

# STATE OF NEW YORK

4069

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. THIELE, WALKER -- 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 Assem-  
bly, 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 § 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 Unkechaugue 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 § 2. The Indian law is amended by adding a new article 11 to read as  
10 follows:

### ARTICLE 11

#### THE MONTAUKETT INDIANS

11 Section 170. State recognition and acknowledgment.

12 171. Leadership of Montaukett Indians; elections; terms of  
13 office.

14 172. Qualifications of voters.

15 173. Qualifications for office.

16 Section 170. State recognition and acknowledgment. The Montaukett  
17 Indians seek to restore their acknowledgment and recognition by the  
18 state of New York. Such recognition and acknowledgment was improperly  
19 removed from the Montaukett Indians in 1910 in the case of PHAROAH V.  
20 BENSON, 69 Misc. Rep. 241(Supreme, Suffolk Co., 1910) affirmed 164 App.  
21 Div. 51, affirmed 222 N.Y. 665 when the Montaukett Indians were declared  
22 to be extinct. In 1994, the State Supreme Court, in the case of BREAKERS  
23 MOTEL, INC. V. SUNBEACH MONTAUK TWO, INC., subsequently described the  
24 Montaukett Indians as a distinct and identifiable Indian nation.  
25

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

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1 PHAROAH case as being of "questionable propriety". It is the purpose of  
2 this act to correct this impropriety by granting state recognition and  
3 acknowledgment to the Montaukett Indians.

4 § 171. Leadership of Montaukett Indians; elections; terms of office.  
5 The Montaukett Indians shall have a chief or sachem, three tribal trus-  
6 tees, and a tribal secretary. They shall be elected by a majority vote  
7 by ballot of the blood right members of the tribe eligible to vote at  
8 the annual tribal meeting which shall be held annually on the first  
9 Tuesday in April. All officers shall hold office for a period of one  
10 year.

11 § 172. Qualifications of voters. No person shall vote at the election  
12 provided for in section one hundred seventy-one of this article unless  
13 such person is at least eighteen years of age and is certified as a  
14 blood right member of the Montaukett Indians nation in accordance with  
15 the tribal rules, customs and regulations of the Montaukett Indians.

16 § 173. Qualifications for office. All officers shall qualify for  
17 office and perform their respective duties in accordance with the tribal  
18 rules, customs and regulations of the Montaukett Indians.

19 § 3. This act shall take effect immediately.