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# Notification of the Economic Development, Transportation, and Natural Resources Subcommittee's Study of the Commission for Minority Affairs

April 30, 2018

In accordance with Standard Practice 12.5, notice is hereby provided that the Economic Development, Transportation, and Natural Resources Subcommittee's oversight study of the Commission for Minority Affairs is available for consideration by the full Committee.

The Honorable Bruce W. Bannister  
Economic Development, Transportation, and Natural Resources Subcommittee Chair

cc: The Honorable Neal A. Collins  
The Honorable Mandy Powers Norrell  
The Honorable Robert L. Ridgeway, III

# Legislative Oversight Committee

## Study of the Commission for Minority Affairs *April 30, 2018*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the Subcommittee or an ad hoc committee for further evaluation; (2) Approve the Subcommittee’s study; or (3) Further evaluate the agency as a full Committee, utilizing any of the available tools of legislative oversight		

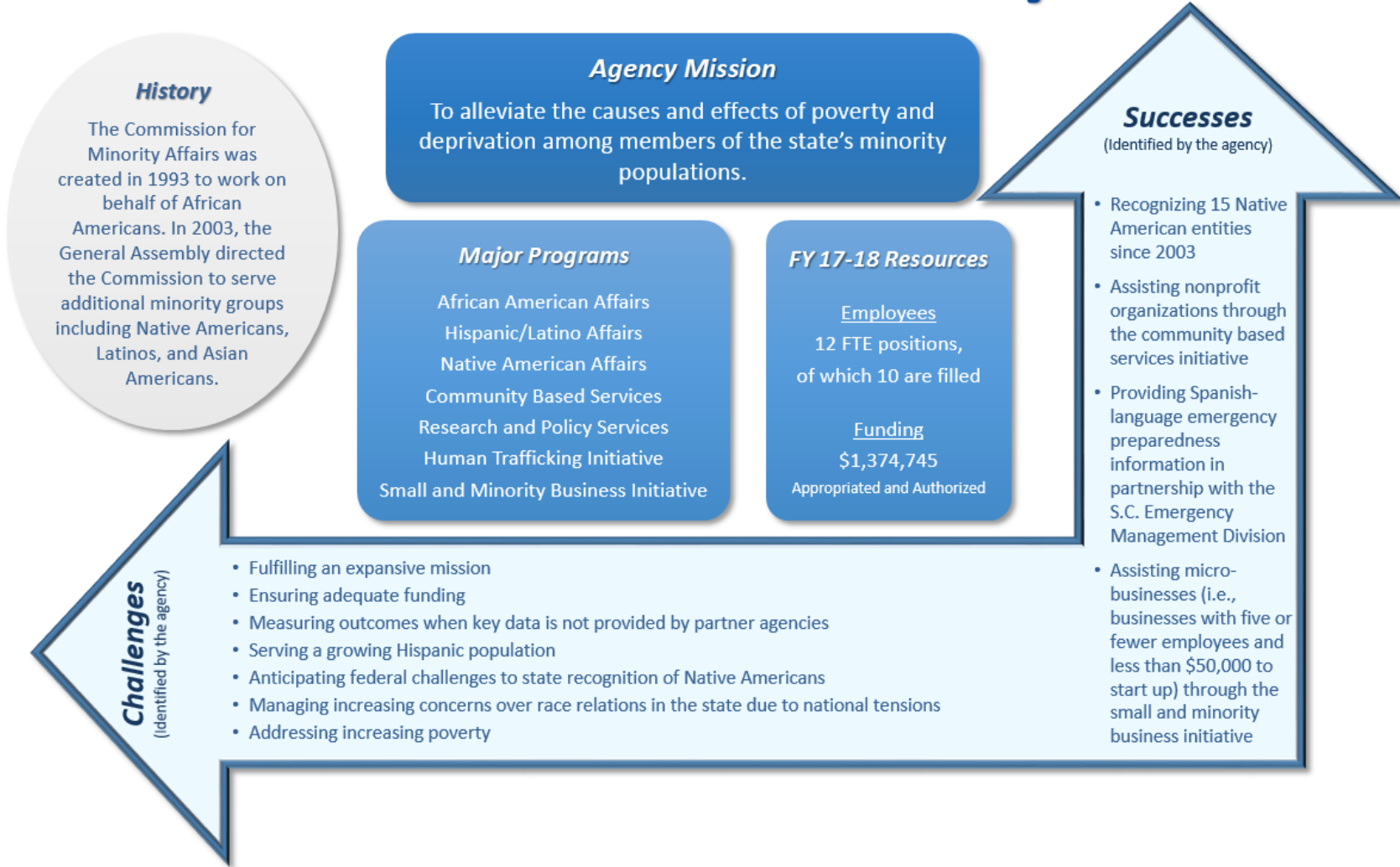
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# AGENCY SNAPSHOT

## S.C. Commission for Minority Affairs



Visual Summary Figure 1. Snapshot of agency's history, mission, major programs, fiscal year 2017-18 resources, successes, and challenges.<sup>1</sup>

# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in S.C. Code Ann. § 2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out in **accordance with the intent of the General Assembly**; and (2) **should be continued, curtailed, or eliminated.**” In making these determinations, the Subcommittee evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## *Study Process*

The House Legislative Oversight Committee’s (Committee) process for studying the Commission for Minority Affairs (CMA or agency) includes actions by the full Committee; Economic Development, Transportation, and Natural Resources Subcommittee (Subcommittee); the agency; and the public. The key dates and actions are summarized below in Figure 2.

### Legislative Oversight Committee Actions

- May 10, 2017 - Prioritizes the agency for study
- May 11, 2017 - Provides the agency with notice about the oversight process
- June 27 - July 28, 2017 - Solicits input from the public about the agency in the form of an online survey
- October 16, 2017 - Holds **Meeting 1** to **obtain public input** about the agency
- November 13, 2017 - Holds **Meeting 3** to **allow the agency to respond to public input**

### Economic Development, Transportation, and Natural Resources Subcommittee Actions

- October 24, 2017 - Holds **Meeting 2** with the agency to discuss its **purpose, mission, vision, laws enforced, organizational structure, major program areas, and relationships with other agencies**
- November 20, 2017 - Holds **Meeting 4** with the agency to discuss its responses to Subcommittee **follow-up questions**
- November 28, 2017 - Holds **Meeting 5** with the agency to discuss its **products, services, customers, and resources**
- December 19, 2017 - Holds **Meeting 6** with the agency to further discuss its **products, services, customers, and resources**
- January 25, 2018 - Holds **Meeting 7** with the agency to further discuss its **products, services, customers, and resources**
- February 8, 2018 - Holds **Meeting 8** with the agency to discuss its **strategic plan**
- February 22, 2018 - Holds **Meeting 9** with the agency to discuss its **performance measures**
- April 11, 2018 - Holds **Meeting 10** with the agency to discuss Subcommittee **recommendations**

### Commission for Minority Affairs Actions

- August 7, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- March 30, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report/2017 Annual Restructuring Report**
- September 29, 2017 - Submits its **Program Evaluation Report**
- October 2017 - April 2018 - Meets with and **responds to Subcommittee inquiries**

### Public’s Actions

- June 27 - July 28, 2017 - Provides input about the agency via an **online public survey**
- October 16, 2017 - Provides **testimony** about the agency to the full Committee
- Ongoing - **Submits written comments on the Oversight Committee's webpage** on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

Figure 2. Summary of key dates and actions of the study process.

## *Findings and Recommendations*

The Subcommittee has one finding and one recommendation arising from its study of the agency.<sup>3</sup>

### *Finding*

The Subcommittee has no confidence that the Commission for Minority Affairs is efficiently or effectively fulfilling its mission.

### *Recommendation*

The Subcommittee recommends that the Commission for Minority Affairs refrain from starting or maintaining any nonprofit organizations.

## *Internal Changes Implemented by Agency Related to Study Process*

During the study process, the agency implements four internal changes directly related to participation in the study process. Two of these changes involve logging and tracking technical assistance requested and provided, and two relate to improving the public's ability to access information via the agency's website.<sup>4</sup>

## *Additional Information*

The Subcommittee rejects two agency recommendations:

- (1) removing CMA's statutory duty to provide information and assistance to the minority community related to the federal Voting Rights Act, and
- (2) requiring term limits for members of the agency's Native American Advisory Committee.<sup>5</sup>

# AGENCY OVERVIEW

## *History*

The **Commission for Minority Affairs has provided the Committee with the below overview of the agency's history.**<sup>6</sup> In addition, Committee staff has confirmed the accuracy of any assertion of legislative action.

