S T A T E O F N E W Y O R K

283

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Governmental Operations

AN ACT to repeal article 10 of the Indian law, relating to the Poospatuck Indian Nation; and to amend the state law, the tax law, the environmental conservation law and the administrative code of the city of New York, in relation thereto

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

Section 1. Article 10 of the Indian law is REPEALED.

S 2. Subdivision 1 of section 111 of the state law, as added by chapter 86 of the laws of 2002, is amended to read as follows:

1. First district. In the county of Suffolk, all of the town of Brookhaven; all of the town of East Hampton; [all of the reservation of Poospatuck;] all of the town of Riverhead; all of the town of Shelter Island; all of the reservation of Shinnecock; that part of Smithtown bounded by a line described as follows: Beginning at a point where the Brookhaven/Smithtown town line meets the Smithtown/Islip town line, westerly along said line to a point where the town line meets Nesconset Highway, thence westerly along said highway to Old Willets Path, thence northerly along said path to Plymouth Boulevard, thence northerly along a line extended between Plymouth Boulevard and Annandale Road to its intersection with Lawrence Road, thence westerly along Old Road, to Linden Avenue, along said avenue to the southern border of the New York State Conservation area, thence westerly along said border to its intersection with Indian Head Road, thence northerly along said road to LaSalle Lane, thence southerly along said lane to Balboa Drive, thence westerly along said drive to Ellen Place, thence westerly along said place to Marvin Drive, along said drive to 5th Avenue, thence northerly along said avenue to Old Commack Road, thence easterly along said road to the Long Island Rail Road, thence westerly along said railroad to

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

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Meadow Glen Road, thence northerly along said road to Orchard Drive, thence westerly along said drive to Bread and Cheese Hollow Road, thence northerly along said road to the Smithtown/Huntington town line, thence easterly along said line to the Smithtown/Brookhaven town line, thence southerly along said line to its intersection with the Smithtown/Islip town line, the point of beginning; all of the town of Southampton; all of the town of Southold.

S 3. Subdivision 2 of section 121 of the state law, as added by chapter 35 of the laws of 2002, is amended to read as follows:

2. Second district. In the county of Suffolk, the towns of East Hampton, Southampton, the Shinnecock Indian Reservation, [the Poospatuck Indian Reservation,] and that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the Southampton/Brookhaven town line meets Moriches Bay, thence westerly along said bay shoreline to Carmans River, thence northerly along said river to the Wertheim National Wildlife Refuge, thence northerly along said refuge to Beaverdam Road, thence westerly along said road to Old Stump Road, thence northerly along said road to the Long Island Rail Road, thence easterly along said railroad to Smith Road, thence northerly along said road to Mastic Boulevard, thence easterly along said boulevard to Palm Place, thence northerly along said place to Montauk Highway, thence easterly along said highway to Ormond Place, thence southerly along said place to Mastic Boulevard, thence easterly along said boulevard to Garden Place, thence northerly along said place to Bedford Avenue, thence easterly along said avenue to Van Buren Street, thence northerly along said street to Montauk Highway, thence easterly along said highway to Fulton Avenue, thence northerly along said avenue to Sunrise Highway Service Road, thence easterly along said service road to a line extended southerly from the midpoint of Jamaica Avenue between Papermill Road and East Chapman Boulevard, thence northerly along said line extended to a line extended westerly from the intersection of Head of the Neck Road and North Pine Street, thence westerly along said line extended to a line extended northerly from the intersection of Sunrise Highway and Railroad Avenue, thence northerly along said line extended to Russell Street extended westerly, thence easterly along said extended street to a line extended northerly to the intersection of Sheila Court and Jerusalem Hollow Road, thence easterly along said road to Chapman Boulevard, thence northerly along said boulevard to Hot Water Street, thence easterly along said street to Manor Street, thence easterly along said street to Port Jefferson-West Hampton Road, thence southerly along said road to Cranberry Highway, thence easterly along said highway to Hot Water Street, thence along said street to Toppings Path, thence northerly along said path to Edwards Avenue South, thence easterly along said avenue to Pinehurst Boulevard, thence southerly along said boulevard to Maple Street, thence easterly along said street to Parkway Drive, thence southerly along said drive to Oak Street extended, thence easterly along said extended street to the Southampton/Brookhaven town line, thence southerly along said town line to where it meets Moriches Bay, the point of beginning.

S 4. Subdivision 1 of section 124 of the state law, as added by chapter 35 of the laws of 2002, is amended to read as follows:

1. First district. In the county of Suffolk, the towns of East Hampton, Riverhead, Shelter Island, Southampton, Southold, the [Indian Reservations of Poospatuck,] Shinnecock INDIAN RESERVATION, and that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the Brookhaven town-Riverhead town line

