

STATE OF NEW YORK

9865--A

IN ASSEMBLY

April 24, 2024

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend subdivisions 1 and 9 of section 1 of chapter 693 of the laws of 1980, enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county, in relation to the amount of tax authorized; and to amend section 3 of chapter 105 of the laws of 2009, amending chapter 693 of the laws of 1980 enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes, in relation to the effectiveness thereof

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

1 Section 1. Subdivision 1 of section 1 of chapter 693 of the laws of
2 1980, enabling the county of Albany to impose and collect taxes on occu-
3 pancy of hotel or motel rooms in Albany county, as amended by chapter
4 105 of the laws of 2009, is amended to read as follows:
5 (1) Notwithstanding any other provisions of law to the contrary, the
6 county of Albany is hereby authorized and empowered to adopt and amend
7 local laws imposing in such county a tax in addition to any tax author-
8 ized and imposed pursuant to article twenty-nine of the tax law such as
9 the legislature has or would have the power and authority to impose on
10 persons occupying hotel or motel rooms in such county. The rates of such
11 tax shall be six and one-half percent of the per diem rental rate
12 charged to occupants for each room, provided, however, such tax shall
13 not be applicable to a permanent resident of a hotel or motel. For the
14 purposes of this section the term "permanent resident" shall mean a
15 person occupying any room or rooms in a hotel or motel for at least
16 thirty consecutive days.
17 § 2. Subdivision 9 of section 1 of chapter 693 of the laws of 1980,
18 enabling the county of Albany to impose and collect taxes on occupancy
19 of hotel or motel rooms in Albany county, as amended by chapter 105 of
20 the laws of 2009, is amended to read as follows:

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

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(9) All revenues resulting from the imposition of the tax under the local law shall be paid into the treasury of the county of Albany and shall be credited to and deposited into ~~three~~ special funds as follows:

(a) Until the completion date as defined in subparagraph four of this paragraph:

(1) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development provided, however, that such local law shall provide that the county shall be authorized to retain up to a maximum of ten per centum of such revenue to defray the necessary expenses of the county in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, as so authorized by local law, shall be allocated to pay for services performed subject to the terms and conditions contained in contracts which may be entered into between the county and the Albany County Convention and Visitors Bureau, Inc. The funds so allocated shall be used for the purpose of promoting Albany county, its cities, towns and villages, in order to increase convention/trade show and tourist business.

(2) Revenues from the tax imposed by such local law equal to two-thirds of such total revenue shall be credited to and deposited in a special account to be known as the "civic center debt service fund" to be created by the county of Albany therefor and to be maintained separate and apart from any other funds and accounts of the county. Moneys in such account shall be deposited in one or more of the banks designated in the manner provided by law, as a depository of the funds of such county. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the general municipal law or in a successor statute to such section authorizing the types of investments which may be made by political subdivisions. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Such local law may provide that any moneys in such fund shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the county to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefor (the "Albany project") at a site located in the city of Albany, county of Albany and state of New York, bounded generally by the South Mall Arterial and South Pearl, Howard and Eagle streets (the "Albany site") which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(3) Revenues from the tax imposed by such local law equal to one-sixth of such total revenue shall be credited to and deposited in a special fund to be known as the "Albany convention center authority fund" to be created by the county of Albany therefor and to be maintained separate and apart from any other funds and accounts of the county. Moneys in such account shall be deposited in one or more of the banks designated in the manner provided by law, as a depository of the funds of such county. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the general municipal law or in a successor statute to such section authorizing the types of investments which may be made by political subdivisions. Any interest earned or capital gain realized on the moneys so deposited or invested

1 shall accrue and become part of the fund. Moneys in this fund shall be
2 used solely and exclusively by the Albany convention center authority
3 for the development of a convention center project to be located in the
4 city of Albany. The county shall pay the moneys in such fund over to
5 such authority upon application for such moneys by the authority.

6 (4) As used in this subdivision, the term "completion date" shall mean
7 the date on which the architect for the convention center project issues
8 a certificate of substantial completion in substantial conformity with
9 AIA Document G704-2000 stating that the convention center facility is
10 sufficiently complete in accordance with the contract or contracts for
11 construction that the owner can occupy or utilize the convention center
12 facility for its intended use.

13 (b) On and after the completion date as defined in subparagraph four
14 of paragraph (a) of this subdivision:

15 (1) The county shall be authorized to retain up to one percent of the
16 total revenue to defray the necessary expenses of the county in adminis-
17 tering this tax. The remaining revenue shall be the distribution amount,
18 allocated as follows:

19 (A) Revenues from the tax imposed by such local law up to an amount
20 equal to [~~one-sixth~~] two-thirteenths of such [~~total revenue~~] distrib-
21 ution amount shall be credited to and deposited in a special fund for
22 convention and tourism development [~~provided, however, that such local~~
23 ~~law shall provide that the county shall be authorized to retain up to a~~
24 ~~maximum of ten per centum of such revenue to defray the necessary~~
25 ~~expenses of the county in administering such tax~~]. The revenue derived
26 from this portion of the tax[, ~~after deducting the amount provided for~~
27 ~~administering such tax, as so authorized by local law,~~] shall be allo-
28 cated to pay for services performed subject to the terms and conditions
29 contained in contracts which may be entered into between the county and
30 the Albany County Convention and Visitors Bureau, Inc. The funds so
31 allocated shall be used for the purpose of promoting Albany county, its
32 cities, towns and villages, in order to increase convention/trade show
33 and tourism business; and

34 [~~(2)~~] (B) Revenue from the tax imposed by such local law equal to
35 [~~one-third~~] four-thirteenths of such [~~total revenue~~] distribution amount
36 shall be credited to and deposited in a special account to be known as
37 the "civic center debt service fund" to be created by the county of
38 Albany therefor and to be maintained separate and apart from any other
39 funds and accounts of the county. Moneys in such account shall be depos-
40 ited in one or more of the banks designated in the manner provided by
41 law, as a depository of the funds of such county. Pending expenditure
42 from such fund, moneys therein may be invested in the manner provided in
43 section 6-f of the general municipal law or in a successor statute to
44 such section authorizing the types of investments which may be made by
45 political subdivisions. Any interest earned or capital gain realized on
46 the moneys so deposited or invested shall accrue and become part of the
47 fund. Such local law may provide that any moneys in such fund shall be
48 used, subject to appropriation, solely for the purpose of making debt
49 service payments on obligations issued by the county to finance the
50 acquisition, development (including construction), operation and repair
51 and continuing use and maintenance of a civic center and ancillary
52 facilities therefor (the "Albany project") at a site located in the city
53 of Albany, county of Albany and state of New York, bounded generally by
54 the South Mall Arterial and South Pearl, Howard and Eagle streets (the
55 "Albany site") which ancillary facilities shall include but not be

1 limited to, any buildings, structures, parking facilities, machinery,
2 equipment, facilities and appurtenances incidental thereto; and

3 ~~[(3)]~~ (C) Revenues from the tax imposed by such local law equal to
4 ~~[one-half]~~ six-thirteenths of such ~~[total revenue]~~ distribution amount
5 shall thereafter be credited to and deposited in the "Albany convention
6 center authority fund" and shall be maintained separate and apart from
7 any other funds and accounts of the county. Moneys in such account shall
8 be deposited in one or more of the banks designated in the manner
9 provided by law, as a depository of the funds of such county. Pending
10 expenditure from such fund, moneys therein may be invested in the manner
11 provided in section 6-f of the general municipal law or in a successor
12 statute to such section authorizing the types of investments which may
13 be made by political subdivisions. Any interest earned or capital gain
14 realized on the moneys so deposited or invested shall accrue and become
15 part of the fund. Moneys in this fund shall be used solely and exclu-
16 sively by the Albany convention center authority for the development
17 (including construction), operation, repair, continuing use and mainte-
18 nance of a convention center project to be located in the city of Albany
19 and shall include payment of debt service following completion of
20 construction of such convention center project. The county shall pay the
21 moneys in such fund over to such authority upon application for such
22 moneys by the authority~~[-]~~; and

23 (D) Revenues from the tax imposed by such local law equal to one-thir-
24 teenth of such distribution amount shall be paid into the treasury of
25 the county of Albany and shall be credited to and deposited into a
26 special fund for economic development activities, business development
27 and growth, and for promoting Albany county. The revenue derived from
28 this portion of the tax, as so authorized by local law, shall be allo-
29 cated to pay for services performed subject to the terms and conditions
30 contained in contracts which may be entered into between the county and
31 the Advance Albany County Alliance. The funds so allocated shall be used
32 for the purpose of economic development activities, business development
33 and growth, and for promoting Albany county.

34 ~~[(c)]~~ (2) The state does hereby pledge to and agree with the holders
35 of the bonds or notes described in ~~[paragraph-(d)]~~ subparagraph three of
36 this subdivision that the state will not in any way impair the rights
37 and remedies of the bondholders or noteholders until said bonds or
38 notes, together with interest thereon, with interest on any unpaid
39 installments or interest and all costs and expenses in connection with
40 any action or proceeding by or on behalf of the bondholders or notehold-
41 ers are fully met and discharged.

42 ~~[(d)]~~ (3) It is hereby determined that ~~[(1)]~~ (A) the acquisition,
43 development (including construction), operation and repair and continu-
44 ing use and maintenance of the Albany project and the leasing of all or
45 any part of the Albany site and the issuance of bonds or notes by said
46 county for such purposes, and ~~[(2)]~~ (B) development (including
47 construction) of the Albany convention center project and the leasing of
48 all or any part of the Albany convention center project and the issuance
49 of bonds or notes by said authority for such purposes are for a proper
50 governmental purpose and are for the benefit of the people of the city
51 of Albany, the county of Albany and the state of New York and the same
52 shall continue to be regarded as used in the performance of a govern-
53 mental function in the exercise of the powers conferred by this act.

54 § 3. Section 3 of chapter 105 of the laws of 2009, amending chapter
55 693 of the laws of 1980 enabling the county of Albany to impose and
56 collect taxes on occupancy of hotel or motel rooms in Albany county

1 relating to revenues received from the collection of hotel or motel
2 occupancy taxes, as amended by chapter 337 of the laws of 2023, is
3 amended to read as follows:

4 § 3. This act shall take effect upon the adoption by the county of
5 Albany of a local law imposing in such county the additional occupancy
6 tax authorized by this act and shall expire and be deemed repealed
7 December 31, [~~2024~~] ~~2027~~; provided that Albany county shall notify the
8 legislative bill drafting commission upon the occurrence of the enact-
9 ment of such local law in order that the commission may maintain an
10 accurate and timely effective data base of the official text of the laws
11 of the state of New York in furtherance of effecting the provisions of
12 section 44 of the legislative law and section 70-b of the public offi-
13 cers law.

14 § 4. This act shall take effect immediately; provided, however, that
15 the amendments to subdivisions 1 and 9 of section 1 of chapter 693 of
16 the laws of 1980, enabling the county of Albany to impose and collect
17 taxes on occupancy of hotel or motel rooms in Albany county, made by
18 sections one and two of this act shall not affect the repeal of such
19 subdivisions and shall be deemed repealed therewith.