ORIGINAL

A-107

1 S.222

2 Introduced by Senators Miller, Snelling and Carris

3 Referred to Committee on Economic Development, Housing & General
4 Affairs

5 Date: January 5, 2010

6 Subject: Abenaki people; recognition; Vermont commission on Native
7 American affairs

8 Statement of purpose: This bill proposes to recognize the following tribes as
9 the original Western Abenaki Indian tribes residing in Vermont: the Abenaki
10 Nation of Missisquoi St. Francis Sokoki Band, composed of the Missisquoi,
11 St. Francis, and Sokoki Bands; the Koasek Traditional Band of the Koas
12 Abenaki Nation; the Nulhegan Band of the Abenaki Nation, also known as the
13 Northern Coosuk/Old Philip's Band; and the ELNU Abenaki Tribe of the
14 Koasek. The bill also proposes to amend the composition of the Vermont
15 commission on Native American affairs, and to adopt the United Nations
16 Declaration on the Rights of Indigenous Peoples.

17 *An act relating to state recognition of Native American Indian tribes in*
18 *Vermont*

19 ~~An act relating to recognition of Abenaki tribes~~

20 It is hereby enacted by the General Assembly of the State of Vermont:

1 ~~Sec. 1. 1 V.S.A. § 852 is amended to read:~~

2 § 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS

3 ESTABLISHED; AUTHORITY

4 (a) In order to recognize the historic and cultural contributions of Native

5 Americans to Vermont, to protect and strengthen their heritage, and to address

6 their needs in state policy, programs, and actions, there is hereby established

7 the Vermont commission on Native American affairs (the "commission").

8 (b) The commission shall ~~comprise~~:

9 (1) Be composed of the following seven members:

10 (A) Three members appointed by the Abenaki Nation of Missisquoi,

11 St. Francis Sokoki Band having been composed of the three Missisquoi bands.

12 (B) One member appointed by the Koasek Traditional Band of the

13 Koas Abenaki Nation.

14 (C) One member appointed by the Nulhegan Band of the Abenaki

15 Nation.

16 (D) One member appointed by the ELNU Abenaki Tribe of the

17 Koasek.

18 (E) One member appointed by the ~~governor for two-year terms~~ other

19 six commission members from a list of candidates compiled by the division for

20 historic preservation~~. The governor shall appoint a chair from among the~~

~~members of the commission. The division shall compile a list of candidates'~~ based on recommendations from ~~the following:~~

~~(1) Recommendations from the Missisquoi Abenaki and other Abenaki and other Native American regional tribal councils and communities in Vermont.~~

~~(2) Applicants~~ applicants who apply in response to solicitations, publications, and website notification by the division ~~of historical preservation~~.

(2) Elect a chair and serve for two-year terms.

(c) The commission shall have the authority to assist Native American tribal councils, organizations, and individuals to:

(1) Secure social services, education, employment opportunities, health care, housing, and census information.

(2) Permit the creation, display, and sale of Native American arts and crafts and legally to label them as Abenaki-, Indian-, or Native American-produced as provided in 18 U.S.C. § 1159(c)(3)(B) and 25 U.S.C. § 305e(d)(3)(B).

(3) Receive assistance and support from the federal Indian Arts and Crafts Board, as provided in 25 U.S.C. § 305 et seq.

(4) Become eligible for federal assistance with educational, housing, and cultural opportunities.

1 ~~(5) Establish and continue programs offered through the U.S.~~
2 Department of Education Office on Indian Education pursuant to Title VII of
3 the Elementary and Secondary Education Act established in 1972 to support
4 educational and cultural efforts of tribal entities that have been either state or
5 federally recognized.
6 (6) Consult with the Abenaki Nation of Missisquoi, St. Francis Sokoki
7 Band; the Koasek Traditional Band of the Koas Abenaki Nation; the Nulhegan
8 Band of the Abenaki Nation; and the ELNU Abenaki Tribe of the Koasek in
9 determining state policy and programs on issues affecting indigenous peoples
10 within the state of Vermont.
11 (d) The commission shall meet at least three times a year and at any other
12 times at the request of the chair. The agency of commerce and community
13 development and the department of education shall provide administrative
14 support to the commission.
15 (e) The commission may seek and receive funding from federal and other
16 sources to assist with its work.
17 Sec. 2. 1 V.S.A. § 853 is amended to read:
18 § 853. RECOGNITION OF ABENAKI PEOPLE
19 (a) The state of Vermont recognizes ~~the Abenaki people and recognizes~~ all
20 Native American people who reside in Vermont as a minority population.

1 ~~(b) Recognition of the Native American or Abenaki people provided in~~
2 subsection (a) of this section shall be for the sole purposes specified in
3 subsection 852(c) of this title and shall not be interpreted to provide any Native
4 American or Abenaki person with any other special rights or privileges that the
5 state does not confer on or grant to other state residents.
6 (c) This chapter shall not be construed to recognize, create, extend, or form
7 the basis of any right or claim to land or real estate in Vermont for the Abenaki
8 people or any Abenaki individual and shall be construed to confer only those
9 rights specifically described in this chapter.
10 (d) The state of Vermont adopts the United Nations Declaration on the
11 Rights of Indigenous Peoples, which gives indigenous people the right to
12 self-determination and to freely practice traditions and customs without
13 discrimination.
14 (e) The state of Vermont recognizes the Abenaki Nation of Missisquoi,
15 St. Francis Sokoki Band, which is composed of the former Missisquoi, St.
16 Francis, and Sokoki Bands; the Koasek Traditional Band of the Koas Abenaki
17 Nation; the Nulhegan Band of the Abenaki Nation, also known as the Northern
18 Coosuk/Old Philip's Band; and the ELNU Abenaki Tribe of the Koasek as the
19 original sovereign Western Abenaki Indian tribes residing in Vermont.
20 (f) The Vermont commission on Native American affairs shall recommend
21 to the general assembly that the state of Vermont recognize any tribe not

1 ~~identified in subsection (c) of this section, provided the tribe demonstrates~~

2 compliance with all the following:

3 (1) Has a tribal council, a constitution, and a chief.

4 (2) Owns land in Vermont or provides historic records that document

5 that the tribe has had an historic presence in Vermont.

6 (3) Is recognized by other Native American communities.

Sec. 1. FINDINGS

The general assembly finds the following:

(1) State recognition of Vermont's tribes is necessary in order for the Indian Arts and Crafts Board (IACB) of the Bureau of Indian Affairs to permit them to market their arts and crafts as authentic Indian products and to provide tribal members access to state, federal, and private aid for cultural, artistic, and educational endeavors.

(2) In May 2006, the general assembly passed S.117, Act No. 125, in an effort to recognize the Abenaki people and create a Vermont Commission on Native American Affairs. The act failed to comport with the recognition requirements of the IACB, and therefore prevented Vermont Native Americans from marketing their arts and crafts as authentic Indian works.

(3) Fifteen other states have recognized their resident Native people as American Indian Tribes, without any of those tribes previously or subsequently acquiring federal recognition.

(4) According to a public affairs specialist from the U.S. Bureau of Indian Affairs (BIA) state recognition of Indian tribes plays a very small role in regard to federal recognition. The only exception is when a state recognized a tribe well before 1900.

(5) Recognition of a tribe by a state at this time will play no significant role in any subsequent effort to gain federal tribal recognition.

Sec. 2. 1 V.S.A. § 852 is amended to read:

§ 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS ESTABLISHED; AUTHORITY

(a) In order to recognize the historic and cultural contributions of Native Americans to Vermont, to protect and strengthen their heritage, and to address

~~their needs in state policy, programs, and actions, there is hereby established~~ the Vermont commission on Native American affairs (the "commission").

(b) The commission shall ~~comprise seven members appointed by the governor for two year terms from a list of candidates compiled by the division for historic preservation. The governor shall appoint a chair from among the members of the commission. The division shall compile a list of candidates' recommendations from the following:~~

~~(1) Recommendations from the Missisquoi Abenaki and other Abenaki and other Native American regional tribal councils and communities in Vermont.~~

~~(2) Applicants who apply in response to solicitations, publications, and website notification by the division of historical preservation~~:

(1) Be composed of the following members, who shall serve for no more than two consecutive three-year terms:

(A) Three members appointed by the Abenaki Nation of Missisquoi, St. Francis Sokoki Band, which is composed of the three Missisquoi Bands.

(B) One member appointed by the Koasek Traditional Band of the Koas Abenaki Nation.

(C) One member appointed by the Nulhegan Band of the Abenaki Nation.

(D) One member appointed by the ELNU Abenaki Tribe of the Koasek.

(E) One member appointed by any additional Abenaki tribe following recognition by the general assembly.

(F) Two or three at-large members to assure an odd number of members on the commission, to be appointed by the other commission members.

(2) Elect a chair to serve for two years.

(c) The commission shall ~~have the authority to assist Native American tribal councils, organizations, and individuals to~~:

(1) Assist Native American tribes recognized by the state to:

(A) Develop and market Vermont Native American fine and performing arts, craftwork, and cultural events in and outside Vermont.

(B) Secure social services, education, employment opportunities, health care, housing, and census information.

~~(2) Permit the creation, display, and sale of Native American arts and crafts and legally to label them as Indian or Native American produced as provided in 18 U.S.C. § 1159(c)(3)(B) and 25 U.S.C. § 305e(d)(3)(B)~~

~~(3) Receive assistance and support from the federal Indian Arts and Crafts Board, as provided in 25 U.S.C. § 305 et seq.~~

~~(4) Become eligible for federal assistance with educational, housing, and cultural opportunities.~~

~~(5) Establish and continue programs offered through the U.S. Department of Education Office on Indian Education pursuant to Title VII of the Elementary and Secondary Education Act established in 1972 to support educational and cultural efforts of tribal entities that have been either state or federally recognized.~~

(2) Assist bands and groups of Native Americans who are unrecognized to organize and develop a representative tribal organization in order to petition for legal tribal recognition by the state.

(3) Review petitions for tribal recognition, and, if satisfied that petitioners have complied with recognition criteria, file with the general assembly a copy of the petition together with a recommendation to recognize the band or group as a recognized tribe.

(4) Develop policies and programs to benefit Vermont's Native American population.

(d) The commission shall meet at least three times a year and at any other times at the request of the chair. The division of historic preservation of the agency of commerce and community development ~~and the department of education~~ shall provide administrative support to the commission.

(e) The commission may seek and receive funding from state, federal, and other sources to assist with its work.

Sec. 3. 1 V.S.A. § 853 is amended to read:

§ 853. RECOGNITION OF ABENAKI PEOPLE

(a) The state of Vermont recognizes ~~the Abenaki people and recognizes~~ all Native American people who reside in Vermont as a minority population.

(b) ~~Recognition of the Native American or Abenaki people provided in subsection (a) of this section shall be for the sole purposes specified in subsection 852(c) of this title and shall not be interpreted to provide any Native American or Abenaki person with any other special rights or privileges that the state does not confer on or grant to other state residents.~~ For the

purposes of recognition, a Vermont Native American tribe must demonstrate that it has all of the following:

(1) A physical and legal residence in Vermont.

(2) An organized tribal membership roll along with specific criteria that were used to determine membership, including evidence of kinship among tribal members.

(3) Documented traditions, customs, and legends that signify Native American heritage.

(4) A tribal council, a constitution, and a chief.

(5) Been and continues to be recognized by other Native American communities in Vermont as a Vermont Native American band or group.

(6) Been known by state, county, or municipal officials, as a functioning Native American band or group in Vermont.

(7) Not been recognized as a tribe in any other state, province, or nation.

(8) An enduring community presence within the boundaries of Vermont that is documented by archaeology, ethnography, physical anthropology, history, genealogy, folklore, or any other applicable scholarly research and data.

(c) A band or group of Native Americans not identified in subsection (e) of this section may file a petition for recognition with the commission. If after thorough review of the petition and evidence supporting recognition, the commission determines that the petitioning group has complied with the criteria under subsection (b) of this section, the commission shall recommend to the general assembly that the state recognize the tribe.

(d) After a group or band is recognized by the general assembly as a Native American tribe, the band or group may refer to itself as a recognized tribe, and the tribe may appoint a member of that tribe to the Vermont commission on Native American affairs.

(e) Having complied with the criteria in subsection (b) of this section, the following groups or bands are recognized as Native American tribes by the state of Vermont:

(1) The Abenaki Nation of Missisquoi, St. Francis Sokoki Band, composed of the former Missisquoi, St. Francis, and Sokoki Bands.

(2) The Koasek Traditional Band of the Koas Abenaki Nation.

(3) The Nulhegan Band of the Abenaki Nation, historically known as the Northern Coosuk/Memphremagog/Old Philip's Band.

(4) The ELNU Abenaki Tribe of the Koasek.

(f) Native American tribes recognized by the state of Vermont may freely practice their traditional culture, lifeways, arts, language, and religion without interference, provided there is no violation of law.

(g) All documents related to recognition of any Vermont Native American tribe shall be maintained by the division of historic preservation and made available to the public.

(h) This chapter shall not be construed to recognize, create, extend, or form the basis of any right or claim to land or real estate in Vermont for the Abenaki people or any Abenaki individual and shall be construed to confer only those rights specifically described in this chapter. Abenaki tribes and other Vermont Native American tribes and individual members of those tribes are subject to the laws of the state.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Sec. 1. 1 V.S.A. § 851 is amended to read:

§ 851. FINDINGS

The general assembly finds that:

(1) At least 1,700 Vermonters claim to be direct descendants of the several indigenous Native American peoples, now known as Western Abenaki tribes, who originally inhabited all of Vermont and New Hampshire, parts of western Maine, parts of southern Quebec, and parts of upstate New York for hundreds of years, beginning long before the arrival of Europeans.

(2) There is ample archaeological evidence that demonstrates that the Missisquoi and Cowasuck Abenaki were indigenous to and farmed the river floodplains of Vermont at least as far back as the 1100s A.D.

(3) The Western Abenaki, including the Missisquoi, have a very definite and carefully maintained oral tradition that consistently references the Champlain valley in western Vermont.

(4) State recognition confers official acknowledgment of the long-standing existence in Vermont of Native American Indians who predated European settlement and enhances dignity and pride in their heritage and community.

~~(4)~~(5) Many contemporary Abenaki families continue to produce

traditional crafts and intend to continue to pass on these indigenous traditions to the younger generations. In order to create and sell Abenaki crafts that may be labeled as Indian- or Native American-produced, the Abenaki must be recognized by the state of Vermont.

~~(5) Federal programs may be available to assist with educational and cultural opportunities for Vermont Abenaki and other Native Americans who reside in Vermont~~

(6) According to a public affairs specialist with the U.S. Bureau of Indian Affairs (BIA), state recognition of Indian tribes plays a very small role with regard to federal recognition. The only exception is when a state recognized a tribe before 1900.

(7) At least 15 other states have recognized their resident indigenous people as Native American Indian tribes without any of those tribes previously or subsequently acquiring federal recognition.

(8) State-recognized Native American Indian tribes and their members will continue to be subject to all laws of the state, and recognition shall not be construed to create any basis or authority for tribes to establish or promote any form of prohibited gambling activity or to claim any interest in land or real estate in Vermont.

Sec. 2. 1 V.S.A. chapter 23 is amended to read:

CHAPTER 23. ~~ABENAKI~~ NATIVE AMERICAN INDIAN PEOPLE

Sec. 3. 1 V.S.A. § 852 is amended to read:

§ 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS ESTABLISHED; AUTHORITY

(a) In order to recognize the historic and cultural contributions of Native Americans to Vermont, to protect and strengthen their heritage, and to address their needs in state policy, programs, and actions, there is hereby established the Vermont commission on Native American affairs (the "commission").

(b) The commission shall ~~comprise seven~~ be composed of nine members appointed by the governor for staggered two-year terms from a list of candidates compiled by the division for historic preservation. The governor shall appoint ~~a chair from among the members of the commission~~ members who have been residents of Vermont for a minimum of three years and reflect a diversity of affiliations and geographic locations in Vermont. A member may serve for no more than two consecutive terms, unless there are insufficient eligible candidates. The division shall compile a list of ~~candidates' recommendations~~ candidates from the following:

(1) Recommendations from ~~the Missisquoi Abenaki and other Abenaki~~

~~and other~~ Native American ~~regional tribal councils and~~ communities residing in Vermont. Once a Native American Indian tribe has been recognized under this chapter, a qualified candidate recommended by that tribe shall have priority for appointment to fill the next available vacancy on the commission.

~~(2) Applicants~~ Individuals who apply ~~in response to solicitations, publications, and website notification by~~ to the division of historical preservation. Candidates shall indicate their residence and Native American affiliation.

(c) The commission shall ~~have the authority to assist Native American tribal councils, organizations, and individuals to~~:

~~(1) Secure social services, education, employment opportunities, health care, housing, and census information.~~

~~(2) Permit the creation, display, and sale of Native American arts and crafts and legally to label them as Indian- or Native American produced as provided in 18 U.S.C. § 1159(c)(3)(B) and 25 U.S.C. § 305e(d)(3)(B).~~

~~(3) Receive assistance and support from the federal Indian Arts and Crafts Board, as provided in 25 U.S.C. § 305 et seq.~~

~~(4) Become eligible for federal assistance with educational, housing, and cultural opportunities.~~

~~(5) Establish and continue programs offered through the U.S. Department of Education Office on Indian Education pursuant to Title VII of the Elementary and Secondary Education Act established in 1972 to support educational and cultural efforts of tribal entities that have been either state or federally recognized.~~

(1) Elect a chair each year.

(2) Provide technical assistance and an explanation of the process to applicants for state recognition.

(3) Compile and maintain a list of professionals and scholars for appointment to a review panel.

(4) Appoint a three-member panel acceptable to both the applicant and the commission to review supporting documentation of an application for recognition and advise the commission of its accuracy and relevance.

(5) Review each application, supporting documentation and findings of the review panel, and make recommendations for or against state recognition to the legislative committees.

(6) Assist Native American Indian tribes recognized by the state to:

(A) Secure assistance for social services, education, employment opportunities, health care, and housing.

(B) Develop and market Vermont Native American fine and performing arts, craft work, and cultural events.

(7) Develop policies and programs to benefit Vermont's Native American Indian population within the scope of the commission's authority.

(d) The commission shall meet at least three times a year and at any other times at the request of the chair. The division of historic preservation within the agency of commerce and community development ~~and the department of education~~ shall provide administrative support to the commission, including providing communication and contact resources.

(e) The commission may seek and receive funding from federal and other sources to assist with its work.

Sec. 4. 1 V.S.A. § 853 is amended to read:

§ 853. CRITERIA AND PROCESS FOR STATE RECOGNITION OF ~~ABENAKI PEOPLE~~ NATIVE AMERICAN INDIAN TRIBES

~~(a) The state of Vermont recognizes the Abenaki people and recognizes all Native American people who reside in Vermont as a minority population.~~

~~(b) Recognition of the Native American or Abenaki people provided in subsection (a) of this section shall be for the sole purposes specified in subsection 852(c) of this title and shall not be interpreted to provide any Native American or Abenaki person with any other special rights or privileges that the state does not confer on or grant to other state residents.~~

~~(c) This chapter shall not be construed to recognize, create, extend, or form the basis of any right or claim to land or real estate in Vermont for the Abenaki people or any Abenaki individual and shall be construed to confer only those rights specifically described in this chapter.~~

(a) For the purposes of this section:

(1) "Applicant" means a group or band seeking formal state recognition as a Native American Indian tribe.

(2) "Legislative committees" means the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs.

(3) "Recognized" or "recognition" means acknowledged as a Native American Indian tribe by the Vermont general assembly.

(4) "Tribe" means an assembly of Native American Indian people who

are related to each other by kinship and who trace their ancestry to a kinship group that has historically maintained an organizational structure that exerts influence and authority over its members.

(b) The state recognizes all individuals of Native American Indian heritage who reside in Vermont as an ethnic minority. This designation does not confer any status to any collective group of individuals.

(c) In order to be eligible for recognition, an applicant must file an application with the commission and demonstrate compliance with subdivisions (1) through (8) of this subsection which may be supplemented by subdivision (9) of this subsection:

(1) A majority of the applicant's members currently reside in a specific geographic location within Vermont.

(2) A substantial number of the applicant's members are related to each other by kinship and trace their ancestry to a kinship group through genealogy or other methods. Genealogical documents shall be limited to those that show a descendency from identified Vermont or regional native people.

(3) The applicant has a connection with Native American Indian tribes and bands that have historically inhabited Vermont.

(4) The applicant has historically maintained an organizational structure that exerts influence and authority over its members that is supported by documentation of the structure, membership criteria, the names and residential addresses of its members, and the methods by which the applicant conducts its affairs.

(5) The applicant has an enduring community presence within the boundaries of Vermont that is documented by archaeology, ethnography, physical anthropology, history, folklore, or any other applicable scholarly research and data.

(6) The applicant is organized in part:

(A) To preserve, document, and promote its Native American Indian culture and history, and this purpose is reflected in its bylaws.

(B) To address the social, economic, political or cultural needs of the members with ongoing educational programs and activities.

(7) The applicant can document traditions, customs, oral stories, and histories that signify the applicant's Native American heritage and connection to their historical homeland.

(8) The applicant has not been recognized as a tribe in any other state, province, or nation.

(9) Submission of letters, statements, and documents from:

(A) Municipal, state, or federal authorities that document the applicant's history of tribe-related business and activities.

(B) Tribes in and outside Vermont that attest to the Native American Indian heritage of the applicant.

(d) The commission shall consider the application pursuant to the following process which shall include at least the following requirements:

(1) The commission shall:

(A) Provide public notice of receipt of the application and supporting documentation.

(B) Hold at least one public hearing on the application.

(C) Provide written notice of completion of each step of the recognition process to the applicant.

(2) Established appropriate time frames that include a requirement that the commission and the review panel shall complete a review of the application and issue a determination regarding recognition within one year after an application and all the supporting documentation have been filed, and if a recommendation is not issued, the commission shall provide written explanation to the applicant and the legislative committees of the reasons for the delay and the expected date that a decision will be issued.

(3) A process for appointing a three-member review panel for each application to review the supporting documentation and determine its sufficiency, accuracy, and relevance. The review panel shall provide a detailed written report of its findings and conclusions to the commission, the applicant, and legislative committees. Members of each review panel shall be appointed cooperatively by the commission and the applicant from a list of professionals and academic scholars with expertise in cultural or physical anthropology, Indian law, archaeology, Native American Indian genealogy, history, or another related Native American Indian subject area. If the applicant and the commission are unable to agree on a panel, the state historic preservation officer shall appoint the panel. No member of the review panel may be a member of the commission or affiliated with or on the tribal rolls of the applicant.

(4) The commission shall review the application, the supporting documentation, the report from the review panel, and any other relevant information to determine compliance with subsection (b) of this section and make a determination to recommend or deny recognition. The decision to recommend recognition shall require a majority vote of all eligible members of

the commission. A member of the commission who is on the tribal roll of the applicant is ineligible to participate in any action regarding the application. If the commission denies recognition, the commission shall provide the applicant and the legislative committees with written notice of the reasons for the denial, including specifics of all insufficiencies of the application.

(5) The applicant may file additional supporting documentation for reconsideration within one year after receipt of the notice of denial.

(6) An applicant may withdraw an application any time before the commission issues a recommendation, and may not file a new application for two years following withdrawal. A new application and supporting documentation shall be considered a de novo filing, and the commission shall not consider the withdrawn application or its supporting documentation.

(7) The commission shall provide a detailed written report of its findings and conclusions to the applicant and the legislative committees along with a recommendation that the general assembly recognize or deny recognition to the applicant as a Native American Indian tribe.

(8) All proceedings, applications, and supporting documentation shall be public except material exempt pursuant to subsection 317(40) of this title. Any documents relating to genealogy submitted in support of the application shall be available only to the three-member review panel.

(e) An applicant for recognition shall be recognized as follows:

(1) By approval of the general assembly.

(2) Two years after a recommendation to recognize a tribe by the commission is filed with the legislative committees, provided the general assembly took no action on the recommendation.

(f) A decision by the commission to recommend denial of recognition is final unless an applicant or a successor of interest to the applicant that has previously applied for and been denied recognition under this chapter provides new and substantial documentation and demonstrates that the new documentation was not reasonably available at the time of the filing of the original application.

(g) Vermont Native American Indian bands and tribes and individual members of those bands and tribes remain subject to all the laws of the state.

(h) Recognition of a Native American Indian tribe shall not be construed to create, extend, or form the basis of any right or claim to land or real estate in Vermont or right to conduct any gambling activities prohibited by law, but confers only those rights specifically described in this chapter.

Sec. 5. 1 V.S.A. § 317(40) is added to read:

(40) Records of genealogy provided in support of an application for tribal recognition pursuant to chapter 23 of this title.

Sec. 6. TRANSITIONAL PROVISIONS

(a) The terms of the present members of the commission on Native American affairs shall be deemed expired and the governor shall appoint all nine members of the commission.

(b) The present members of the commission may not reapply for appointment to the commission for two years following the end of their term.

(c) Appointments to the commission shall be made no later than September 1, 2010, provided a sufficient number of qualified candidates have been submitted to the governor.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

ATTESTED TO:

DAVID A. GIBSON
Secretary of the Senate

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR

5/14/10
Date

ORIGINAL

S.222

~~An act relating to recognition of Abenaki tribes.~~

An act relating to state recognition of Native American Indian tribes in Vermont.

SENATE CHAMBER

January 5, 2010

Introduced by Senators Miller, Snelling and Carris.

Read the first time and referred to Committee on Economic Dev. Hous & G.A.

Asst. Secretary

SENATE CHAMBER

3/12, 2010

Entered on calendar for notice

Assistant Secretary

SENATE CHAMBER

_____, 20__

Reported favorably with recommendations/ ~~proposal~~ of amendment. Read second time, recommendations/~~proposal~~ of amendment agreed to and third reading ordered on roll call, Yeas 27 Nays 0

Assistant Secretary

SENATE CHAMBER

3/18, 2010

Read third time and passed.

Assistant Secretary

SENATE CHAMBER

3/18, 2010

On motion of Sen. Mazza rules were suspended and bill ordered messaged to House forthwith

Assistant Secretary

HOUSE OF REPRESENTATIVES

3/19, 2010

READ AND REFERRED TO THE COMM ON Gen. Hsg. + M. Affairs

ASST. CLERK

HOUSE OF REPRESENTATIVES

4/28, 2010

ENTERED ON THE CALENDAR FOR NOTICE.

ASST. CLERK

HOUSE OF REPRESENTATIVES

4/29, 2010

RPT. FAV. W/REC. OF Prop.

AMEND. BY C. ON Gen. Hsg. + M.A.

~~RPT. FAV. W/REC. OF~~ Affairs

~~AMEND. BY C. ON~~

RD. 2ND T., REC. OF Prop.

AMEND OF C. ON Gen. Hsg. + M.A.

~~AGREED TO, REC. OF~~ Affairs

~~C. ON~~ ~~AGREED TO~~

~~AND 3RD RDG. ORDERED~~

ASST. CLERK

PENDING THE QUESTION Shall the House Propose to the Senate to Amend as Rec. by the Comm. on Gen. Hsg. + M.A. Affairs?

REP Consejo OF Shelden

DEMANDED THE YEAS AND NAYS, WHICH DEMAND WAS SUSTAINED BY THE CONST. NUMBER

THEREUPON THE CLERK PROCEEDED TO CALL THE ROLL AND THE Q. WAS DECIDED IN THE Affirmative YES 132 NO 5.

Were upon third reading of the bill was Ordered.

HOUSE OF REPRESENTATIVES

4/30, 2010

TAKEN UP AND PENDING 3RD READING OF THE BILL,

REP Ram OF Barlesten

MOVED THE HOUSE PROPOSE TO THE SENATE TO AMEND THE BILL WHICH WAS ___ AGREED TO ~~ON A DIV.~~ YES ___ NO ___.

~~THEREUPON THE BILL WAS READ THE 3rd TIME, AND PASS'D IN CONC W/PROPOSAL OF AMEND.~~

ASST. CLERK

HOUSE OF REPRESENTATIVES

4/30, 2010

~~TAKEN UP AND~~ PENDING 3RD READING OF THE BILL,

REP Webb OF Shelburne

MOVED THE HOUSE PROPOSE TO THE SENATE TO AMEND THE BILL WHICH WAS ___ AGREED TO ~~ON A DIV.~~ YES ___ NO ___.

~~THEREUPON THE BILL WAS READ THE 3rd TIME, AND PASS'D IN CONC W/PROPOSAL OF AMEND.~~

ASST. CLERK

HOUSE OF REPRESENTATIVES

4/30, 2010

~~TAKEN UP AND~~ PENDING 3RD READING OF THE BILL,

REP Kilmartin OF Newport City

MOVED THE HOUSE PROPOSE TO THE SENATE TO AMEND THE BILL WHICH WAS ___ AGREED TO ~~ON A DIV.~~ YES ___ NO ___.

THEREUPON THE BILL WAS READ THE 3rd TIME, AND PASS'D IN CONC W/PROPOSAL OF AMEND.

ASST. CLERK

HOUSE OF REPRESENTATIVES
4/30, 2010
UPON MOTION OF
REP. Komline OF Dorset
THE RULES WERE SUSPENDED
AND THE BILL WAS ORDERED
MESSAGED TO THE SENATE
FORTHWITH.

ASST. CLERK

SENATE CHAMBER
5/3/10
Entered on calendar for notice

Assistant Secretary

SENATE CHAMBER
, 20
Taken up and House proposal of amendment concurred in. with a further prop of amend. as moved by Sen Miller abo Econ Dev. H&GA, on a roll call, Yeas 28 Nays 0.

Assistant Secretary

SENATE CHAMBER
5/4, 2010
On motion of Sen. Campbell rules were suspended and bill was ordered messaged to House forthwith

Assistant Secretary

HOUSE OF REPRESENTATIVES
5/5, 2010
ENTERED ON THE CALENDAR
FOR NOTICE.

ASST. CLERK

HOUSE OF REPRESENTATIVES
5/5, 2010
THE BILL APPEARING ON THE
CALENDAR FOR NOTICE, WAS
TAKEN UP FOR IMMEDIATE
CONSIDERATION UNDER SUSP
OF THE RULES, AS MOVED BY
REP Komline OF Dorset

ASST. CLERK

HOUSE OF REPRESENTATIVES
5/5, 2010
SENATE PROPOSAL OF AMENDMENT
CONSIDERED AND CONCURRED IN.

ASST. CLERK

HOUSE OF REPRESENTATIVES
5/5, 2010
UPON MOTION OF
REP. Komline OF Dorset
THE RULES WERE SUSPENDED
AND THE BILL WAS ORDERED
MESSAGED TO THE SENATE
FORTHWITH.

ASST. CLERK