

HB3217



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3217

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

New Act

Creates the Vinyard Indian Settlement of Shawnee Indians Recognition Act. Provides that the State recognizes the Vinyard Indian Settlement as a tribe of Indians. Provides that the Tribe and each member shall be eligible for any services and benefits provided by the United States and State agencies to Indians that are otherwise available to State-recognized tribes. Contains provisions concerning the membership roll of the Tribe. Contains legislative findings. Defines "member" and "Tribe".

LRB099 06220 JLK 26285 b

A BILL FOR

1 AN ACT concerning Shawnee Indians.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Vinyard Indian Settlement of Shawnee Indians Recognition Act of
6 2015.

7 Section 5. Findings. The General Assembly finds that:

8 (1) the Vinyard Indian Settlement of Shawnee Indians have
9 lived in southern Illinois since time immemorial and are direct
10 lineal descendants of Chief Sedowii's (Setteedown) Band of the
11 Kispokofa Shawnee Indians;

12 (2) while many Shawnee Indians were removed to the Oklahoma
13 Indian Territory in the 1800s, the members of the Vinyard
14 Indian Settlement continued to live in southern Illinois as
15 recorded in oral history and as documented, for example, in
16 Colonel William M. Cockrum's 1907 "Pioneer History of Indiana,"
17 in which he records the Wabash and Ohio River Shawnee community
18 areas near Shawneetown, Illinois, 1807-1811;

19 (3) through the present day, the Vinyard Indian Settlement
20 continues to live as a distinct, Indian community in southern
21 Illinois, holding cultural and community events and
22 ceremonies, maintaining a governing body over its members, and
23 providing assistance to its members; and

1 (4) the State's recognition of the Tribe will improve the
2 economic and social opportunities of the Tribe, its members,
3 and southern Illinois through the availability of federal
4 programs and funding to assist with job creation, education,
5 housing, health care, and elder care.

6 Section 10. Definitions. As used in this Act:

7 "Member" means an individual who is enrolled in the Tribe
8 under Section 25 of this Act.

9 "Tribe" means the Vinyard Indian Settlement of Shawnee
10 Indians who are direct lineal descendants of Chief Sedowii's
11 (Setteedown) Band of the Kispokofa Shawnee Indians.

12 Section 15. Recognition; applicability of State and
13 federal laws.

14 (a) The State recognizes the Vinyard Indian Settlement as a
15 tribe of Indians.

16 (b) All State and federal laws, including rules and
17 regulations, which would be applicable to the Tribe as a
18 State-recognized tribe, shall apply to the Tribe and its
19 members.

20 (c) This Act does not:

21 (1) create a right of ownership or any other right to
22 land;

23 (2) create a benefit or entitlement of any kind;

24 (3) confer any criminal or civil jurisdictional

1 authority to the Tribe;

2 (4) impair existing rights, benefits, or entitlements
3 belonging to the Tribe, its members, or other Indians
4 living in the State; or

5 (5) alter or affect any legal or equitable claim of the
6 Tribe to enforce any right or privilege reserved by, or
7 granted to, the Tribe that was wrongfully denied to, or
8 taken from, the Tribe before the effective date of this
9 Act.

10 (d) The authority to establish standards for membership of
11 the Tribe is reserved by the Tribe, as described in Section 25
12 of this Act.

13 (e) An act or failure to act by the State under this
14 Section does not create a private cause of action under State
15 law.

16 (f) This Act does not confer any special rights or benefits
17 to the Tribe to conduct gaming activities under the authority
18 of any federal law, including the Indian Gaming Regulatory Act,
19 25 U.S.C. 2701, et seq. This Act does not affect or impair any
20 rights or benefits to conduct gaming activities that are
21 available to the Tribe or its members under State law.

22 Section 20. Services and benefits.

23 (a) Beginning on the effective date of this Act, the Tribe
24 and each member shall be eligible for any services and benefits
25 provided by the United States to Indians and by State agencies

1 that are otherwise available to State-recognized tribes,
2 without regard to:

3 (1) the existence of a reservation for the Tribe; or

4 (2) the location of the residence of any member on or
5 near an Indian reservation.

6 (b) For purposes of the delivery of available services and
7 benefits to members, the service area of the Tribe shall be
8 considered to be the area comprised of the counties of Hardin,
9 Pope, Saline, Gallatin, and White in this State.

10 Section 25. Membership roll.

11 (a) As a condition of receiving recognition, services, and
12 benefits under this Act, the Tribe shall maintain a membership
13 roll consisting of the name of each individual enrolled as a
14 member of the Tribe.

15 (b) The qualifications for inclusion on the membership roll
16 of the Tribe shall be determined in accordance with Article 11
17 of the bylaws of the Tribe dated January 24, 2001, or as may be
18 amended.

19 (c) For purposes of the delivery of State and federal
20 services, the tribal roll in effect on the effective date of
21 this Act shall define the service population of the Tribe;
22 however, the service population of the Tribe may be modified
23 over time as members are added to or withdrawn from the
24 membership roll in accordance with Article 11 of the bylaws of
25 the Tribe dated January 24, 2001, or as may be amended.