

STATE OF NEW YORK

8351--A

IN SENATE

January 19, 2024

Introduced by Sens. KENNEDY, MAY -- 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

AN ACT to amend the executive law, in relation to establishing a Native nation consultation policy

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

1 Section 1. The executive law is amended by adding a new article 15-D
2 to read as follows:

ARTICLE 15-D

NATIVE NATIONS CONSULTATION POLICY

3 Section 328-d. Native nations consultation policy.

4 § 328-d. Native nations consultation policy. 1. As used in this
5 section, the following terms shall have the following meanings:

6 (a) "Native nation" shall mean one of the following New York state
7 sovereign Indian nations or tribes: Cayuga Nation, Oneida Indian Nation,
8 Onondaga Nation, Poospatuck or Unkechaugue Nation, Saint Regis Mohawk
9 Tribe, Seneca Nation of Indians, Shinnecock Indian Nation, Tonawanda
10 Band of Seneca and Tuscarora Nation.

11 (b) "State agency" shall mean (i) any state department, or (ii) any
12 division, board, commission or bureau of any state department, or (iii)
13 the state university of New York and the city university of New York,
14 including all their constituent units except community colleges and the
15 independent institutions operating statutory or contract colleges on
16 behalf of the state, (iv) a board, a majority of whose members are
17 appointed by the governor or who serve by virtue of being state officers
18 or employees as defined in subparagraph (i), (ii) or (iii) of paragraph
19 (i) of subdivision one of section seventy-three of the public officers
20 law, or (v) a state authority, as defined in subdivision one of section
21 two of the public authorities law.

22 2. The secretary of state shall promulgate a Native nation consulta-
23 tion policy to be used by state agencies in instances where a proposal
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13651-04-4

1 by such agency that would affect indigenous communities is under consid-
2 eration.

3 3. Such Native nation consultation policy shall at a minimum include:

4 (a) Meaningful consultation sessions which allow for discussion
5 between the governing body of the directly affected Native nation and
6 state agency personnel;

7 (b) Notice to the affected Native nation governing body provided at
8 least thirty days in advance of the first scheduled consultation
9 session, containing sufficient detail of the topic to allow Nation lead-
10 ers an opportunity to fully engage in the consultation;

11 (c) A requirement that the key state agency personnel applicable to
12 such proposal participate in the consultation sessions;

13 (d) Recording of the proceedings of consultation sessions, which may
14 include, but are not limited to, transcripts or meeting notes; and

15 (e) A final response from the state agency regarding how input was
16 incorporated into the final decision of the agency following the conclu-
17 sion of the consultation sessions.

18 4. The Native nation consultation policy promulgated pursuant to this
19 section shall be utilized when any state agency action would have
20 substantial direct effects on:

21 (a) One or more Native nation;

22 (b) The relationship between state government and Native nations; or

23 (c) The distribution of power and responsibilities between state
24 government and Native nations.

25 § 2. This act shall take effect immediately.