

S. 375--A

A. 202--A

2015-2016 Regular Sessions

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

(PREFILED)

January 7, 2015

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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. Section 2 of the Indian law, as added by chapter 174 of the
2 laws of 2013, is amended to read as follows:
3 S 2. New York state Indian nations and tribes. The term "Indian nation
4 or tribe" means one of the following New York state Indian nations or
5 tribes: Cayuga Nation, Oneida Nation of New York, Onondaga Nation, Poos-
6 patuck or Unkechauge Nation, Saint Regis Mohawk Tribe, Seneca Nation of
7 Indians, Shinnecock Indian Nation, Tonawanda Band of Seneca, THE
8 MONTAUKETT INDIANS, and Tuscarora Nation.
9 S 2. The Indian law is amended by adding a new article 11 to read as
10 follows:

11 ARTICLE 11
12 THE MONTAUKETT INDIANS

13 SECTION 170. STATE RECOGNITION AND ACKNOWLEDGMENT.

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

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1 171. LEADERSHIP OF MONTAUKETT INDIANS; ELECTIONS; TERMS OF
2 OFFICE.
3 172. QUALIFICATIONS OF VOTERS.
4 173. QUALIFICATIONS FOR OFFICE.

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

16 S 171. LEADERSHIP OF MONTAUKETT INDIANS; ELECTIONS; TERMS OF OFFICE.
17 THE MONTAUKETT INDIANS SHALL HAVE A CHIEF OR SACHEM, THREE TRIBAL TRUS-
18 TEES, AND A TRIBAL SECRETARY. THEY SHALL BE ELECTED BY A MAJORITY VOTE
19 BY BALLOT OF THE BLOOD RIGHT MEMBERS OF THE TRIBE ELIGIBLE TO VOTE AT
20 THE ANNUAL TRIBAL MEETING WHICH SHALL BE HELD ANNUALLY ON THE FIRST
21 TUESDAY IN APRIL. ALL OFFICERS SHALL HOLD OFFICE FOR A PERIOD OF ONE
22 YEAR.

23 S 172. QUALIFICATIONS OF VOTERS. NO PERSON SHALL VOTE AT THE ELECTION
24 PROVIDED FOR IN SECTION ONE HUNDRED SEVENTY-ONE OF THIS ARTICLE UNLESS
25 SUCH PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND IS CERTIFIED AS A
26 BLOOD RIGHT MEMBER OF THE MONTAUKETT INDIANS NATION IN ACCORDANCE WITH
27 THE TRIBAL RULES, CUSTOMS AND REGULATIONS OF THE MONTAUKETT INDIANS.

28 S 173. QUALIFICATIONS FOR OFFICE. ALL OFFICERS SHALL QUALIFY FOR
29 OFFICE AND PERFORM THEIR RESPECTIVE DUTIES IN ACCORDANCE WITH THE TRIBAL
30 RULES, CUSTOMS AND REGULATIONS OF THE MONTAUKETT INDIANS.

31 S 3. This act shall take effect immediately.