

Intro. Res. No. 1614-2009
Introduced by Presiding Officer Lindsay

Laid on Table 8/4/2009

**RESOLUTION NO. 805 -2009, ADOPTING LOCAL LAW
NO. 34 -2009, A LOCAL LAW TO REAUTHORIZE THE HOTEL
AND MOTEL TAX**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 4, 2009, a proposed local law entitled, "**A LOCAL LAW TO REAUTHORIZE THE HOTEL AND MOTEL TAX**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 34 -2009, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REAUTHORIZE THE HOTEL AND MOTEL TAX

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that beginning in 1992, the State of New York authorized the County of Suffolk to collect a hotel and motel tax to enable Suffolk County to better promote tourism and convention business and more fully support its cultural programs and activities relevant to the enhancement of the tourism industry.

This Legislature further finds that Suffolk County's current hotel and motel tax – 3/4 of 1% of the per-diem rental rate for each room – is the lowest hotel/motel tax rate in the State of New York.

This Legislature also finds that the State of New York recently enacted legislation which authorizes Suffolk County to extend the hotel and motel tax through the end of 2015 and to raise the tax rate to 3%.

This Legislature determines that the new State legislation also broadens the permissible uses of the revenues generated by the hotel and motel tax.

This Legislature finds that in the midst of a deep national recession, the County of Suffolk must continue to stimulate economic activity and job creation by supporting and promoting the County's large and vital tourism industry.

This Legislature also finds that an increase in hotel and motel tax revenues will allow the County of Suffolk to promote its tourism industry; to support a broad range of cultural programs and institutions, to maintain its historic structures and natural areas, and to enhance funding for the County's large parks system.

Therefore, the purpose of this local law is to extend the County's hotel and motel tax through December 31, 2015, increase the hotel and motel tax to 3% of the per-diem rental rate per room, and reallocate the tax revenues for the purposes authorized under State Law.

Section 2. Amendments.

I. Section 327-9 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 327-9. Imposition of tax; exemptions.

A. A hotel and motel tax is hereby imposed through the period December 31, [2010] 2015, upon persons occupying hotel rooms in Suffolk County at the rate of [0.75%] 3% of the per-diem rental rate (exclusive of sales tax) actually imposed for each hotel or motel room.

* * * *

II. Section 327-14 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 327-14. Distribution of tax revenues.

All revenues resulting from the imposition of the tax payable hereunder shall be paid into the treasury of the County of Suffolk and shall be distributed within 30 days after receipt by the County under the following formula:

A. [Sixty-six and two-thirds] Twenty-four percent of all revenues collected, but not more than two million dollars per fiscal year, shall be delivered to the tourism promotion agency which the County of Suffolk contracts with pursuant to the provisions of section 327-13A of this article[; and].

B. [Thirty-three and one-third] Ten percent of all revenues shall be utilized by the County of Suffolk in support of cultural programs and activities relevant to the continuation and enhancement of the tourism industry. [Such revenues shall be apportioned equally between:

1. The care, maintenance and interpretation for the general public of the historic structures and sites and unique natural areas that are managed by the Suffolk County Department of Parks and Recreation for sites and activities that are open to tourists on a regular and predictable basis; and
2. Program support of non-profit museums and cultural organizations in Suffolk County subject to the final approval of the Suffolk County Legislature.]

Beginning in fiscal year 2011, this amount may be increased by the County Legislature by one percent each fiscal year, to an amount not to exceed fifteen percent of all revenues collected, as the County Legislature reduces the allocation for the purposes set forth in paragraph (C) of this section.

C. Ten percent of all revenues collected shall be utilized for the support of the Suffolk County Vanderbilt Museum. This amount may be decreased by the County Legislature by one percent in each fiscal year beginning in fiscal year 2011 to an amount not less than five percent of all revenues collected.

D. Eight percent of all revenues collected shall be utilized by the County of Suffolk for the support of other museums, and historical societies, historic residences and historic birthplaces, provided that of such eight percent, an amount equal to one and one-half percent of

all revenues collected shall be utilized for program support of the Walt Whitman Birthplace State Historic Site and Interpretative Center.

E. Twenty percent of all revenues collected shall be utilized by the County of Suffolk for the care, maintenance and interpretation for the general public of the historic structures, sites and unique natural areas that are managed by the Suffolk County Department of Parks and Recreation for sites and activities that are open to tourists on a regular and predictable basis.

F. Not more than two percent of all revenues collected shall be utilized for the promotion of Suffolk County as a film-friendly location through the Department of Economic Development and Workforce Housing. Annually, the Department of Economic Development and Workforce Housing shall submit to the County Executive and the County Legislature a report on its progress in promoting Suffolk County as a film friendly location and annual statistics of the revenue generated pursuant to this paragraph.

G. All remaining revenue collected shall be deposited into the General Fund to be utilized for general park purposes.

Section 3. Applicability.

This law shall apply to all transactions involving the use or occupancy of a hotel or motel room in Suffolk County on or after December 1, 2009 and shall apply to the allocation of tax revenues on or after that same date.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

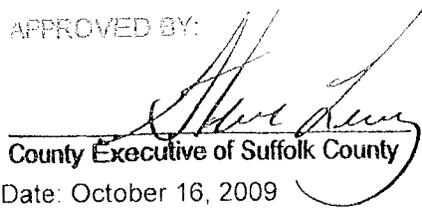
Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: September 17, 2009

APPROVED BY:


County Executive of Suffolk County
Date: October 16, 2009

After a public hearing duly held on September 29, 2009
Filed with the Secretary of State on October 28, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the
of the County of Suffolk, have compared the foregoing copy of resolution with the
original resolution now on file in this office, and which was duly adopted by the
County Legislature of said County, on September 17, 2009, and signed by the
County Executive on October 16, 2009, after a public hearing duly held on
September 29, 2009 and filed with the Secretary of State on October 28, 2009
and that the same is a true and correct transcript of said resolution and of the whole
thereof.

In Witness Whereof, I have hereunto set my hand and the official
Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature

Intro. Res. 1614 Res. No. 805

September 17, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE		/			
2	Jay H. SCHNEIDERMAN		/			
3	Kate M. BROWNING	/				
4	Brian BEEDENBENDER	/				
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON		/			
9	Ricardo MONTANO		/			
10	Cameron ALDEN		/			
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	13	5			

MOTION

Approve

Table: _____

Send To Committee _____

Table Subject To Call _____

Lay On The Table _____

Discharge _____

Take Out of Order _____

Reconsider _____

Waive Rule _____

Override Veto _____

Close _____

Recess _____

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED _____

Tim Laube
 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote