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SENATE RESOLUTION

WHEREAS, There have been frequent attempts in many states by Native American tribes to appeal to the United States Department of the Interior Bureau of Indian Affairs seeking recognized tribal title to land, including in Illinois; and

WHEREAS, If the United States Department of Interior Bureau of Indian Affairs determines that title to the land in dispute genuinely belongs to a recognized Native American tribe, then that tribe may seek to operate Indian gaming on that land without regard to state law according to the federal Indian Gaming Regulatory Act; and

WHEREAS, The federal Indian Gaming Regulatory Act requires states to enter into negotiations for a gaming compact with Indian tribes that seek to establish Indian gaming on recognized Indian lands and, if a state refuses to do so, a federal mediator may be appointed to decide the best offer for a tribal-state compact with the Native American tribe being treated as a sovereign nation not under the jurisdiction of any state laws; and

WHEREAS, Several states have argued that the federal requirement that states must negotiate compacts with Native American tribes is a violation of the states' sovereign immunity under the 11th Amendment to the United States Constitution which says that "the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against on of the United States by Citizens of another State, or by Citizens or Subject of any Foreign State"; and

WHEREAS, In 1998, the Prairie Band of Potawatomi Indians of Kansas requested that the Department of Interior Bureau of Indian Affairs review the Band's claim to 1280 acres of land in

1 DeKalb County, Illinois, and in 2001 the Department of Interior  
2 sent letters to the Illinois Governor and United States Speaker  
3 of the House of Representatives, Dennis Hastert, indicating  
4 that the Prairie Band may have a credible claim for  
5 unextinguished title to this land; and

6 WHEREAS, There have been recent revelations that in fact  
7 there could be more than one tribe seeking recognized title to  
8 the disputed land and any premature discussions on gaming  
9 should be avoided until the official tribal title is  
10 recognized; and

11 WHEREAS, If the Department of Interior Bureau of Indian  
12 Affairs does in fact eventually determine that title to the  
13 land belongs to any Native American tribe, then negotiations  
14 between the Native American tribe and the State of Illinois  
15 should become a public forum with open hearings for the purpose  
16 of receiving input from local leaders and businesses as well as  
17 other interested parties; therefore, be it

18 RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL  
19 ASSEMBLY OF THE STATE OF ILLINOIS, that the Governor of the  
20 State of Illinois is strongly encouraged to convene a Joint  
21 Committee of the Senate and the House to conduct public  
22 hearings prior to agreement of any compact with a Native  
23 American tribe for Indian gaming; and be it further

24 RESOLVED, That the 8-member Joint Committee shall be  
25 appointed 2 each by the leader of each legislative caucus and  
26 at least 4 of the appointees shall represent districts that are  
27 within 25 miles of the territory proposed for Indian gaming;  
28 and be it further

29 RESOLVED, That the Joint Committee of the Senate and the  
30 House shall be charged with holding a series of public meeting  
31 in DeKalb County as well as in other counties that have

1 existing gaming facilities located within; and be it further

2 RESOLVED, That the purpose of the Joint Committee of the  
3 Senate and the House is to evaluate the social and economic  
4 impact of Indian gaming on the people of Illinois and to serve  
5 the vested State and local public interest in any potential  
6 action by the Office of the Governor to establish Indian gaming  
7 in the State of Illinois; and be it further

8 RESOLVED, That a suitable copy of this resolution shall be  
9 delivered to the Governor of the State of Illinois.