has a useful life of four years or more; (iii) is acquired by purchase as defined in section one hundred seventy-nine (d) of the internal revenue code; (iv) has a situs in this state; and (v) is placed in service in the state on or after the date the certificate of eligibility is issued to the business entity.

"Software Development" means the creation of coded computer instructions and includes new media.

"Scientific Research And Development" means conducting research and experimental development in the physical, engineering, and life sciences, including but not limited to agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects. For the purposes of this article, scientific research and development does not include medical or veterinary laboratory testing facilities.