- 1993 – The agency is created when Governor Carroll Campbell signs Act 164 into law.<sup>7</sup>
- 2000 – Hispanic leaders meet with Governor Jim Hodges to discuss the state's growing Hispanic population. These meetings lead to the creation of an ad hoc committee to study issues confronting this population and ultimately the establishment of the agency's Hispanic/Latino initiative.
- 2001 – The agency receives a Notable State Document Award from the S.C. State Library for its *State of Minorities Abstract* document.
- 2003 – The General Assembly amends state statute to authorize CMA to work on behalf of all minorities in the state as opposed to working exclusively on behalf of African Americans.<sup>8</sup>
  - The agency creates a Native American initiative.
- 2004 – The agency creates a Hispanic/Latino initiative and hires a coordinator to administer it.
- 2005 – CMA recognizes Native American entities for the first time.<sup>9</sup>
  - The agency receives a Notable State Document Award from the S.C. State Library for its 2004 edition of the *Statistical Profile by Counties* document.
- 2007 – The agency partners with the S.C. Emergency Management Division to provide outreach to the Hispanic/Latino community during emergencies.
- 2008 – The agency creates a small and minority business initiative and hires a coordinator to administer it.
  - The General Assembly amends state statute to include the agency's human trafficking and immigration initiative.<sup>10</sup>
- 2010 – The agency completes its Student Achievement and Vision Education (SAVE) report, which addresses the delivery of early childhood education for children ages 0 to 5.
- 2013 – The agency partners with Midlands Technical College to administer the ASSIST grant.
  - The agency produces the state's first *Native American Community Needs Assessment* report.
- 2016 – The agency develops a human trafficking resource notebook.
- 2017 – The agency's "Working Together Works" initiative is created to establish a statewide plan to address issues of poverty and deprivation among the state's minority populations.
  - The agency hires a coordinator to administer its human trafficking initiative.



## Purpose, Mission, and Vision

CMA’s **purpose**, as summarized in S.C. Code Ann. § 1-31-20, is “to study the causes and effects of the socio-economic deprivation of minorities in the State and to implement programs necessary to address inequities confronting minorities in the State.” S.C. Code Ann. § 1-31-40 outlines a number of duties, including gathering and disseminating relevant data and other information; administering the state recognition of Native American entities; and liaising with various groups in the community.

The agency’s **mission** is to alleviate the causes and effects of poverty and deprivation among members of the state’s minority populations.

Its **vision** is the eradication of systemic poverty and the proliferation of prosperity for all South Carolinians.<sup>11</sup>

## Agency Organization

### Governing Body

CMA is governed by a Board of Commissioners consisting of nine members and the Governor ex officio. The Governor must appoint one person from each of the seven congressional districts of the state and two people from the state at large upon the advice and consent of the Senate. The members serve for a term of four years and until their successors are appointed and qualify. Vacancies are filled in the same manner as original appointment for the remainder of the unexpired term. A majority of the members of the Commission must be African American. Table 1 lists the current agency board members.<sup>12</sup>

Table 1. CMA board members, congressional districts represented, and dates terms expire.

Board Member	Congressional District	Date Term Expires
Mr. Kenneth Battle, Chair	First <i>Beaufort*, Berkeley*, Charleston*, Colleton*, and Dorchester* Counties</i>	June 30, 2021
Dr. Kent T. Washington	Second <i>Aiken, Barnwell, Lexington, Orangeburg*, and Richland* Counties</i>	June 30, 2019
Dr. Lamont A. Flowers	Third <i>Abbeville, Anderson, Edgefield, Greenville*, Greenwood, Laurens, McCormick, Oconee, Pickens, Newberry*, and Saluda Counties</i>	June 20, 2021
Ms. Karen W. McGill	Fourth <i>Greenville* and Spartanburg* Counties</i>	June 30, 2019
Dr. William B. James, Jr.	Fifth <i>Cherokee, Chester, Fairfield, Kershaw, Lancaster, Lee, Newberry*, Spartanburg*, Sumter*, Union, and York Counties</i>	June 30, 2021
Rev. Eddie C. Guess <sup>^</sup>	Sixth <i>Allendale, Bamberg, Beaufort*, Berkeley*, Calhoun, Charleston*, Clarendon, Colleton*, Dorchester*, Florence*, Hampton, Jasper, Orangeburg*, Richland*, Sumter*, and Williamsburg Counties</i>	June 30, 2011
Rev. Michelle Law-Gordon	Seventh <i>Chesterfield, Darlington, Dillon, Florence*, Georgetown, Horry, Marion, and Marlboro Counties</i>	June 30, 2020
Ms. Tammie L. Wilson	At Large	June 30, 2021
Chief Louie C. Chavis <sup>^</sup>	At Large	June 30, 2013
Ms. Tia S. Brewer-Footman	Governor’s Designee	N/A

Table Notes: A caret (^) denotes the board member is serving in a holdover capacity. An asterisk (\*) denotes only part of the county is included in the district.

## Agency Organizational Units

During the study process the Committee asks the agency about its organization and major operating programs.<sup>13</sup> CMA has seven major organizational units. Table 2 includes the descriptions provided by the agency. The organization of the agency is shown in Figure 3.

Table 2. CMA organizational units.<sup>14</sup>

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<b>African American Affairs Initiative</b> Confronts the disparate facts regarding African-Americans by working with local, state, and federal entities, as well as other organizations to develop strategies and be a catalyst to improve conditions in the community.
<b>Hispanic/Latino Affairs Initiative</b> Addresses issues concerning the Hispanic/Latino community of South Carolina, including economic opportunities, education, health, public safety, human rights and others.
<b>Native American Affairs Initiative</b> Serves as the South Carolina Indian Affairs Office with the mission of establishing the framework to ensure social equity and economic prosperity for all Native American citizens throughout South Carolina through policy change, education, and increased awareness.
<b>Small and Minority Business Initiative</b> Promotes social and economic self-sufficiency primarily for disadvantaged minorities by providing entrepreneurial education and training, technical assistance to businesses, and information about microloan programs.
<b>Community Based Services Initiative</b> Assists and strengthens minority nonprofit organizations and church affiliates by providing technical assistance and building capacity, collaborations, and partnerships to better serve communities.
<b>Research and Policy Services</b> Provides current statistical data, conducts simple to complex applied statistical and survey research, conducts policy analysis of state and federal legislation, and helps disseminate key statistical information to state leaders, for profit and nonprofit organizations, and individual citizens in the state of South Carolina. Contributes to the CMA mission by utilizing research to help study the causes and effects of socioeconomic poverty and deprivation in South Carolina.
<b>Human Trafficking and Immigration Initiative</b> Addresses and raises awareness on issues regarding human trafficking and immigration laws and provides opportunities for reporting via telephone hotlines.*

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Table Note:

\* As of April 2018, the agency has not established a hotline to receive reports of violations of immigration laws. It has a memorandum of understanding with a nonprofit organization called Polaris that operates a national human trafficking hotline.<sup>15</sup>

Organizational Chart

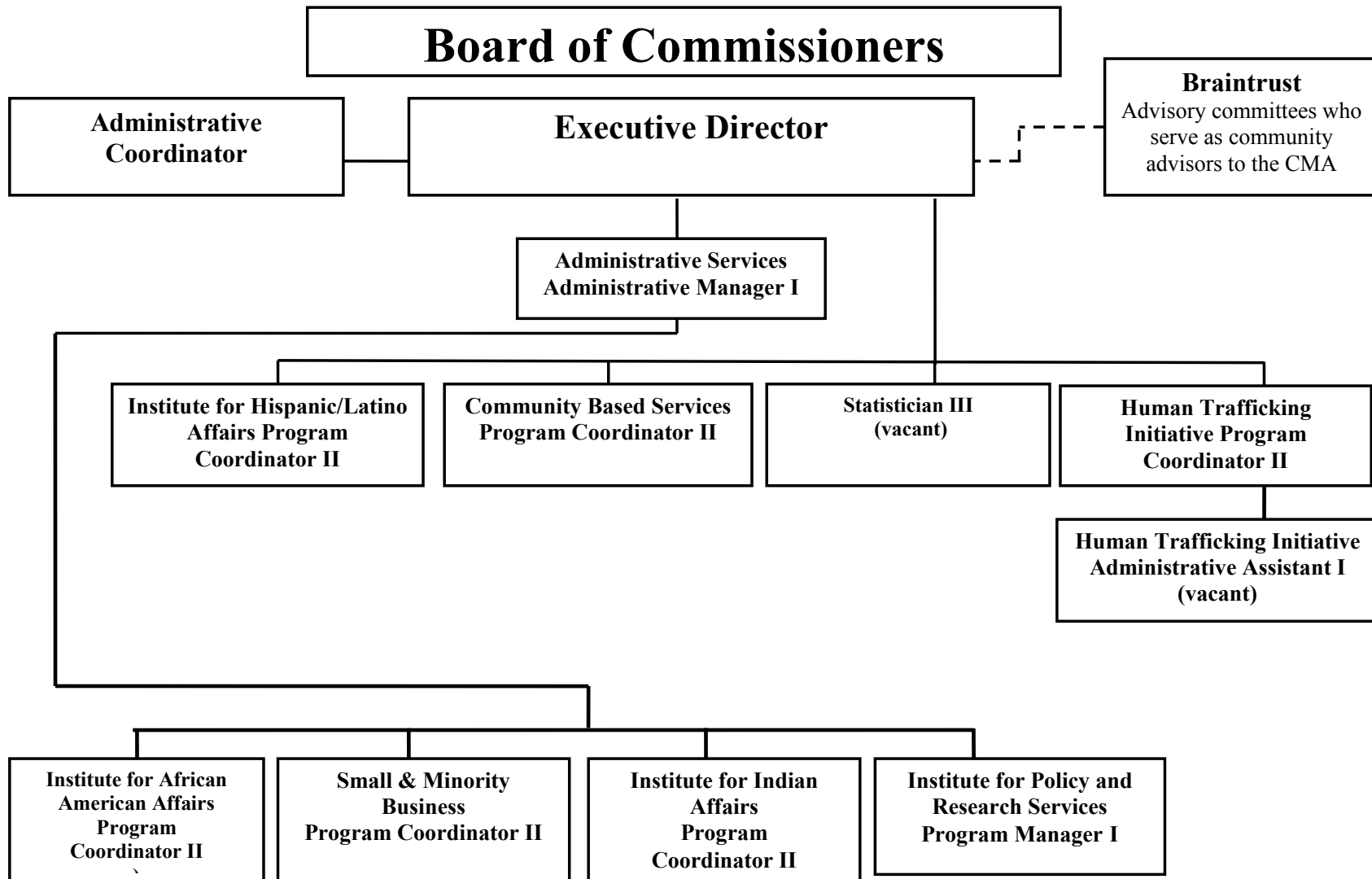


Figure 3. Organizational chart provided by CMA. (Current as of November 2017).<sup>16</sup>