intersects the Brookhaven town-Southampton town line, thence southerly along said town line, to its intersection with Havens Point extended, thence westerly along said extension, to its intersection with the shoreline, thence generally westerly along said shoreline, to its intersection with Wavecrest Dr extended, thence westerly along said extension, to its intersection with Wavecrest Dr, to Homecreek Dr, to Vista Pl, to Wavecrest Dr, to Madison St, to Meadowmere Ave, to Van Buren St, to Pawnee Ave, to Floyd Rd, to Floyd Rd N, to Floyd Rd N extended, to Garden Pl, to Bedford Ave, to Van Buren St, to State Highway 27A, to William Floyd Pky, to Dawn Dr, to Forest Ave, to South Country 04440 and South Haven 27270 school district boundary line, to William Floyd Pky, to Long Island Rail Road, thence westerly along said railroad, to Horse Block Rd, to Fairmont Ave, to Granny Rd, to State Highway 112, to Pauls Path, to Mooney Pond Rd, to Pauls Path, to State Highway 25, to Blue Point Rd, to Oakmont Ave, to S Evergreen Dr, to Woodmere Pl, to Selden Ct, to State Highway 25, to Magnolia Dr, to Hawkins Rd, to Hawkins Rd E, to Howe Rd, to Howe Ct, to Howe Ct extended, to County Highway 83, to State Highway 112, to N Bicycle Path, to Old Town Rd, to State Highway 347, to Terryville Rd, to Norwood Ave, to Old Town Rd, to Sheep Pasture Rd, to Hulse Rd, to Comsewogue Rd, to Hulse Rd, to Old Post Rd W, to the Port Jefferson village line, thence generally northerly along said village line, to the Port Jefferson-Poquott village line, thence generally easterly, northeasterly along said village line, to the Port Jefferson Harbor centerline, thence northerly along said centerline to its intersection with the New York State line, thence northeasterly along said state line, to the Brookhaven town-Riverhead town line, thence southerly, easterly along said town line, to its intersection with the Brookhaven town-Southampton town line, the point and place of beginning.

S 5. Subdivision 18 and paragraph (c) of subdivision 20 of section 282 of the tax law, as added by section 3 of part K of chapter 61 of the laws of 2005, are amended to read as follows:

18. "Indian nation or tribe" means one of the following New York state Indian nations or tribes: Cayuga Indian Nation of New York, Oneida Indian Nation of New York, Onondaga Nation of Indians, [Poospatuck or Unkechauge Nation,] St. Regis Mohawk, Seneca Nation of Indians, Shinnecock Tribe, Tonawanda Band of Senecas and Tuscarora Nation of Indians.

(c) lands held by the Shinnecock Tribe [or the Poospatuck (Unkechauge) Nation] within their [respective reservations] RESERVATION; or

S 6. Subdivision 14 and paragraph (c) of subdivision 16 of section 470 of the tax law, as added by section 1 of part K of chapter 61 of the laws of 2005, are amended to read as follows:

14. "Indian nation or tribe." One of the following New York state Indian nations or tribes: Cayuga Indian Nation of New York, Oneida Indian Nation of New York, Onondaga Nation of Indians, [Poospatuck or Unkechauge Nation,] St. Regis Mohawk, Seneca Nation of Indians, Shinnecock Tribe, Tonawanda Band of Senecas and Tuscarora Nation of Indians.

(c) Lands held by the Shinnecock Tribe [or the Poospatuck (Unkechauge) Nation] within their [respective reservations] RESERVATION; or

S 7. Paragraph 6 of subdivision (a) of section 1116 of the tax law, as amended by chapter 530 of the laws of 1976, is amended to read as follows:

(6) The following Indian nations or tribes residing in New York state: Cayuga, Oneida, Onondaga, [Poospatuck,] Saint Regis Mohawk, Seneca, Shinnecock, Tonawanda and Tuscarora, where it is the purchaser, user or consumer.

S 8. Subdivision 2 of section 11-0715 of the environmental conservation law, as amended by chapter 418 of the laws of 2004, is amended to read as follows:

2. A resident in the state for thirty days immediately prior to the date of application who has attained the age of seventy is entitled to receive all licenses, stamps, tags, buttons, and permits authorized by this title for which he or she is eligible, except turkey permits, renewable each year for a five dollar fee; a member of the Shinnecock tribe or [the Poospatuck tribe or] a member of the six nations, residing on any reservation wholly or partly within the state, is entitled to receive free of charge a fishing license, a small and big game license, a sportsman license, a muzzle-loading stamp, a trapping license, and a bow hunting stamp; a resident of the state who is a member of the United States armed forces in active service who is not stationed within the state and has not been herein longer than thirty days on leave or furlough, is entitled to receive free of charge a fishing license, a small and big game license, and a trapping license; an active member of the organized militia of the state of New York as defined by section one of the military law, or the reserve components of the armed forces of the United States, and excluding members of the inactive national guard and individual ready reserve, is entitled to receive free of charge a fishing license, a small and big game license, and a trapping license; and a resident who is blind is entitled to receive a fishing license free of charge. For the purposes of this subdivision a person is blind only if either: (a) his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or (b) his or her visual acuity is greater than 20/200 but is accompanied by a limitation of the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

A resident in the state for a period of thirty days immediately prior to the date of application who has attained the age of sixty-five is entitled to receive a sportsman license at the cost of five dollars as a license fee.

S 9. Paragraph 6 of subdivision (a) of section 11-2051 of the administrative code of the city of New York, as amended by chapter 330 of the laws of 1985, is amended to read as follows:

(6) The following Indian nations or tribes residing in New York [State] STATE: Cayuga, Oneida, Onondaga, [Poospatuck,] Saint Regis Mohawk, Seneca, Shinnecock, Tonawanda and Tuscarora, where it is the purchaser, user or consumer;

S 10. This act shall take effect immediately.

REPEAL NOTE.--Article 10 of the Indian law, proposed to be repealed by section one of this act, recognized the Poospatuck (Unkechauge) Indian Nation, a tribe not recognized by the federal government.