

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

S. 7619

A. 9704

S E N A T E - A S S E M B L Y

May 16, 2014

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the Indian law, in relation to the state recognition and acknowledgement of the Montaukett Indians

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

1 Section 1. The Indian law is amended by adding a new article 11 to
2 read as follows:

3 ARTICLE 11
4 THE MONTAUKETT INDIANS

5 SECTION 170. STATE RECOGNITION AND ACKNOWLEDGMENT.
6 171. LEADERSHIP OF MONTAUKETT INDIANS; ELECTIONS; TERMS OF
7 OFFICE.
8 172. QUALIFICATIONS OF VOTERS.
9 173. QUALIFICATIONS FOR OFFICE.

10 S 170. STATE RECOGNITION AND ACKNOWLEDGMENT. THE MONTAUKETT INDIANS
11 SEEK TO RESTORE THEIR ACKNOWLEDGMENT AND RECOGNITION BY THE STATE OF NEW
12 YORK. SUCH RECOGNITION AND ACKNOWLEDGMENT WAS IMPROPERLY REMOVED FROM
13 THE MONTAUKETT INDIANS IN 1910 IN THE CASE OF PHAROAH V. BENSON, 69
14 MISC.REP. 241(SUPREME, SUFFOLK CO., 1910) AFFIRMED 164 APP. DIV. 51,
15 AFFIRMED 222 N.Y. 665 WHEN THE MONTAUKETT INDIANS WERE DECLARED TO BE
16 EXTINCT. IN 1994, THE STATE SUPREME COURT, IN THE CASE OF BREAKERS
17 MOTEL, INC. V. SUNBEACH MONTAUK TWO, INC., SUBSEQUENTLY DESCRIBED THE
18 PHAROAH CASE AS BEING OF "QUESTIONABLE PROPRIETY". IT IS THE PURPOSE OF
19 THIS ACT TO CORRECT THIS IMPROPRIETY BY GRANTING STATE RECOGNITION AND
20 ACKNOWLEDGMENT TO THE MONTAUKETT INDIANS.

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

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1 S 171. LEADERSHIP OF MONTAUKETT INDIANS; ELECTIONS; TERMS OF OFFICE.
2 THE MONTAUKETT INDIANS SHALL HAVE A CHIEF OR SACHEM, THREE TRIBAL TRUS-
3 TEES, AND A TRIBAL SECRETARY. THEY SHALL BE ELECTED BY A MAJORITY VOTE
4 BY BALLOT OF THE BLOOD RIGHT MEMBERS OF THE TRIBE ELIGIBLE TO VOTE AT
5 THE ANNUAL TRIBAL MEETING WHICH SHALL BE HELD ANNUALLY ON THE FIRST
6 TUESDAY IN APRIL. ALL OFFICERS SHALL HOLD OFFICE FOR A PERIOD OF ONE
7 YEAR.
8 S 172. QUALIFICATIONS OF VOTERS. NO PERSON SHALL VOTE AT THE ELECTION
9 PROVIDED FOR IN SECTION ONE HUNDRED SEVENTY-ONE OF THIS ARTICLE UNLESS
10 SUCH PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND IS CERTIFIED AS A
11 BLOOD RIGHT MEMBER OF THE MONTAUKETT INDIANS NATION IN ACCORDANCE WITH
12 THE TRIBAL RULES, CUSTOMS AND REGULATIONS OF THE MONTAUKETT INDIANS.
13 S 173. QUALIFICATIONS FOR OFFICE. ALL OFFICERS SHALL QUALIFY FOR
14 OFFICE AND PERFORM THEIR RESPECTIVE DUTIES IN ACCORDANCE WITH THE TRIBAL
15 RULES, CUSTOMS AND REGULATIONS OF THE MONTAUKETT INDIANS.
16 S 2. This act shall take effect immediately.