## *Internal Audit*

In the Program Evaluation Report, the Committee asks the agency to provide information about its internal audit process, if it has one. CMA does not have an internal audit process. The Office of the State Auditor conducts financial reviews according to procedures agreed to by the agency.<sup>17</sup>

## *Products, Services, and Customers*

An estimated 1.75 million South Carolinians identify as members of racial and/or ethnic minority groups, comprising over one-third of the state's population (see *Appendix A* for relevant data about minorities in S.C.).<sup>18</sup> CMA is charged with studying and addressing the socioeconomic deprivation of these individuals.<sup>19</sup> To fulfill this purpose, CMA provides a variety of products and services.

In 2015-2016, the General Assembly and Governor's Office begin requesting agencies provide information on the services and products they provide as part of the combined Accountability Report and Annual Restructuring Report. CMA lists a variety of services it provides in the 2016-2017 Accountability Report.

During the study, the **Committee asks the agency if there are any other state agencies serving similar customers or providing similar products or services.** CMA indicates the deliverables it provides would not fit within the mission of any other state agency. However, the Subcommittee notes the following state agencies provide similar products and services:

- **State Library:** Provides courses and resources on grant proposal writing and fundraising for nonprofit organizations, similar to the technical assistance provided to nonprofits by CMA's community based services initiative.<sup>20</sup>
- **Small Business Development Centers:** Its approximately 50 employees focus on providing technical assistance to small businesses, including microenterprises, in South Carolina, similar to the services provided by the small and minority business initiative.<sup>21</sup>
- **Revenue and Fiscal Affairs Office:** Provides research and analysis to the Governor, General Assembly, state and local government entities, and the private sector. Although this office does not share CMA's focus on minorities, it may be able to provide similar data and statistics.<sup>22</sup>
- **South Carolina Human Trafficking Task Force:** Located in the Office of the Attorney General, the task force coordinates the efforts of a number of state agencies to combat human trafficking, including data collection and public awareness campaigns. This is similar to CMA's human trafficking initiative.<sup>23</sup>
- **Department of Labor, Licensing and Regulation:** Administers and provides information about occupational safety, payment of wages, child labor, and migrant labor. Also conducts investigations and audits to ensure compliance with requirements to use the federal E-Verify system to verify the legal status of employees. CMA is charged with maintaining a hotline to receive allegations of violations of federal immigration laws, including E-Verify program violations.<sup>24</sup>

Table 3, beginning on the next page, includes a sample of the products, services, and customers the agency includes in its Accountability Report along with other state agencies the Subcommittee has identified that may provide similar deliverables.

Table 3. Sample of products and services CMA provides.<sup>25</sup>

Program Name	Product or Service	Customer	Other Agencies with Similar Goals (Identified by Subcommittee)
<b>African American Affairs Initiative</b>	Works with local historically black colleges and universities and African American male groups to mentor and tutor students in middle and junior high school to improve their reading and math skills. This facilitates on-time graduation and drop-out prevention.*	General Public: <ul style="list-style-type: none"> <li>• African American males and low performing students in majority-minority school districts (i.e., school districts in which a majority of the students identify as members of racial and/or ethnic minorities)</li> </ul>	<i>None identified</i>
<b>Community Based Services Initiative</b>	Assists with state certification, tax-exempt status through the Internal Revenue Service (IRS), and internal capacity-building for nonprofit organizations.	Professional Organizations: <ul style="list-style-type: none"> <li>• Community Outreach and Development Foundation</li> <li>• Mack House Charities</li> <li>• Pee Dee African American Chamber of Commerce</li> <li>• Inspire Youth and Family Services</li> <li>• Access Unlimited</li> <li>• The Triumphant Academy</li> <li>• Raising Up the Low-Country</li> <li>• Carolina Teen Center</li> <li>• Westside Community Center</li> <li>• Divine 9 Foundation of Columbia, S.C.</li> <li>• The Low Country Education Local Organizing Committee</li> <li>• Education Over Incarceration</li> <li>• RBA Corporation</li> <li>• Stroud Development Group</li> <li>• Peekaboo Pretty Foundation</li> <li>• The Hive</li> <li>• Palmetto Advantage Care</li> <li>• Beyond Differences</li> <li>• Circles Greenville County</li> </ul> Local Government	State Library

Program Name	Product or Service	Customer	Other Agencies with Similar Goals (Identified by Subcommittee)
<b>Hispanic/Latino Affairs Initiative</b>	Provides information and referral services for technical assistance, capacity building, cultural diversity training, and organizational development for the Hispanic/Latino community. Also provides assistance in the development of language access plans, policies, and procedures.	General Public: <ul style="list-style-type: none"> <li>• South Carolina is home to an estimated 258,000 Hispanics/Latinos.<sup>†</sup></li> </ul> Government: <ul style="list-style-type: none"> <li>• Federal Emergency Management Agency</li> <li>• State Agencies, including the S.C. Emergency Management Division</li> <li>• Mexican Consulate</li> </ul> Professional Organizations: <ul style="list-style-type: none"> <li>• Hispanic/Latino nonprofit organizations</li> </ul>	<i>None identified</i>
<b>Research and Policy Services</b>	Provides statistical data to members of the legislature on an as-needed basis.	Legislative Branch	Revenue and Fiscal Affairs Office
	Provides professional organizations with data, primarily census and related statistical data.	Government: <ul style="list-style-type: none"> <li>• Revenue and Fiscal Affairs Office</li> </ul> Professional Organizations: <ul style="list-style-type: none"> <li>• Children's Trust of South Carolina</li> <li>• South Carolina Conference of Black Mayors</li> </ul>	
	Provides the general public with data that is relevant to their community, city, and county in the state.	General Public: <ul style="list-style-type: none"> <li>• Organizations that are interested in receiving statistics pertaining to each population the Commission is charged with serving (i.e., African American, Hispanic/Latino, Native American, and Asian American populations)</li> </ul>	

Program Name	Product or Service	Customer	Other Agencies with Similar Goals (Identified by Subcommittee)
<b>Human Trafficking and Immigration Initiative</b>	Works with local and state government, community providers, etc. to provide awareness and information through campaigns and community events targeting youth and the minority population to prevent human trafficking and immigration infractions.	General Public: <ul style="list-style-type: none"> <li>• Trafficked victims, at-risk youth, and the surrounding minority communities in South Carolina.</li> </ul>	Human Trafficking Task Force (Office of the Attorney General)  Department of Labor, Licensing and Regulation
<b>Small and Minority Business Initiative</b>	Provides business management, technical assistance, education, and training to aspiring or existing entrepreneurs.	General Public: <ul style="list-style-type: none"> <li>• Primarily focused on the populations the Commission is legislatively required to serve, (i.e., African American, Hispanic/Latino, Native American, and Asian American populations)</li> </ul>	Small Business Development Centers
	Assists the business development industry by supporting and being a catalyst for economic development in the largest segment of business ownership, which is microenterprises. Supports organizations that provide resources to microenterprises.	Industry: <ul style="list-style-type: none"> <li>• Business development organizations, such as:               <ul style="list-style-type: none"> <li>○ Small Business Administration</li> <li>○ Community Development Corporations</li> <li>○ Microlenders (i.e., issuers of small loans)</li> </ul> </li> </ul>	

Program Name	Product or Service	Customer	Other Agencies with Similar Goals (Identified by Subcommittee)
<p><b>Native American Affairs Initiative</b></p>	<p>Provides information, referral, technical assistance, capacity building, cultural diversity training, and organizational development to the Native American community and tribes. In addition, oversees the process of state recognition of Native American entities. Serves as a liaison between state, federal, and local governments and tribal entities nationally. Administers an emerging Native American professionals program and works with the S.C. Department of Social Services on the Indian Child Welfare Act and Food Share S.C. program.</p>	<p>General Public:</p> <ul style="list-style-type: none"> <li>• Native Americans are an estimated 0.9% of the state’s population.<sup>α</sup> There are nine state tribes, one federally recognized tribe, four groups, and two special interest organizations.</li> </ul> <p>Government:</p> <ul style="list-style-type: none"> <li>• General Assembly</li> <li>• Executive branch/state agencies</li> </ul> <p>Professional Organizations:</p> <ul style="list-style-type: none"> <li>• National Partnership for Action to End Health Disparities-Health and Human Services</li> <li>• National Congress of American Indians</li> <li>• Catawba Indian Nation</li> <li>• S.C. state recognized tribes, groups, and special interest organizations</li> <li>• Non-recognized Native American entities in S.C. (i.e., tribes or groups that have not received state recognition)</li> <li>• Southeastern Indian Affairs Offices (GA, NC, AL, LA, VA)</li> <li>• Lumbee Tribe</li> <li>• Machis Creek Tribe</li> </ul>	<p><i>None identified</i></p>

Table Notes:

\* On February 22, 2018, agency personnel testify CMA is no longer operating this tutoring program. On January 25, 2018, agency personnel testify about the activities of the CMA African American affairs initiative at the time, including providing support for a Richland County Sheriff’s Office program to work with School Resource Officers and working with S.C. State University to decrease the dropout rate of African American male students.<sup>26</sup>

† Agency personnel assert this number, provided by the U.S. census bureau, grossly underestimates the Hispanic/Latino population, and a more accurate estimate is three to four times larger. This number does not imply that CMA has reached every individual in this population. However, services and information are available to the Hispanic/Latino community and the general public if needed.<sup>27</sup>

<sup>α</sup> Agency personnel assert this population is undercounted.<sup>28</sup>



In the Program Evaluation Report, the Committee asks the agency to provide a list of its deliverables (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negative impacts. CMA provides a list of 11 deliverables, all of which it reports it is required by law to provide free of charge. CMA also indicates that none of these deliverables fit within the mission of another state agency.

CMA provides the following recommendations to the General Assembly as ways to help avoid potential harm to the public if these deliverables are not provided:

1. Provide additional FTEs to carry out these duties.
2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.
3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by CMA.

Table 4 includes additional information CMA has provided about its deliverables.<sup>29</sup>

Table 4. CMA deliverables.

Deliverable	Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if the deliverable is not provided (Identified by the agency)
			cost/unit?	annual # of potential customers?	annual # of customers served?	
Provide the minority community consisting of African Americans, Native Americans, Hispanics/Latinos, Asian Americans, and others with a single point of contact for statistical and technical assistance in the areas of research and planning for a greater economic future	S.C. Code Ann. § 1-31-40(A)(1)	✓	✗	✓	✓	The agency will not be able to serve citizens, state agencies, and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
Work with minority officials on the state, county, and local levels of government in disseminating statistical data and its impact on their constituencies	S.C. Code Ann. § 1-31-40(A)(2)	✓	✗	✓	✓	The agency will not be able to serve citizens, state agencies, and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.

Deliverable	Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if the deliverable is not provided (Identified by the agency)
			cost/unit?	annual # of potential customers?	annual # of customers served?	
Provide for publication of a statewide statistical abstract on minority affairs	S.C. Code Ann. § 1-31-40(A)(3)	✓	×	✓	✓	Without the production of the "State of Minorities Report," the agency will not be able to provide statistics on how minorities fare and compare to the majority population or information to the legislature with the hopes of influencing changes in policy and law(s).*
Provide statistical analysis for members of the General Assembly on the state of minority communities as the state experiences economic growth and changes	S.C. Code Ann. § 1-31-40(A)(4)	× <sup>^</sup>	×	×	×	The agency will not be able to serve citizens, state agencies, and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
Provide the minority community with assistance and information on Voting Rights Act submissions in the state, as well as other related areas of concern to the minority community	S.C. Code Ann. § 1-31-40(A)(5)	×	×	×	×	The agency believes this is no longer applicable due to a change in the federal Voting Rights Act. <sup>α</sup>
Determine, approve, and acknowledge by certification state recognition for Native American entities; however, notwithstanding their state certification, the tribes have no power or authority to take any action which would establish, advance, or promote any form of gambling in this state	S.C. Code Ann. § 1-31-40(A)(6); § 1-31-50; § 20-1-20; § 50-11-515 Code of Regs, § 139-100; § 139-105; § 139-108; § 139-109	✓	×	✓	✓	Without the process of state recognition, Native American entities will not have formal acknowledgement from the state of South Carolina establishing a "government-to-government" relationship and will not be able to access programs and services from all levels of government and non-governmental agencies. This would also prevent compliance with federal and state laws. <sup>†</sup>

Deliverable	Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if the deliverable is not provided (Identified by the agency)
			cost/unit?	annual # of potential customers?	annual # of customers served?	
Establish advisory committees representative of minority groups, as the commission considers appropriate to advise the commission	S.C. Code Ann. § 1-31-40(A)(7); Code of Regs, § 139-106; § 139-200; § 139-202	✓	✗	✓	✓	The agency will not be able to serve citizens, state agencies, and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
Act as liaison with the business community to provide programs and opportunities to fulfill its statutory duties	S.C. Code Ann. § 1-31-40(A)(8)	✓	✗	✗	✓	The agency will not be able to serve citizens, state agencies, and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
Seek federal and other funding on behalf of the state of South Carolina for the express purpose of implementing various programs and services for African Americans, Native Americans, Hispanics/Latinos, Asians, and other minority groups	S.C. Code Ann. § 1-31-40(A)(9)	✗	✗	✗	✗	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.

Deliverable	Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if the deliverable is not provided (Identified by the agency)
			cost/unit?	annual # of potential customers?	annual # of customers served?	
Promulgate regulations as may be necessary to carry out the provisions of this article of state law including, but not limited to, regulations regarding state recognition of Native American entities in South Carolina	S.C. Code Ann. §1-31-40(A)(10); § 1-31-50; § 20-1-20; § 50-11-515; Code of Regs, § 139-100; § 139-105; § 139-108; § 139-109; § 139-106; § 139-200; § 139-202	×	×	×	×	Without the process of state recognition, Native American entities will not have formal acknowledgement from the State of South Carolina establishing a “government-to-government” relationship and will not be able to access programs and services from all levels of government and non-governmental agencies. This would also prevent compliance with federal and state laws. <sup>†</sup>
Establish and maintain a twenty-four hour toll free telephone number and electronic website in accordance with S.C. Code Ann. § 8-30-10	S.C. Code Ann. §1-31-40(A)(11); § 8-30-10; § 8-30-20	×	×	×	×	The agency will not be able to serve citizens, state agencies, and other organizations through technical assistance and better access to cultural and community based research or statistical data for prevention and prosecution of labor law violations including all forms of human trafficking. <sup>‡</sup>

Table Notes:

\* CMA has only produced one “State of Minorities” report. It was published in 2001.

^ CMA has distributed an online survey to state and local policymakers seeking feedback on statistical information the agency provides. However, the agency reports receiving no responses to its most recent survey, which was distributed to 450 individuals.<sup>30</sup>

α In the Subcommittee meeting on April 11, 2018, Subcommittee members express concern that although South Carolina is not currently subject to the pre-clearance requirement of the Voting Rights Act, it is still subject to other requirements of this act, about which CMA should be providing assistance and information. The Subcommittee unanimously rejects the agency’s recommendation to remove this duty from statute (see *Additional Information* section on p. 39).<sup>31</sup>

† H. 3177 has been passed by the House and the Senate. If it becomes law, it will require CMA to cease recognition of Native American groups. However, it will not affect the agency’s recognition of Native American tribes and special interest organizations, and all groups that are already recognized will maintain their status (see *Appendix B*). The agency has not amended any of its regulations in 12 years. Most regulations were originally promulgated in 2004 and last amended in 2006.

‡ As of April 2018, the agency has not established a hotline to receive reports of violations of immigration laws. It has a memorandum of understanding with a nonprofit organization called Polaris that operates a national human trafficking hotline.<sup>32</sup>

## Strategic Resource Allocation and Performance

Annually, each agency submits a strategic plan.<sup>33</sup> Of interest in the oversight process is how an agency's human and financial resources are allocated to the goals and objectives in the agency's strategic plan.

### Human Resources

Table 5 includes information CMA provided in its Program Evaluation Report about its full-time equivalent (FTE) positions.<sup>34</sup>

Table 5. Summary of CMA's FTE positions.

	FY 2016-17	FY 2017-18
Available FTEs at Start of Year	12	12
Filled FTEs at Start of Year	9	10

### Financial Resources

Figure 4 shows the historical trend of funding CMA has received from the state General Fund, including a pre-recession high of nearly \$700,000 and the current level of over \$1 million, as calculated by the S.C. Revenue and Fiscal Affairs Office. This does not include the bingo tax revenues and others funds that CMA receives, as shown in Table 6.

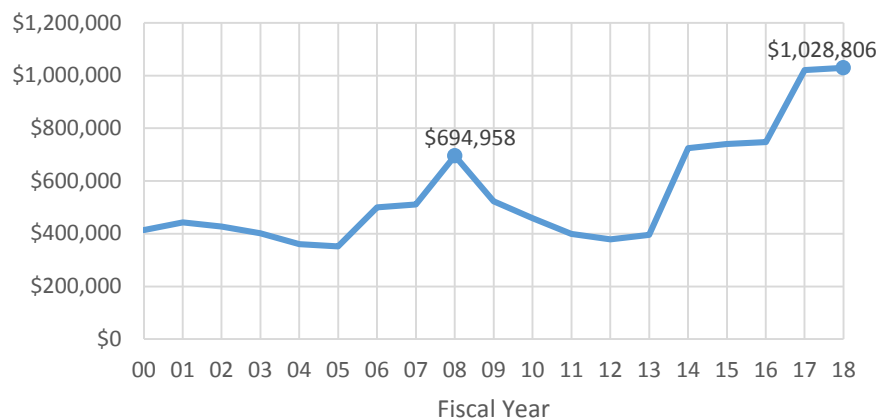


Figure 4. CMA's general funds.

In the Program Evaluation Report, the Committee asks the agency to provide information about its revenue sources. CMA reports all of its revenues remain with the agency. Table 6 is a summary of the information from the agency.<sup>35</sup>

Table 6. CMA revenue sources.

Revenue Sources	Recurring?	Type of Funds	FY 16-17				FY 17-18 (Budgeted)			
			Revenue		Carried from Previous Year	Spent on Strategic Plan	Revenue		Carried from Previous Year	Budgeted for Strategic Plan
			Amount	% of Total			Amount	% of Total		
General Fund	Recurring	State	\$1,020,729	86.7%	\$39,585	\$884,827	\$1,028,806	84.2%	\$102,073	\$1,130,879
Bingo	Recurring	State	\$131,000	11.1%	\$29,240	\$136,476	\$131,000	10.7%	\$23,764	\$154,764
Other Funds Authorization	Non-Recurring	Other Funds	\$825	0.1%	\$27,062	\$160	\$1,375	0.1%	\$27,727	\$29,100
U.S. Department of Agriculture grants	Non-Recurring	Federal	\$24,885	2.1%	\$0	\$16,688	\$60,000	4.9%	\$0	\$60,000
<b>TOTAL</b>			<b>\$1,177,439</b>		<b>\$95,887</b>	<b>\$1,038,152</b>	<b>\$1,221,181</b>		<b>\$153,564</b>	<b>\$1,374,743</b>

## Resource Allocation

Table 7 illustrates the agency's reported allocation of its financial and human resources among its goals and strategies in fiscal years 2016-17 and 2017-18. The objectives that fall under each of the strategies in the plan are available in the agency's Program Evaluation Report.<sup>36</sup>

Table 7. Allocation of resources to CMA's strategic plan.

Goal or Strategy	FY 2016-17			FY 2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
<b>Goal 1 - Be the single point of contact for statistical data and information for South Carolina regarding minority communities, poverty, and socio-economic deprivation.</b>	<b>0.58</b>	<b>\$85,485</b>	<b>7%</b>	<b>0.58</b>	<b>\$151,359</b>	<b>11%</b>
Strategy 1.1 - Disseminate relevant statistical data and information to legislators and stakeholders regarding poverty, socio-economic deprivation, and minority populations.	0.45	\$54,118	4%	0.45	\$117,101	9%
Strategy 1.2 - Create policies and/or legislation to require 100% of state agencies collecting data to provide data sets and/or raw data to CMA for research and analysis.	0.13	\$31,367	2%	0.13	\$34,258	2%
<b>Goal 2 - Address the needs of minority populations through collaboration and engagement with legislators, public officials, and stakeholders to effect change.</b>	<b>1.4</b>	<b>\$177,091</b>	<b>14%</b>	<b>1.5</b>	<b>\$191,714</b>	<b>14%</b>
Strategy 2.1 - Establish liaison relationships with policy makers, officials, and stakeholders to assist with the creation of policy, legislation, and community engagement.	0.9	\$98,010	8%	0.95	\$104,053	8%
Strategy 2.2 - Promulgate regulations to carry out provisions outlined in CMA's statute to streamline programs, duties, and functions to address the needs of the populations served.	0.35	\$47,406	4%	0.4	\$53,226	4%
Strategy 2.3 - Determine, approve, and acknowledge by certification, state recognition for Native American entities on behalf of the state of South Carolina.	0.15	\$31,675	2%	0.15	\$34,435	3%
<b>Goal 3 - Address the needs of minority populations through technical assistance, capacity building, outreach, and program initiatives.</b>	<b>3.28</b>	<b>\$404,439</b>	<b>32%</b>	<b>4.67</b>	<b>\$618,033</b>	<b>45%</b>
Strategy 3.1 - Revise agency and program initiatives to address needs of minority populations (African American, Asian American, Hispanic/Latino, and Native American).	0.45	\$56,962	4%	0.85	\$112,899	8%
Strategy 3.2 - Conduct capacity building, outreach, minority specific, and micro-business assistance initiatives and trainings	2.83	\$347,477	27%	2.26	\$285,194	21%
Strategy 3.3 - Increase collaboration and/or partnerships to address emergency preparedness needs of S.C. minority populations	Strategy did not exist in FY 16-17.			0.15	\$48,615	4%
Strategy 3.4 - Implement new human trafficking and immigration initiative	Strategy did not exist in FY 16-17.			1.41	\$171,325	12%

Goal or Strategy	FY 2016-17			FY 2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
<b>Goal 4 - Reduce the contributing factors causing poverty in S.C.'s minority populations.</b>	<b>1.06</b>	<b>\$144,646</b>	<b>11%</b>	<b>1.9</b>	<b>\$300,133</b>	<b>22%</b>
Strategy 4.1 - Secure funding to increase CMA's budget to a minimum of two dollars per minority person to support work to address the needs of minority populations and administer all programs.	0.08	\$26,923	2%	0.08	\$29,684	2%
Strategy 4.2 - Research and assess currently funded poverty and minority programs within the state to identify and reduce gaps in services by June 2020.	0.55	\$65,863	5%	0.55	\$68,623	5%
Strategy 4.3 - Seek federal and other funding on behalf of the state for the purpose of implementing various programs and services for minority groups (African American, Asian American, Hispanic/Latino, and Native American) including business, economic development, capacity building, and outreach.	0.43	\$51,860	4%	0.87	\$87,206	6%
Strategy 4.4 - Develop a state-wide strategy with recommendations for state agencies and partners to collaborate to reduce poverty in S.C.	<i>Strategy did not exist in FY 16-17.</i>			0.4	\$114,620	8%
<b>Goal 5 - Increase agency capacity through staff training opportunities.</b>	<b>0.75</b>	<b>\$104,264</b>	<b>8%</b>	<b>0.72</b>	<b>\$113,506</b>	<b>8%</b>
Strategy 5.1 - Provide professional development opportunities for agency staff.	0.48	\$63,669	5%	0.45	\$70,150	5%
Strategy 5.2 - Provide cross training opportunities for agency staff.	0.27	\$40,595	3%	0.27	\$43,355	3%

Table Notes:

- Percentages are rounded, so percentages for strategies may not exactly add up to the percentage for the corresponding goal.
- Due to changes in the strategic plan between FY 16-17 and FY 17-18, not all of the agency's FY 16-17 resources are reflected in this table.



## Performance Measures

Also of interest during the study process is how the agency measures its performance in implementing the goals, strategies, and objectives of its strategic plan. CMA provided its performance measures in its PER. The agency was asked to categorize each measure based on the definitions below:<sup>37</sup>

### Types of Performance Measures:

**Outcome Measure** - A quantifiable indicator of the public and customer benefits from an agency's actions. Outcome measures are used to assess an agency's effectiveness in serving its key customers and in achieving its mission, goals and objectives. They are also used to direct resources to strategies with the greatest effect on the most valued outcomes.

Outcome measures should be the first priority. Example - % of licensees with no violations.

**Efficiency Measure** - A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units. Efficiency measures are used to assess the cost-efficiency, productivity, and timeliness of agency operations. Efficiency measures measure the efficient use of available resources and should be the second priority. Example - cost per inspection

**Output Measure** - A quantifiable indicator of the number of goods or services an agency produces. Output measures are used to assess workload and the agency's efforts to address demands. Output measures measure workload and efforts and should be the third priority. Example - # of business license applications processed.

**Input/Activity Measure** - Resources that contribute to the production and delivery of a service. Inputs are "what we use to do the work." They measure the factors or requests received that explain performance (i.e. explanatory). These measures should be the last priority. Example - # of license applications received.

Table 8 shows CMA's performance measures along with the last five years of results, which it reports in the PER. A result of "0" may indicate that a measure was not tracked in the corresponding year. For all measures shown, the goal is to meet or exceed the target number.

Table 8. CMA performance measures.

Performance Measure	Type*		FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
<b>1. Statistical Reports (See list below)</b>		Target	0	0	0	2	3	3
		Actual	0	0	0	2	3	
1A. 2017 S.C. County Statistical Abstract (i.e., the "Statistical Profile by Counties" document)	Outcome	Target	0	0	0	0	1	1
		Actual	0	0	0	0	1	
1B. 2016 State of Minorities Report, which provides statistics comparing minorities and the majority population	Outcome	Target	0	0	0	0	0	1
		Actual	0	0	0	0	0	
1C. 2017 CMA annual survey of state agencies that produce data	Input/Activity	Target	0	0	0	2	2	1
		Actual	0	0	0	2	2	
<b>2. Other Agency Reports and Documents (See list below)</b>		Target	0	0	0	8	8	8
		Actual	0	0	0	8	8	
2A. 2015 CMA Key Findings Promulgation of Regulations Report (internal)	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2B. Review of CMA statute and program areas (internal)	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2C. CMA agency strategic plan	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2D. 2016 CMA Staff Internal Process and Procedures Manual (update of internal document)	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	

Performance Measure	Type*		FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
2E. CMA Policies and Procedures Standards document (update of internal document)	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2F. CMA staff training index (internal document)	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2G. CMA Strategic Framework on Poverty and Minority Programs (internal document)	Outcome	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2H. CMA-GRIT (Growing Resources for Information Technology) and CFP (Community Food Project) grants final reports	Outcome	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
2I. CMA-RBEG (Rural Business Enterprise Grant) final report	Outcome	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
<b>3. Statistical Surveys (See list below)</b>		Target	0	0	0	4	4	1
		Actual	0	0	0	4	4	
3A. CMA annual survey of policymakers and stakeholders	Input/Activity	Target	0	0	0	1	1	1
		Actual	0	0	0	1	1	
3B. CMA Technical Assistance Form	Input/Activity	Target	0	0	0	1	1	0
		Actual	0	0	0	1	1	
3C. CMA Information and Referral Form	Input/Activity	Target	0	0	0	1	1	0
		Actual	0	0	0	1	1	
3D. CMA Outreach Form	Input/Activity	Target	0	0	0	1	1	0
		Actual	0	0	0	1	1	
<b>4. Public Policy and Legislation (See list below)</b>		Target	0	0	0	4	4	0
		Actual	0	0	0	0	1	
4A. S196-Human Trafficking (passage of bill)	Outcome	Target	0	0	0	1	1	0
		Actual	0	0	0	0	1	
4B. S279-Small-Minority Business Assistance Office (passage of bill)	Outcome	Target	0	0	0	1	1	0
		Actual	0	0	0	0	0	
4C. S356-State Recognition of Groups (passage of bill)	Outcome	Target	0	0	0	1	1	0
		Actual	0	0	0	0	0	
4D. S674-Workers Compensation Act (passage of bill)	Outcome	Target	0	0	0	1	1	0
		Actual	0	0	0	0	0	
<b>5. Funds Collected; Grants and Other Agency Funded Partnerships</b>		Target	0	0	0	1	1	2
		Actual	0	0	0	1	1	
<b>6. Technical Assistance, Capacity Building and Outreach To County Public and Congressional Officials, Legislators, Cities and Towns in SC (# of policymakers contacted/served)</b>		Target	0	0	0	456	456	500
		Actual	0	0	0	456	456	
<b>7. Training - External (# of staff receiving external training)</b>		Target	0	0	0	8	8	10
		Actual	0	0	0	8	8	
<b>8. Training - Internal (# of staff receiving internal training)</b>		Target	0	0	0	3	8	10
		Actual	0	0	0	3	8	

Performance Measure	Type*		FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
<b>9. Research Partnerships (See list below)</b>		Target	0	0	0	8	15	13
		Actual	0	0	0	8	15	
9A. Research partnerships and collaborations	Input/Activity	Target	0	0	0	1	3	3
		Actual	0	0	0	1	3	
9B. Partnerships and collaborations - federal, state, and nonprofit organizations	Input/Activity	Target	0	0	0	5	10	10
		Actual	0	0	0	5	10	
9C. College and university partnerships related to the U. S. Department of Education	Input/Activity	Target	0	0	0	1	1	0
		Actual	0	0	0	1	1	
9D. Partnership with one Native American entity to identify grant opportunities	Input/Activity	Target	0	0	0	1	1	0
		Actual	0	0	0	1	1	
<b>10. Events and Workshops (See list below)</b>		Target	0	0	0	9	8	7
		Actual	0	0	0	11	10	
10A. S.C. Statistical Abstract event (i.e., presentation of the "Statistical Profile by Counties" document)	Outcome	Target	0	0	0	1	1	0
		Actual	0	0	0	1	1	
10B. Number of Advisory Committee meetings	Outcome	Target	6	6	6	6	6	6
		Actual	6	7	8	8	8	
10C. Number of S.C. Native American state recognition application workshops	Outcome	Target	2	2	2	2	1	1
		Actual	2	2	2	2	1	
<b>11. Internal Planning Events (See list below)</b>		Target	0	0	0	0	3	2
		Actual	0	0	0	0	3	
11A. CMA strategic planning meeting (i.e., meeting of agency staff and board members)	Input/Activity	Target	0	0	0	0	1	1
		Actual	0	0	0	0	1	
11B. Number of CMA staff professional development meetings	Input/Activity	Target	0	0	0	0	1	1
		Actual	0	0	0	0	1	
11C. CMA staff technical assistance, capacity building, information referral process training	Input/Activity	Target	0	0	0	0	1	0
		Actual	0	0	0	0	1	

Table Note:

\* Type of measure as determined by CMA.

# STUDY PROCESS

## *Agency Selection*

The Commission for Minority Affairs is an agency subject to legislative oversight.<sup>38</sup> During the 122<sup>nd</sup> General Assembly, the Committee prioritizes the agency for study by the Economic Development, Transportation, and Natural Resources Subcommittee on May 10, 2017.<sup>39</sup>

As the Committee encourages **collaboration in its legislative oversight process**, the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor are also notified about the agency study.

## *Subcommittee Membership*

The **Economic Development, Transportation, and Natural Resources Subcommittee of the House Legislative Oversight Committee is studying the agency.**<sup>40</sup> The study begins and is completed during the 122<sup>nd</sup> General Assembly. The Honorable Laurie Slade Funderburk, Committee vice-chair, chairs the Subcommittee's first meeting with the agency. For the remainder of the study, the Honorable Bruce W. Bannister serves as Subcommittee chair. The members listed below serve on the Subcommittee during the entire study:

- The Honorable Neal A. Collins;
- The Honorable Mandy Powers Norrell; and
- The Honorable Robert L. Ridgeway, III.

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit Annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. Each report is posted on the agency page of the Committee's website.

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in S.C. Code Ann. § 1-30-10(G)(1) that each agency annually report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services." The report, at a minimum, includes information in the following areas: history, mission and vision, laws, strategic plan, human and financial resources, performance measures, and restructuring recommendations.

The Commission for Minority Affairs submits its Annual Restructuring Report on March 30, 2016.<sup>41</sup> Since the end of FY 2015-16, the agency's Annual Accountability Report to the Governor and General Assembly also serves as its Annual Restructuring Report.<sup>42</sup>

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

S.C. Code Ann. § 1-30-10 requires agencies to submit “a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period.” The Commission for Minority Affairs submits its plan on June 19, 2015.<sup>43</sup>

### *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee." S.C. Code Ann. § 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the Commission for Minority Affairs' Program Evaluation Report (PER) on June 27, 2017. The agency submits the report on September 29, 2017.

The PER includes information in the following areas:

- Agency overview;
- Agency legal directives, plan, and resources;
- Performance; and
- Agency ideas and recommendations.

The **Program Evaluation Report** serves as the base document for the Subcommittee's study of the agency.

## Information from the Public

Public input is a cornerstone of the House Legislative Oversight Committee’s process. There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee’s website, and appear in person before the Subcommittee.<sup>44</sup>

### Public Survey

From June 27 - July 28, 2017, the Committee posts an **online survey to solicit comments from the public about the Commission for Minority Affairs** and three other agencies.<sup>45</sup> Communication about this survey is sent to all House members to forward to their constituents. In an effort to communicate this public input opportunity widely, a statewide media release is issued.<sup>46</sup>

Twenty-six survey respondents choose to provide input about CMA, with 9 of South Carolina’s 46 counties indicated as the residence of at least one of those respondents.<sup>47</sup> These comments are not considered testimony.<sup>48</sup> As the survey notes, “input and observations from those citizens who [choose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies.” The survey results are posted on the Committee’s website. The **public is informed it may continue to submit written comments about agencies online** after the public survey closes.<sup>49</sup>

Of the 24 respondents who give their overall opinion about CMA, nearly 60% indicate it is negative or very negative.<sup>50</sup>

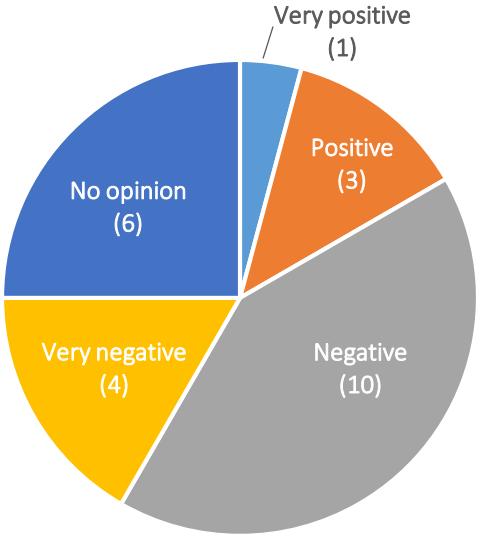


Figure 5. Survey respondents’ opinions of CMA.

In open-ended comments, several respondents express doubt about the continued need for the agency and concern that it does not make good use of taxpayer money.<sup>51</sup>

### *Public Input via Committee Website*

Throughout the course of the study, people are able to submit comments anonymously on the Committee website. Those comments are posted to the website verbatim, but are not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.<sup>52</sup>

Eighteen such comments are received during the course of the study. The majority of these express support for the agency, while a few cite concerns about topics such as the Native American recognition process, conduct of a board member, agency effectiveness, and the agency's need for more staff to accomplish its mission.<sup>53</sup>

### *Public Input via In-Person Testimony*

The Committee offers the opportunity for the public to appear and provide sworn testimony.<sup>54</sup> The Committee holds a meeting dedicated to public input on Monday, October 16, 2017.<sup>55</sup> A press release announcing this opportunity is sent to media outlets statewide on October 2, 2017.<sup>56</sup> The Committee receives testimony about CMA from nine individuals on October 16, 2017, and the Subcommittee receives additional testimony at several meetings.<sup>57</sup> Further detail on the testimony the Committee and Subcommittee receives is in the *Meetings Regarding the Agency* section of this report.

## *Meetings Regarding the Agency*

The Committee meets with the agency on two occasions, and the Subcommittee meets with the agency on eight occasions. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is set forth in [Figure 2](#) on page 5.

### *May 2017*

On **May 10, 2017**, the full Committee selects the Commission for Minority Affairs for study. The meeting packet and a video recording of the meeting are available online.<sup>58</sup>

### *October 2017*

On **October 16, 2017**, the full Committee holds **Meeting 1** with the agency. Committee Chair Wm. Weston J. Newton states that a purpose of this meeting is to hear **public testimony** regarding CMA and three other agencies. Nine individuals provide testimony about CMA. A synopsis of their testimony is available in the meeting minutes on the Committee website.<sup>59</sup> A video recording of the meeting is also available online.<sup>60</sup>

On **October 24, 2017**, the Subcommittee holds **Meeting 2** with the agency. Committee Vice-Chair Laurie Slade Funderburk, acting as Subcommittee chair, swears in a number of agency representatives who are testifying for the first time during the study. CMA Director Thomas J. Smith then presents information on the agency's purpose, mission, vision, legal directives, organizational structure, major program areas, and relationships with other agencies. The Subcommittee members ask questions on these topics, which are

answered by various agency representatives.<sup>61</sup> The meeting packet, CMA's presentation materials, and a video recording of the meeting are available online.<sup>62</sup>

### *November 2017*

On **November 13, 2017**, the full Committee holds **Meeting 3** with the agency. Director Smith provides a **brief response to public comments** received at the meeting on October 16, 2017.<sup>63</sup> The meeting packet and a video recording of the meeting are available online.<sup>64</sup>

On **November 20, 2017**, the Subcommittee holds **Meeting 4** with the agency.<sup>65</sup>

Two individuals provide **testimony**:

- Chief Louie Chavis of the Beaver Creek Indians testifies about his experience as a CMA board member and his perspective on the state recognition process for Native American entities. He responds to Subcommittee members' questions.
- Ms. Erica Canady, Director of Social Services for the Catawba Indian Nation, testifies about her experience working with county social workers, the federal Indian Child Welfare Act (ICWA), and her professional relationship with the Commission for Minority Affairs.

Subcommittee Chair Bruce W. Bannister swears in two CMA representatives who have not previously testified, then agency representatives present **information in response to the Subcommittee's November 3, 2017 letter**.<sup>66</sup>

- Director Smith discusses:
  - the June 2015 S.C. Office of the Inspector General performance review;
  - agency recommendations for statute or regulation changes;
  - CMA's governing board;
  - nonprofit organizations affiliated with the agency, including the S.C. Micro-Enterprise Network (SCMEN);
  - referrals to the Human Affairs Commission;
  - statutory basis for the small and minority business initiative; and
  - CMA's community based services initiative.

Director Smith also answers questions from Subcommittee members on these topics.

- Ms. Marcy Hayden, CMA program coordinator for Native American affairs, discusses the agency's recommendation to amend the regulation outlining the composition of the Native American Advisory Committee and the agency's involvement with the Indian Child Welfare Act. Ms. Hayden responds to questions from Subcommittee members about these topics and state recognition of Native American entities.
- Mr. Rogie Nelson, CMA program coordinator for small and minority business, and Ms. Lauretha Whaley, CMA Administrative Manager, present information about the S.C. Micro-Enterprise Network (SCMEN). Subcommittee members ask questions, which Mr. Nelson, Ms. Whaley, and Director Smith answer.
- Ms. Christina Hyppolite, CMA program coordinator for community based services, presents information about the agency's community based services program. Subcommittee members ask questions, which Ms. Hyppolite and Director Smith answer.

The meeting packet, agency materials, and a video recording of the meeting are available online.<sup>67</sup>



On **November 28, 2017**, the Subcommittee holds **Meeting 5** with the agency.<sup>68</sup>

Two individuals provide testimony:

- Ms. Lisa McQueen-Starling, Chief Executive Officer of the Wassamasaw Indian Nation in Berkeley County, testifies about her tribe's unsuccessful petition to CMA to obtain state recognition. She responds to Subcommittee members' questions.
- Chief Chavis testifies about the problems he sees at the agency.

Director Smith provides opening comments, and then he and the following agency representatives testify and respond to Subcommittee members' questions:

- Ms. Hayden presents information about the Native American affairs initiative, which she coordinates;
- Mr. Benjamin Washington presents information about research and policy services, which he coordinates; and
- Mr. Nelson addresses a Subcommittee question about SCMEN conference participants.

The meeting packet and a video recording of the meeting are available online.<sup>69</sup>

### *December 2017*

On **December 19, 2017**, the Subcommittee holds **Meeting 6** with the agency.<sup>70</sup>

Chief Chavis testifies about his hopes for CMA's future.

Then, the following agency representatives testify and respond to Subcommittee members' questions:

- Director Smith provides opening comments;
- Ms. Kaneshia Greene presents information about the human trafficking and immigration initiative, which she coordinates; and
- Mr. Nelson presents information about the small and minority business initiative, which he coordinates.

The meeting packet, agency presentation, and a video recording of the meeting are available online.<sup>71</sup>

### *January 2018*

On **January 25, 2018**, the Subcommittee holds **Meeting 7** with the agency.<sup>72</sup>

The following agency representatives testify and respond to members' questions:

- Director Smith provides opening comments;
- Ms. Lee McElveen presents information on the Hispanic/Latino affairs program, which she coordinates;
- Ms. Hyppolite presents information on the community based services program, which she coordinates; and
- Mr. George Dennis presents information on the African American affairs program, which he coordinates.

The meeting packet and a video recording of the meeting are available online.<sup>73</sup>

## *February 2018*

On **February 8, 2018**, the Subcommittee holds **Meeting 8** with the agency.<sup>74</sup>

Chief Chavis addresses the Subcommittee with a question about financial audits of state agencies.

Then, the following agency representatives testify:

- Director Smith provides opening comments and then discusses the agency's strategic plan;
- Ms. Hayden, Mr. Dennis, and Ms. McElveen testify about the objectives of the Native American affairs, African American affairs, and Hispanic/Latino affairs programs; and
- Mr. Nelson testifies about the objectives of the U.S. Department of Agriculture Rural Business Enterprise grant, which funds part of the small and minority business initiative.

Agency representatives respond to Subcommittee members' questions on a variety of topics, including:

- reducing recidivism;
- the Indian Child Welfare Act;
- grants; and
- small business training courses.

Finally, Mr. Ronnie D. Williams of the Beaver Creek Tribe testifies about communication problems he has experienced with CMA. The meeting packet and a video recording of the meeting are available online.<sup>75</sup>

On **February 22, 2018**, the Subcommittee holds **Meeting 9** with the agency.<sup>76</sup>

Three constituents address the Subcommittee:

- Chief Michelle Mitchum of the Pine Hill Indians testifies as to her opinion that CMA is retaliating against her tribe because of her testimony at the October 2017 meeting of the full Committee;
- Chief Chavis testifies about a variety of issues with the agency; and
- Ms. McQueen-Starling quotes from the "United Nations Declaration of the Rights of Indigenous Peoples" and discusses her disappointment regarding the petition her tribe filed five years earlier.

Then, agency representatives Director Smith, Ms. Hayden, and Ms. Whaley testify about the agency's performance measures. They respond to Subcommittee members' questions on a variety of topics, including: public surveys; bill tracking; grants; outreach; training; and events.

The meeting packet and a video recording of the meeting are available online.<sup>77</sup>

## *April 2018*

On **April 11, 2018**, the Subcommittee holds **Meeting 10** with the agency.<sup>78</sup>

Subcommittee Chair Bannister notes that the following two bills relating to CMA have been approved by the House:

- H. 5090, which allows the use of wild turkey parts (not just feathers) in Native American crafts sold by members of state recognized tribes; and
- H. 3177, which requires CMA to cease recognition of Native American “groups” but not tribes or special interest organizations.

Director Smith testifies the CMA board has opted not to take an official position on these bills, but the Native American Advisory Committee supports both.

Two constituents testify and respond to Subcommittee members’ questions:

- Ms. Jennifer Powers of JD Powers, LLC, General Contractors discusses the beneficial assistance that CMA and other state agencies have provided to her as a minority business owner; and
- Ms. Bonita Clemons of Bonita Global, LLC, testifies that CMA has assisted her with her tea business for several years.

At Subcommittee Chair Bannister’s request, Director Smith addresses the internal changes the agency has made or plans to make as a result of the Subcommittee study (see *Internal Changes Implemented by Agency Related to Study Process* section on p. 39). Director Smith and other agency representatives respond to questions from Subcommittee members on various topics.

Before discussion of recommendations and findings, each Subcommittee member addresses the agency individually. Then, the Subcommittee members make a number of motions related to study findings, recommendations, and report drafting (see *Finding* and *Recommendation* sections on p. 36 and p. 37).

