

869

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE, GIGLIO -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing
the issuance of distinctive plates for members of the Seneca Nation of
Indians

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

1 Section 1. Legislative findings. The legislature finds and declares
2 that the sovereign territory of the Seneca Nation of Indians (The
3 Nation) lies completely within the state of New York and as such the
4 relationship between the state and the Nation is governed by a complex
5 set of rules based upon various state statutes, signed treaties and
6 agreements that have resulted over time from the 1794 signing of the
7 Treaty of Canandaigua. It is this treaty that the United States acknowl-
8 edged the Nation's independence and sovereignty.

9 A most recent agreement, known as the 1976 Southern Tier Expressway
10 Agreement, was entered into between the Nation and the New York state
11 Department of Transportation (NYSDOT). The 1976 Agreement was predicated
12 on chapter 962 of the laws of 1973 in which lands of the Allegany State
13 park were transferred from the Office of Parks, Recreation and Historic
14 Preservation to the Seneca Nation of Indians in lieu of lands acquired
15 by the state as rights of way for the Southern Tier Expressway.

16 One of the terms agreed to by the Nation included New York state issu-
17 ing members of the Nation distinctive motor vehicle license plates. This
18 legislation acknowledges the unique, historical and vital relationship
19 that the Seneca Nation of Indians has held with New York state and
20 specifically authorizes the Department of Motor Vehicles to develop and
21 implement a series of specially numbered license plates to members of
22 the Seneca Nation.

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

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1 S 2. Section 404 of the vehicle and traffic law is amended by adding a
2 new subdivision 1-b to read as follows:

3 1-B. (A) THE COMMISSIONER SHALL ISSUE SPECIAL NUMBER PLATES TO APPLI-
4 CANTS WHO ARE MEMBERS OF THE SENECA NATION OF INDIANS IN THE SAME MANNER
5 AS OTHER NUMBER PLATES ARE ISSUED PURSUANT TO THIS ARTICLE. SUCH SPECIAL
6 NUMBER PLATES SHALL BE ISSUED (I) FREE OF CHARGE AND ONLY UPON THE
7 PAYMENT OF THE REGULAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR
8 HUNDRED ONE OF THIS ARTICLE, AND (II) UPON SUBMISSION OF PROOF, SATIS-
9 FACTORY TO THE COMMISSIONER, THAT THE APPLICANT IS PRESENTLY A MEMBER OF
10 THE FEDERALLY RECOGNIZED INDIAN TRIBE, SENECA NATION OF INDIANS; ONE OF
11 THE HISTORIC SIX TRIBES OF THE IROQUOIS CONFEDERACY WHO OCCUPY LANDS IN
12 WESTERN NEW YORK AS SET ASIDE BY THE TREATY OF CANANDAIGUA OF 1794. SUCH
13 MEMBERSHIP SHALL BE VERIFIED ANNUALLY BY THE APPLICANT.

14 (B) ANY SENECA NATION INDIAN RESIDING IN THIS STATE SHALL, UPON
15 REQUEST, BE ISSUED A "SENECA NATION OF INDIANS" SPECIALLY DESIGNATED AND
16 NUMBERED PLATE OF A DESIGN APPROVED BY THE COMMISSIONER. APPLICATION FOR
17 SUCH PLATES SHALL BE MADE IN ACCORDANCE WITH REGULATIONS PROMULGATED BY
18 THE COMMISSIONER WITH RESPECT TO THE ISSUANCE OF SUCH PLATES.

19 S 3. This act shall take effect on the one hundred twentieth day after
20 it shall have become a law.