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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

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