

STATE OF NEW YORK

S. 6040

A. 7702

2017-2018 Regular Sessions

SENATE - ASSEMBLY

May 10, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT authorizing the towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold in the county of Suffolk to establish a tourism marketing district to be known as the Peconic region tourism marketing district

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

1 Section 1. Notwithstanding any provision of law to the contrary, the
2 towns of East Hampton, Riverhead, Shelter Island, Southampton and Sout-
3 hold in the county of Suffolk shall be authorized to establish a tourism
4 marketing district pursuant to the provisions of this act. Said
5 district shall be known as the "Peconic region tourism marketing
6 district".
7 § 2. Except as provided in this section and to the extent such
8 provisions are not inconsistent with the purposes of this act, the
9 provisions of article 19-A of the general municipal law relating to
10 business improvement districts shall apply to such tourism marketing
11 district.
12 § 3. The provisions of section 980-c of the general municipal law
13 shall not apply to the tourism marketing district established pursuant
14 to this act. In lieu of section 980-c of the general municipal law, the
15 local legislative powers related to such tourism marketing district
16 shall be those granted by section four of this act.
17 § 4. Upon establishment of a tourism marketing district pursuant to
18 the provisions of this act, the participating towns, through their
19 governing bodies, shall collectively have authority to exercise the

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

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1 following powers with respect to such district, subject to the
2 provisions of this act and the cooperative agreement entered into pursu-
3 ant to section six of this act: (a) to establish sales and marketing
4 programs and activities designed to attract visitors to the district,
5 including the creation and management of cooperative programs for prop-
6 erties within the district, (b) to establish communications and public
7 relations activities and services to build greater awareness of district
8 businesses and the district as a tourism destination, especially during
9 off-peak and shoulder seasons, (c) to partner with local, state, and
10 federal authorities to promote the expansion of public transportation
11 to, from, and within the district, (d) to pursue grants that benefit
12 properties within the district, (e) to allocate revenues within the
13 district for use in specific tourism promotion efforts, (f) to pay
14 administrative costs and operation of the district, and (g) to establish
15 any other tourism marketing activities which benefit the purposes of the
16 district.

17 § 5. The provisions of section 980-n of the general municipal law
18 shall not apply to the tourism marketing district established pursuant
19 to this act. In lieu of section 980-n of the general municipal law, the
20 cooperative operation and management of the tourism marketing district
21 shall be governed by section six of this act.

22 § 6. The district established pursuant to this act shall be deemed to
23 be a municipal cooperative district and the provisions of this section
24 shall apply to the cooperative operation and management of the tourism
25 marketing district.

26 (a) The 5 towns may collectively enter into, amend, and terminate an
27 agreement for the operation and management of the tourism marketing
28 district, in accordance with this act and the district plan.

29 (b) Any such agreement shall be approved by each participating town by
30 a majority vote of its governing board, and may contain provisions
31 relating to the rights and responsibilities of the respective towns, a
32 method for equitably allocating costs and other matters, consistent with
33 this act, as may be reasonably necessary and proper to effectuate the
34 cooperative operation and management of the district. Nothing in this
35 subdivision shall be construed as authorizing the participating towns to
36 issue joint indebtedness.

37 (c) The towns shall designate a single cooperative district management
38 association which shall be known as the Peconic region tourism marketing
39 district management association. Such cooperative district management
40 association shall have the same powers and duties as provided in section
41 980-m of the general municipal law.

42 (d) The board of directors of such district management association
43 shall be composed of representatives of owners and tenants within the
44 district, provided, however, that not less than a majority of its
45 members shall represent owners. Members of the board of directors shall
46 have at least 5 years of experience in regional tourism marketing in the
47 Peconic region. The number of such representatives of owners and tenants
48 shall be in an equitable proportion as determined by agreement of the
49 participating towns. The board shall include, in addition, a member from
50 each participating town appointed by the governing body of each partic-
51 ipating town.

52 (e) The district authorized by this act may be dissolved by local law
53 adopted by each of the 5 towns, upon its own motion, or upon the written
54 petition of: (1) the owners of at least fifty-one percent or more of the
55 total assessed valuation of all benefited real property included in the
56 boundaries of the district; and (2) at least fifty-one percent of the

1 owners of benefited real property within the area included in the
2 district. The towns shall request and consider the recommendations of
3 the district management association concerning any proposed dissolution;
4 provided that if the association has not submitted recommendations to
5 towns within 60 days after the request therefor, the towns may adopt any
6 such proposed dissolution without considering such recommendations. In
7 the event of dissolution, all assets of the district shall revert to the
8 towns to be apportioned as agreed to by the towns and utilized solely
9 for tourism promotion in each respective town. A certified copy of the
10 order of dissolution shall be filed with the state comptroller at Alba-
11 ny, New York.

12 § 7. Severability. If any provision of this act or the application
13 thereof shall for any reason be adjudged by any court of competent
14 jurisdiction to be invalid, such judgment shall not affect, impair or
15 invalidate the remainder of this act, but shall be confined in its oper-
16 ation to the provision thereof directly involved in the controversy in
17 which the judgment shall have been rendered.

18 § 8. This act shall take effect immediately.