

Minutes
November 29, 2007

*Vermont Commission
On
Native American Affairs*

Mark Mitchell, Chairman
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Commission Members:

Jeanne A. Brink
Timothy de la Bruere
Hilary Casillas
Judy Dow
Charlene R. McManis
Donald W. Stevens

Members Present: Mark Mitchell, Chairman; Tim de la Bruere, Charlene McManis, Don Stevens, Judy Dow, Jeanne Brink, Hilary Casillas

Staff: Diane McNerney, Executive Assistance

Guests: Todd Hebert; Shirly Hook-Therrien; John Moody; Terri Hallenbeck, Burlington Free Press; Paul Erlbaum, VT Human Rights Commission, Doris Seales; Jedd Kettler, Country Courier

This meeting was brought to order by the Chairman, Mark Mitchell, at 1:00 p.m. in the AOT Board Room, 5th Floor, National Life Building; Montpelier, Vermont.

Mark asked for a moment of silence before the meeting started to honor the passing of Chief O'Bomsawin last night, November 26, 2007.

1. Approval of Minutes

Jeanne Brink made several corrections to spelling and two guests that were named, but did not attend. The minutes from the October 25th meeting were approved by consensus with corrections.

Mark noted that during the testimony at the last meeting there were members of the Missisquoi Band that said they were testifying for the St. Francis Sokoki Band from Missisquoi, but they are not members of the St. Francis Sokoki band and were not testifying in their behalf.

**2. Commission Review – Discussion and Finalize Draft
Amendment of S117**

Mark explained that he has taken the testimony by community members from the last meeting and drafted an amendment to S117. Mark presented the Commission members with the original draft and with the amended draft for their review. The Commission members worked with both drafts of 852(c)(2). The Commission invited

Paul Erlbaum of the VT Human Rights Commission to offer any suggestions he may have concerning the language of the amended draft. Paul urged the Commission to amend the opening statement with the language of "authority" for establishing their rights and procedures, and to eliminate, or rearrange, the word "assist." There was Commission consensus on the changes to section 1) and 2).

Under Definitions:

Don motioned to use the updated amendment for 1 in this section; the "applicant" and Judy seconded. There was a discussion about the term "interested group." The word "group" was changed to "party." Don amended the motion to the change of language and there was Commission consensus. The words "or that" were added to language in 3 and there was consensus. Don motioned to accept the current draft language in 4 and Judy seconded. Tim chose to abstain from voting on the draft changes, and the voting Commission members reached consensus.

The Commission revisited 3. Don motioned to amend the language and Jeanne seconded. The words "influence or that has authority" were approved with consensus. The term "splinter groups" was eliminated by Commission consensus.

Add: Process for State Recognition...

"If two-thirds of the majority of the Commission members determined that an applicant meets the criteria set forth in this section for formal state tribal recognition" will be placed under rules.

Groups Ineligible for Recognition:

#1 was eliminated from this section, and #2 is now #1 by Commission consensus.

Commission Assistance to Applicants:

Paul suggested amending the language in the first sentence to "An applicant under this chapter may request technical assistance from the Commission." There was Commission consensus. The word "tribe" was also removed and replaced with "applicant" at the top of the page by consensus.

Add: Criterion for Recognition:

Words were amended in #2 "tribe" to "applicant" and the word "and" was exchanged for the word "or" and approved by consensus.

The word "or" was removed from b), the words "with historians" were added and commas were used and approved by consensus.

The word "that" was removed from #1 by consensus. The word "stories" was removed and "traditions" was added by consensus. The word "applicant's" was added to #2 by consensus. The word "groups" was changed to "applicant's" in #4 by consensus. The words "oral history" and "traditions" will be applied to the section "Definitions." The word "kinship" was removed from #5 and it was revised by consensus. The words "A signed statement" and a revision to #6 was approved by consensus. The word "governing" was removed and #7 was created by consensus. #9 was stricken from the emended draft by consensus.

Judy motioned to accept the changes to the draft amendment S117 and Jeanne seconded. Voting Commission members approved the draft amendment by consensus.

Mark urged the Commission members to seek sponsorship by legislators for this amendment to S117.

The meeting was adjourned at 3:45 p.m.

Respectfully submitted,
Diane McNerney (say-air-kee-wayn-chukws)