

STATE OF NEW YORK

2604

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

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

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

LBD06906-01-5

1 2. The secretary of state shall promulgate a Native nation consulta-
2 tion policy to be used by state agencies in instances where a proposal
3 by such agency that would affect indigenous communities is under consid-
4 eration.

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

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

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

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

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

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

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

23 (a) One or more Native nation;

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

25 (c) The distribution of power and responsibilities between state
26 government and Native nations.

27 § 2. This act shall take effect immediately.