Intro. Res. No. 1730-2011
Introduced by Legislator Cilmi

Laid on Table 8/16/2011

RESOLUTION NO. 826 -2011, ADOPTING LOCAL LAW NO. 52 -2011, A LOCAL LAW AMENDING LOCAL LAW NO. 5-2011, A LOCAL LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 16, 2011, a proposed local law entitled, "**A LOCAL LAW AMENDING LOCAL LAW NO. 5-2011, A LOCAL LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY**;" now, therefore be it

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

LOCAL LAW NO. 52 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING LOCAL LAW NO. 5-2011, A LOCAL LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS 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 Local Law No. 5-2011 establishes registration requirements for non-profit veterans organizations soliciting donations in Suffolk County.

This Legislature also finds and determines that enforcement provisions of this law need to be strengthened.

This Legislature further finds and determines that registered organizations should be provided with a registration certificate by the Veterans Services Agency to facilitate the enforcement of this law.

This Legislature finds that non-profit veterans organizations should also have a valid registration certificate with them when soliciting donations from the public.

Therefore, the purpose of this law is to require that registered non-profit veterans organizations receive a registration certificate from the Veterans Services Agency and maintain same on premises while soliciting donations.

Section 2. Amendments.

Sections 3 and 4 of Local Law No. 5-2011 are hereby amended as follows:

Section 3. Registration.

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D. The Suffolk County Veterans Services Agency shall provide each non-profit veterans organization which has completed all registration requirements with a registration certificate, which shall have a registration number and expiration date. Non-profit veterans organizations soliciting donations must have a valid registration certificate on premises at all times and present same upon request.

Section 4. Penalties.

A. Any non-profit veterans organization which violates any of the provisions of this law shall be subject to a civil penalty of no less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) for each violation. Each day a non-profit veterans organization is in violation of this law shall constitute a separate and distinct offense.

B. Any non-profit veterans organization which violates paragraph D of Section 3 of this article shall be guilty of an unclassified misdemeanor and shall be subject to a penalty of up to $1,000 and/or up to one year's imprisonment.

C. Civil penalties collected under this article shall be deposited with the Veterans Services Agency to be used to provide services to homeless veterans.

Section 3. Applicability.

This law shall apply to all actions occurring 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 filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: October 11, 2011

APPROVED BY:

County Executive of Suffolk County

Date: NOV 1 0 2011

After a public hearing duly held on October 25, 2011
Filed with the Secretary of State on December 28, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature 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 October 11, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1730 Res. No. 826 October 11, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-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	Thomas MURATORE	✓				
6	Sarah S. ANKER	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
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	17	—		1	--

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature