

STRICKEN END OF YEAR 2021

Intro. Res. No. 1664-2021

Laid on Table 9/9/2021

Introduced by Legislators Piccirillo and Caracappa

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW
NO. -2021, A CHARTER LAW TO ESTABLISH A LAND
PRESERVATION PROGRAM USING PROCEEDS FROM THE
COUNTY PORTION OF TAXES LEVIED UPON MARIJUANA
SALES (“GREEN FOR GREEN PRESERVATION PROGRAM”)**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2021, a proposed local law entitled, "A CHARTER LAW TO ESTABLISH A LAND PRESERVATION PROGRAM USING PROCEEDS FROM THE COUNTY PORTION OF TAXES LEVIED UPON MARIJUANA SALES (“GREEN FOR GREEN PRESERVATION PROGRAM”) now, therefore be it

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

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ESTABLISH A LAND PRESERVATION
PROGRAM USING PROCEEDS FROM THE COUNTY PORTION OF
TAXES LEVIED UPON MARIJUANA SALES (“GREEN FOR
GREEN PRESERVATION PROGRAM”)**

**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 the State of New York recently legalized the recreational use and sale of marijuana.

This Legislature also finds and determines that while the regulations associated with the licensing of the retail sale of recreational marijuana are still in the process of being drafted, the State has established tax rates for such sales.

This Legislature further finds and determines that the State has authorized a 4% local sales tax on all legal sales of recreational marijuana, with 25% of that percentage going to the county where the sale occurred and the remaining 75% going to the town and/or village where the sale occurred.

This Legislature finds that the County has been facing increasingly difficult choices with respect to land preservation priorities, as existing funding sources for these acquisitions are slowly dwindling.

This Legislature determines that dedicating a fraction of the funds the County will receive from recreational marijuana sales to land preservation would provide needed additional dollars to protect the County’s remaining open space, and by extension the sole source aquifer which provides Suffolk County with its drinking water.

Therefore, the purpose of this law is to amend the Suffolk County Charter to dedicate 1/10 of each cent of tax revenue distributed to Suffolk County which is generated through the retail sale of marijuana for land preservation purposes and establish related programming.

Section 2. Amendment.

The SUFFOLK COUNTY CHARTER is hereby amended to establish a new Article XIIB to read as follows:

THE SUFFOLK COUNTY CHARTER

* * * *

ARTICLE XIIB. SUFFOLK COUNTY LAND PRESERVATION PROGRAM

§ C12B-1. Programmatic Structure.

A Suffolk County Land Preservation Program designed to provide a permanent dedicated funding source for open space land acquisitions is hereby established effective July 1, 2022.

§ C12B-2. Programmatic Funding.

The Suffolk County Land Preservation Program shall be funded utilizing 1/10 of each cent of local excise tax on marijuana sales allocated to Suffolk County pursuant to the New York Marihuana Regulation and Taxation Act to be used solely for open space preservation and parkland purposes.

§ C12B-3. Programmatic Expenses.

All revenue dedicated pursuant to § C12B-2 shall be allocated annually to provide funds which shall be used solely to offset the costs associated with the County's acquisition of the following types of parcels:

- A. Freshwater/Tidal wetlands and buffer lands for same.
- B. Lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study.
- C. Any tract of land located fully or partially within a statutorily designated special groundwater protection area.
- D. Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface water and/or groundwater in Suffolk County.
- E. Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation Management Plan (LICMP) as needed to protect coastal water resources.
- F. Open space, in accordance with the criteria set forth in C12-2(A)(1)(g).
- G. Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, subject to such terms and conditions regarding the actual use of such land as may be imposed by duly enacted resolution of the County of Suffolk, including, but not limited to, traditional preexisting use of such land, anything in § C1-7 of the Suffolk County Charter to the contrary notwithstanding, as are

determined to be eligible for acquisition, via duly enacted resolution of the County of Suffolk, in accordance with the criteria set forth in C12-2(A)(1)(h).

- H. Land for use as hamlet greens, hamlet parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses, all subject to continued public access to such property, as are determined to be eligible for acquisition via duly enacted resolution of the County of Suffolk, in accordance with the criteria set forth in C12-2(A)(1)(i) after taking into consideration the advisory recommendations, if any, of the Suffolk County Planning Department and the Suffolk County Board of Trustees of Parks, Recreation, and Conservation, which Suffolk County resolution shall also explicitly designate the authorized use of such land.

§ C12B-4. Management of Program.

The management, administration, and day-to-day care and supervision of this program, but not the actual allocation of revenues or appropriations, shall be provided by the Division of Planning in the Department of Economic Development and Planning, while the Budget Office shall maintain the official records of moneys expended pursuant to each of the funding components of this article.

Section 3. Applicability.

This law shall apply to all applicable County land acquisitions commenced 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)(26), (27) and (33) 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 in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 on July 1, 2022.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: