

5894--A

2011-2012 Regular Sessions

I N S E N A T E

September 26, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the Indian law, in relation to establishing a procedure to evaluate the claim of the Montaukett Indians for acknowledgment as an Indian tribe by the state of New York

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

1 Section 1. Legislative findings. The legislature hereby finds that
2 historically it has granted recognition or acknowledgment to Indian
3 groups in the state of New York by an act of the legislature. There have
4 not been any objective standards enacted to consider a request by an
5 Indian group to obtain recognition by the state. The Montaukett Indians
6 seek to be acknowledged or recognized by the state. It is the purpose
7 of this act to establish objective criteria for consideration of
8 acknowledgment or recognition which may be used by the legislature in
9 evaluating such request.

10 S 2. The Indian law is amended by adding a new article 11 to read as
11 follows:

12 ARTICLE 11

13 EVALUATION OF ACKNOWLEDGMENT OF
14 MONTAUKETT INDIANS

15 SECTION 160. ACKNOWLEDGMENT PROCEDURES.

16 S 160. ACKNOWLEDGMENT PROCEDURES. 1. ACKNOWLEDGMENT OF THE MONTAUKETT
17 INDIANS MAY ONLY BE GRANTED BY AN ACT OF THE LEGISLATURE IN COMPLIANCE
18 WITH THE PROVISIONS OF THIS SECTION.

19 2. A REQUEST FOR ACKNOWLEDGMENT SHALL BE INITIATED BY A DOCUMENTED
20 PETITION TO THE SECRETARY OF STATE CONTAINING DETAILED SPECIFIC EVIDENCE
21 TO SUPPORT THE REQUEST. SUCH DOCUMENTED PETITION SHALL BE CERTIFIED,

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

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1 SIGNED, AND DATED BY THE GOVERNING BODY, STATING THAT IT IS THE GROUP'S
2 OFFICIAL DOCUMENTED PETITION.

3 3. THE SECRETARY OF STATE SHALL EVALUATE THE DOCUMENTED PETITION AND
4 SUBMIT A RECOMMENDATION TO THE LEGISLATURE REGARDING THE APPROVAL OR
5 DENIAL OF ACKNOWLEDGMENT BASED UPON THE CRITERIA PROVIDED IN SUBDIVISION
6 FOUR OF THIS SECTION.

7 4. THE SECRETARY OF STATE SHALL UTILIZE THE MANDATORY CRITERIA FOR
8 FEDERAL ACKNOWLEDGMENT PROVIDED FOR IN 25 CFR SECTION 83.7 TO EVALUATE
9 THE DOCUMENTED PETITION.

10 5. THE SECRETARY OF STATE SHALL PROMULGATE RULES AND REGULATIONS TO
11 IMPLEMENT THIS SECTION WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE
12 DATE OF THIS SECTION.

13 S 3. Severability. If any clause, sentence, paragraph, section or
14 part of this act shall be adjudged by any court of competent jurisdic-
15 tion to be invalid, such judgment shall not affect, impair or invalidate
16 the remainder thereof, but shall be confined in its operation to the
17 clause, sentence, paragraph, section or part thereof directly involved
18 in the controversy in which such judgment shall have been rendered.

19 S 4. This act shall take effect immediately.