## STATE OF NEW YORK

4343

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

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:

Section 1. Subdivision 6 of section 8-0111 of the environmental conservation law, as added by chapter 612 of the laws of 1975, is 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 significant effect on the environment shall be made by the lead agency б 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 if such a statement is required by this article. In the event that there 10 11 is a question as to which is the lead agency, any agency may submit the question to the commissioner and the commissioner shall designate the 12 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 out or approved by two or more agencies involves the religious exercise 17 of a person, as such is defined by the Religious Land Use and Institu-18 19 tionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 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 calendar months from the date of the application. If the applicant 23 24 disagrees with such determination, the disagreement shall be settled by 25 binding arbitration. In the event a municipality charges the applicant

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

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