STATE OF NEW YORK

3927

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

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

AN ACT to amend the Indian law, in relation to requiring the department of state to promulgate rules and regulations providing for the recognition of Indian tribes as Indian Nations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2 of the Indian law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

§ 2. New York state Indian nations and tribes. **1.** The term "Indian nation or tribe" means one of the following New York state Indian nations or tribes: Cayuga Nation, Oneida Nation of New York, Onondaga Nation, Poospatuck or [~~Unkechauge~~] **Unkechaug** Nation, Saint Regis Mohawk Tribe, Seneca Nation of Indians, Shinnecock Indian Nation, Tonawanda Band of Seneca and Tuscarora Nation.

2. a. The department of state shall promulgate rules and regulations providing for a process for Indian tribes to apply to be recognized as Indian Nations. Rules and regulations promulgated pursuant to this subdivision shall include, but not be limited to, any established criteria necessary for recognizing domestic Indian tribes, the evaluation process by which an Indian tribe can seek to be recognized as an Indian Nation, and the timeline within which the department of state will process such applications.

The department of state shall promulgate all applicable rules and regulations required by this subdivision no later than January first, two thousand twenty-three.

b. The department of state shall issue an annual report and recommendations to the legislature. The annual report shall include, but not necessarily be limited to, a summary of the applications received by the department of state for tribal recognition, the status of each applica-

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

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tion received by the department of state, recommendations on whether legislation should be enacted to grant state recognition to any such applicant tribe and all material, analysis, law and reasoning used in reaching such recommendation. Annual reports to the legislature shall be issued no later than January thirty-first of each year.

§ 2. This act shall take effect immediately.