

STRICKEN AS OF 8/2/2010

Intro. Res. No. 1190-2010
Introduced by Legislator Schneiderman

Laid on Table 2/2/2010

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
 -2010, A LOCAL LAW TO STRENGTHEN
TOURISM PROMOTION IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2010, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN TOURISM PROMOTION IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN TOURISM PROMOTION IN
SUFFOLK COUNTY**

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 Suffolk County recently reauthorized the County's hotel tax, increasing it from three-quarters of one percent (0.75%) to three percent (3%).

This Legislature also finds and determines that up to \$2 million of the revenue from this tax will go to a tourism promotion agency.

This Legislature finds that Suffolk County and Nassau County contract with the Long Island Convention and Visitors Bureau ("LICVB") to provide regional tourism promotion.

This Legislature determines that Suffolk County provides more funding to the LICVB than does Nassau County. The LICVB segregates the monies provided by Suffolk County in excess of that provided by Nassau County in a so-called "Suffolk Specialty Fund"; the monies in this fund are supposed to be used solely to promote tourism within Suffolk County.

This Legislature also finds that a tourism promotion agency's obligation to maintain a Specialty Fund should be codified in law. Additionally, only board members of the promotion tourism agency's board of directors representing Suffolk County interests should be allowed to determine how monies in the Specialty Fund are allocated and spent.

Therefore, the purpose of this law is to amend Chapter 327 of the Suffolk County Code to further safeguard Suffolk County's hotel/motel tax revenues and ensure that these revenues are allocated equitably to promote tourism within our region and county.

Section 2. Amendments.

Chapter 327 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 327. HOTELS AND MOTELS

Article II. Hotel and Motel Tax

§ 327-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HOTEL or MOTEL -- Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed-and-breakfast", inns, cabins, cottages, campgrounds, tourist homes and convention centers.

OPERATOR -- Any person operating a hotel or motel in the County of Suffolk, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT -- A person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.

SUFFOLK SPECIALTY FUND – The portion of contract funding utilized by the tourism promotion agency solely to promote tourism within Suffolk County as a result of a funding disparity between Suffolk County and Nassau County.

§ 327-13. Tourism promotion agency.

- A. The County of Suffolk shall enter into a contract, as mandated by Tax Law § 1202-o(5), with a tourism promotion agency to administer programs designed to develop, encourage, solicit and promote convention business and tourism within the County of Suffolk. The promotion of convention business and tourism shall include any service, function or activity, whether or not performed, sponsored or advertised by the tourism promotion agency with the intent to attract transient guests to the County. The County Executive, or his designated representative, is hereby authorized to negotiate and enter into such a contract. No such contract shall be executed without the prior approval of the Legislature.

(6) Such contract shall provide that the tourism promotion agency will establish and maintain a Suffolk Specialty Fund, which shall be used solely to promote tourism within the County of Suffolk. The contract shall further provide that only those board members of the tourism promotion agency who represent Suffolk County based organizations will determine how monies in the Specialty Fund are allocated and utilized.

Section 3. Applicability.

This law shall apply to all contracts entered into by the County of Suffolk with a tourism promotion agency on or after the effective date of this law.

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:

APPROVED BY:

County Executive of Suffolk County

Date: