

STATE OF NEW YORK

3927

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the Indian law, in relation to requiring the department of state to promulgate rules and regulations providing for the recognition of Indian tribes as Indian Nations

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

1 Section 1. Section 2 of the Indian law, as added by chapter 174 of the
2 laws of 2013, is amended to read as follows:

3 § 2. New York state Indian nations and tribes. 1. The term "Indian
4 nation or tribe" means one of the following New York state Indian
5 nations or tribes: Cayuga Nation, Oneida Nation of New York, Onondaga
6 Nation, Poospatuck or [~~Unkechaug~~] Unkechaug Nation, Saint Regis Mohawk
7 Tribe, Seneca Nation of Indians, Shinnecock Indian Nation, Tonawanda
8 Band of Seneca and Tuscarora Nation.

9 2. a. The department of state shall promulgate rules and regulations
10 providing for a process for Indian tribes to apply to be recognized as
11 Indian Nations. Rules and regulations promulgated pursuant to this
12 subdivision shall include, but not be limited to, any established crite-
13 ria necessary for recognizing domestic Indian tribes, the evaluation
14 process by which an Indian tribe can seek to be recognized as an Indian
15 Nation, and the timeline within which the department of state will proc-
16 ess such applications.

17 The department of state shall promulgate all applicable rules and
18 regulations required by this subdivision no later than January first,
19 two thousand twenty-three.

20 b. The department of state shall issue an annual report and recommen-
21 dations to the legislature. The annual report shall include, but not
22 necessarily be limited to, a summary of the applications received by the
23 department of state for tribal recognition, the status of each applica-

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

LBD07953-01-1

1 tion received by the department of state, recommendations on whether
2 legislation should be enacted to grant state recognition to any such
3 applicant tribe and all material, analysis, law and reasoning used in
4 reaching such recommendation. Annual reports to the legislature shall be
5 issued no later than January thirty-first of each year.

6 § 2. This act shall take effect immediately.