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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. WEPRIN -- read once and referred to the Committee
on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the
requirements for lead agency

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 6 of section 8-0111 of the environmental
2 conservation law, as added by chapter 612 of the laws of 1975, is
3 amended to read as follows:
4 6. Lead Agency. (A) When an action is to be carried out or approved by
5 two or more agencies, the determination of whether the action may have a
6 significant effect on the environment shall be made by the lead agency
7 having principal responsibility for carrying out or approving such
8 action and such agency shall prepare, or cause to be prepared by
9 contract or otherwise, the environmental impact statement for the action
10 if such a statement is required by this article. In the event that there
11 is a question as to which is the lead agency, any agency may submit the
12 question to the commissioner and the commissioner shall designate the
13 lead agency, giving due consideration to the capacity of such agency to
14 fulfill adequately the requirements of this article.
15 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE OR ANY OTHER
16 LAW TO THE CONTRARY, IN ANY CIRCUMSTANCE WHEN AN ACTION TO BE CARRIED
17 OUT OR APPROVED BY TWO OR MORE AGENCIES INVOLVES THE RELIGIOUS EXERCISE
18 OF A PERSON, AS SUCH IS DEFINED BY THE RELIGIOUS LAND USE AND INSTITU-
19 TIONALIZED PERSONS ACT OF 2000 (RLUIPA), 42 U.S.C. SS 2000CC, ET SEQ.,
20 ONLY A COUNTY OR STATE AGENCY MAY ACT AS THE LEAD AGENCY. IN THE EVENT
21 THE COUNTY OR STATE AGENCY DOES NOT HAVE THE ABILITY TO BE THE LEAD
22 AGENCY, THE MUNICIPALITY SHALL GIVE A FINAL DETERMINATION WITHIN TWELVE
23 CALENDAR MONTHS FROM THE DATE OF THE APPLICATION. IF THE APPLICANT
24 DISAGREES WITH SUCH DETERMINATION, THE DISAGREEMENT SHALL BE SETTLED BY

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

LBD02774-01-3

1 BINDING ARBITRATION. IN THE EVENT A MUNICIPALITY CHARGES THE APPLICANT
2 A FEE FOR AN ENGINEER OR PLANNER IN RELATION TO MAKING SUCH A DETERMI-
3 NATION, THE MUNICIPALITY SHALL PROVIDE THE APPLICANT WITH A REASONABLE
4 ESTIMATE OF THE TOTAL FEE OR CHARGE OF SUCH ENGINEER OR PLANNER. SUCH
5 FEE OR CHARGE SHALL NOT EXCEED FIFTY THOUSAND DOLLARS. THE PROVISIONS
6 OF THIS SUBDIVISION SHALL ONLY APPLY TO MUNICIPALITIES WITH A POPULATION
7 OF FIFTY THOUSAND OR LESS.

8 S 2. This act shall take effect immediately.