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H.569

Introduced by Representatives Webb of Shelburne, Consejo of Sheldon,  
Branagan of Georgia, Ram of Burlington, Ancel of Calais,  
Atkins of Winooski, Baker of West Rutland, Bohi of Hartford,  
Bray of New Haven, Browning of Arlington, Burke of  
Brattleboro, Clarkson of Woodstock, Copeland-Hanzas of  
Bradford, Deen of Westminster, Edwards of Brattleboro, Evans  
of Essex, Fisher of Lincoln, Frank of Underhill, French of  
Randolph, Gilbert of Fairfax, Howard of Rutland City, Lenes of  
Shelburne, Leriche of Hardwick, Lorber of Burlington, Maier of  
Middlebury, Martin of Wolcott, Masland of Thetford,  
McAllister of Highgate, McCullough of Williston, Milkey of  
Brattleboro, Nease of Johnson, O'Brien of Richmond, Peltz of  
Woodbury, Perley of Enosburg, Poirier of Barre City, Pugh of  
South Burlington, Savage of Swanton, Shand of Weathersfield,  
Smith of Mendon, South of St. Johnsbury, Sweaney of  
Windsor, Till of Jericho, Townsend of Randolph, Wilson of  
Manchester, Wizowaty of Burlington, Young of St. Albans City  
and Zenie of Colchester and Zuckerman of Burlington

Referred to Committee on  
Date:

1 Subject: Abenaki people; recognition; Vermont commission on Native  
2 American affairs

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

12 An act relating to the Vermont commission on Native American affairs and  
13 the recognition of Abenaki tribes

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

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

16 § 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS

17 ESTABLISHED; AUTHORITY

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

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

3 (b) The commission shall ~~comprise seven members appointed by the~~  
4 ~~governor for two-year terms:~~

5 (1) Be composed of the following, who shall serve for two-year terms:

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

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

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

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

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

16 (F) One or more members to assure an odd number of members on  
17 the commission, to be appointed by the other commission members from a list  
18 of candidates compiled by the division for historic preservation. ~~The governor~~  
19 ~~shall appoint a chair from among the members of the commission. The division~~  
20 ~~shall compile a list of candidates' based on~~ recommendations from the  
21 ~~following:~~

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

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

7           (2) Elect a chair.

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

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

12           (2) Permit the creation, display, and sale of Native American arts and  
13           crafts and legally to label them as Abenaki-, Indian-, or Native  
14           American-produced as provided in 18 U.S.C. § 1159(c)(3)(B) and 25 U.S.C.  
15           § 305e(d)(3)(B).

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

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

20           (5) Establish and continue programs offered through the U.S.  
21           Department of Education Office on Indian Education pursuant to Title VII of

1 the Elementary and Secondary Education Act established in 1972 to support  
2 educational and cultural efforts of tribal entities that have been either state or  
3 federally recognized.

4 (6) Consult with the Abenaki Nation of Missisquoi, St. Francis Sokoki  
5 Band, the Koasek Traditional Band of the Koas Abenaki Nation; the Nulhegan  
6 Band of the Abenaki Nation; the ELNU Abenaki Tribe of the Koasek; and any  
7 other tribe recognized by the state of Vermont in determining state policy and  
8 programs that affect Native peoples in Vermont.

9 (d) The commission shall meet at least three times a year and at any other  
10 times at the request of the chair. The agency of commerce and community  
11 development and the department of education shall provide administrative  
12 support to the commission.

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

15 Sec. 2. 1 V.S.A. § 853 is amended to read:

16 § 853. RECOGNITION OF ABENAKI PEOPLE

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

19 (b) Recognition of the Native American or Abenaki people provided in  
20 subsection (a) of this section shall be for the sole purposes specified in  
21 subsection 852(c) of this title and shall not be interpreted to provide any Native

1 American or Abenaki person with any other special rights or privileges that the  
2 state does not confer on or grant to other state residents.

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

7 (d) The state of Vermont adopts the United Nations Declaration on the  
8 Rights of Indigenous Peoples, which gives indigenous people the right to  
9 self-determination and to freely practice traditions and customs without  
10 discrimination.

11 (e) The state of Vermont recognizes as the original sovereign Western  
12 Abenaki Indian tribes residing in Vermont the Abenaki Nation of Missisquoi,  
13 St. Francis Sokoki Band, composed of the former Missisquoi, St. Francis, and  
14 Sokoki Bands; the Koasek Traditional Band of the Koas Abenaki Nation; the  
15 Nulhegan Band of the Abenaki Nation, historically known as the Northern  
16 Coosuk/Memphremagog/Old Philip's Band; and the ELNU Abenaki Tribe of  
17 the Koasek.

18 (f) The Vermont commission on Native American affairs shall recommend  
19 to the general assembly that the state of Vermont recognize any tribe not  
20 identified in subsection (e) of this section provided the tribe demonstrates  
21 compliance with all the following:

- 1           (1) Has a tribal council, a constitution, and a chief.
- 2           (2) Is recognized by other Native American communities in Vermont as  
3 a Vermont tribe.
- 4           (3) Has a physical and legal residence in Vermont.
- 5           (4) Provides evidence that the tribe is known by local municipal officials  
6 or the public as being a functioning tribe in Vermont.