

# HB3716



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3716

by Rep. Kelly M. Cassidy

#### 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".

LRB101 09563 RJF 54661 b

A BILL FOR

1 AN ACT concerning government.

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.

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

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

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

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

23 (4) the State's recognition of the Tribe will improve the

1 economic and social opportunities of the Tribe, its members,  
2 and southern Illinois through the availability of federal  
3 programs and funding to assist with job creation, education,  
4 housing, health care, and elder care.

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

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

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

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

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

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

19 (c) This Act does not:

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

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

23 (3) confer any criminal or civil jurisdictional  
24 authority to the Tribe;

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

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

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

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

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

21           Section 20. Services and benefits.

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

1 without regard to:

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

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

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

9 Section 25. Membership roll.

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

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

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