The meeting packet and a video recording of the meeting are available online.<sup>79</sup>

## *Study Process Completion*

Pursuant to Committee Standard Practice 12.4, **Subcommittee members may provide a separate written statement for inclusion with the Subcommittee's Study.** After receipt of any written statements from Subcommittee members, the Subcommittee chair, pursuant to Committee Standard Practice 12.5, shall notify the Committee chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee chair receives written notice from the Subcommittee chair, the Committee chair shall, pursuant to Committee Standard Practice 13.1, include the Subcommittee Study on the agenda for a full Committee meeting. During a full Committee meeting at which the Subcommittee Study is discussed, the Committee may vote, pursuant to Committee Standard Practice 13.2, to (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency, as well as all House Standing Committees, receive a copy. The Committee shall offer at least one briefing to members of the House about the contents of the final oversight study approved by the Committee.<sup>80</sup> The Committee chair may provide briefings to the public about the final oversight study.<sup>81</sup>

**To support the Committee's ongoing oversight by maintaining current information about the Commission for Minority Affairs, the agency receives an annual Request for Information.**

# FINDING

After spending nearly 13 hours hearing testimony and meeting with agency personnel and other interested parties, the Subcommittee finds that **it has no confidence that CMA is efficiently or effectively fulfilling its mission.** This finding is adopted unanimously at the Subcommittee meeting on April 11, 2018.<sup>82</sup> There are a number of specific concerns arising from the study, including:

- **Failure to fulfill statutory duties related to research and statistics.** Although several of the duties listed in S.C. Code Ann. § 1-31-40 relate to production and dissemination of statistical data, CMA has produced only four research reports in the last five years. Further, this issue is identified in the June 2015 performance review of CMA conducted by the S.C. Office of the Inspector General, and it remains unresolved nearly three years later.<sup>83</sup>
- **Failure to fulfill statutory duty to maintain hotline to receive reports of violations of immigration laws.** S.C. Code Ann. § 8-30-10, enacted in 2008, requires CMA to “establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law.” Nine years after the enactment of that law, in October 2017, CMA has signed a memorandum of understanding with a nonprofit organization called Polaris that operates a national human trafficking hotline. Now, a decade after the law’s enactment, the agency has not yet established a hotline to receive reports of violations of immigration laws, but it plans to contract with a private company to provide one.<sup>84</sup>
- **Board member divisions.** Although the CMA board chair testifies in support of the agency, two other board members testify about serious concerns they have with agency operations and the inability of the board to rectify these problems. Director Smith testifies that efforts to establish formal board training for new members have been unsuccessful. The 2015 Inspector General review of CMA also identifies concerns about the agency’s board. This is a second issue that remains unresolved nearly three years later.<sup>85</sup>
- **Misleading testimony.** Subcommittee members express concerns that some testimony given by agency personnel during the study is misleading. Examples include:
  - An assertion that another state agency is uncooperative with CMA requests for data, when in fact CMA staff have not made a request of that agency in several years;
  - Testimony that the only financial support provided to the South Carolina Micro-Enterprise Network (SCMEN), the nonprofit organization operated by the agency, is “sponsorship” of SCMEN’s conference, when in fact 80-95% of the total expenses for each of the last four annual conferences have been paid from CMA’s budget (see [Recommendation](#) section and [Table 9](#) below); and
  - Overrepresentation of agency efforts, such as: a survey of state and local policy makers that turned out to be a mass email to which no one responded; and a goal of encouraging the introduction and passage of legislation that is actually carried out by simply tracking a few bills online.<sup>86</sup>
- **Ineffective use of staff training.** Director Smith testifies that information gleaned from staff training is not used to revise agency policies or practices.<sup>87</sup>

- **Mission drift.** Subcommittee members express concerns that CMA is not focusing on the policy research and support for the statewide minority community that should be its primary mission. This is also identified as a major issue in the 2015 Inspector General review of CMA, and it is a third issue that remains unresolved nearly three years later.<sup>88</sup>

## RECOMMENDATION

### *General Information*

The following **recommendation relates to an area identified for potential improvement** by the Subcommittee. The **Subcommittee recognizes this recommendation will not satisfy everyone nor address every issue or potential area of improvement at the agency.** This recommendation is based on the agency's self-analysis requested by the full Committee, discussions with the agency during multiple meetings, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee's website.

### *Continue*

The **Subcommittee does not have any specific recommendations with regards to continuance of agency programs.**

### *Curtail (i.e. Revise)*

The Subcommittee recommends that the **Commission for Minority Affairs refrain from starting or maintaining any nonprofit organizations.** This recommendation is adopted unanimously at the Subcommittee meeting on April 11, 2018.<sup>89</sup>

During the study, agency representatives testify that CMA currently operates a nonprofit organization called the South Carolina Micro-Enterprise Network (SCMEN). It is a network that provides training, technical assistance, and advice to small and minority businesses. The intent is for SCMEN to become independent of CMA. However, two CMA staff members currently serve on its board, one as president. The only people who receive pay from SCMEN are consultants hired to provide training, none of whom are CMA staff.<sup>90</sup>

On October 24, 2017, agency representatives testify that CMA’s only financial contribution to SCMEN is “sponsorship” of its annual Microbusiness Conference.<sup>91</sup> However, documents provided by the agency at the Subcommittee’s request reveal the following contributions from the CMA budget to each SCMEN conference:<sup>92</sup>

*Table 9. CMA contributions to conference of the S.C. Micro-Enterprise Network, a nonprofit organization.*

Year	CMA Contribution to SCMEN Conference	% of Total Conference Cost Paid by CMA
2013	\$0.00	0%
2014	\$5,134.00	92%
2015	\$42,448.51	84%
2016	\$46,209.34	91%
2017	\$27,592.04	95%

Agency representatives also testify that CMA employees have previously started two other nonprofit organizations. One was designed specifically to obtain funding through the Supplemental Educational Services (SES) program of the U.S. Department of Education, which agency representatives indicate could not be awarded directly to a state agency. They report that the nonprofit received the funding, then distributed it to local teachers who provided tutoring services for students struggling in reading and math. The nonprofit also reimbursed CMA for the office space and staff time it provided.<sup>93</sup>

Agency representatives testify that the other nonprofit organization started by agency staff was created to apply for a specific grant that was not awarded, so the nonprofit organization never received any money and is not currently functional.<sup>94</sup>

The S.C. Office of the Attorney General has opined that a state agency may create a nonprofit organization “for fundraising and to assist the entity in carrying out its statutory purpose and mission,” and also notes this is common practice for public colleges and universities.<sup>95</sup> However, professional resources for nonprofits caution against the conflict of loyalties that can result when representatives of those funding a nonprofit serve on its board.<sup>96</sup> Questions about the relationship between CMA and the nonprofit organizations its staff have created are raised in constituent testimony before the Committee.<sup>97</sup> Subcommittee questioning spurred by this testimony evidences a concern that the appearance of such a conflict may impede CMA’s ability to effectively utilize nonprofit organizations it creates to assist it in carrying out its statutory purpose and mission.<sup>98</sup>

## *Eliminate*

The Subcommittee does not have any specific recommendations with regards to elimination of agency programs.

## INTERNAL CHANGES IMPLEMENTED BY AGENCY RELATED TO STUDY PROCESS

On April 11, 2018, Director Smith testifies that CMA has implemented the following internal changes as a result of the oversight process:<sup>99</sup>

- Consistently logging telephone calls requesting technical assistance;
- Developing a spreadsheet to track technical assistance provided;
- Adding a language translation feature to the agency's website; and
- Posting dates and times of board and advisory committee meetings on the agency's website.

## ADDITIONAL INFORMATION

During the study process, CMA presents three recommendations for changes to laws or agency operations. The Subcommittee unanimously rejects two of these; the Subcommittee takes no action on the third. **The recommendations that are rejected are as follows:**<sup>100</sup>

**Agency Recommendation 1: Delete S.C. Code of Laws § 1-31-40(5), which states, "Provide the minority community with assistance and information on Voting Rights Act submissions in the State, as well as other related areas of concern to the minority community."**

CMA representatives assert that because South Carolina is no longer subject to the pre-clearance requirement of the Voting Rights Act, this statutory duty no longer applies. Subcommittee members indicate that even without the pre-clearance requirement, there continues to be a role for CMA in providing information and assistance to the minority community related to other provisions of the Voting Rights Act.<sup>101</sup>

**Agency Recommendation 2: Amend the regulation which mandates the composition of the Native American Advisory Committee to include term limits for members.**

Opposition to this recommendation is expressed because it relates directly to the personal conflicts noted during the study between agency employees and board members.<sup>102</sup>



## SELECTED AGENCY INFORMATION

**Commission for Minority Affairs. "Program Evaluation Report, 2016."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/PER%20-%20Complete%20PDF.PDF> (accessed April 8, 2018).

**Commission for Minority Affairs. "Restructuring and Seven-Year Plan Report, 2015."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Commission%20for%20Minority%20Affairs.pdf> (accessed April 8, 2018).

**Commission for Minority Affairs. "Agency Accountability Report, 2016-17."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202016-2017.pdf> (accessed April 8, 2018).

**S.C. House of Representatives, Legislative Oversight Committee. "Results of Survey of Adjutant General's Office; Commission for Minority Affairs; Department of Natural Resources; and Patriots Point Development Authority (June 27-July 28, 2017)."**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20the%20Adjutant%20General's%20Office;%20Commission%20for%20Minority%20Affairs;%20DNR;%20and%20Patriots%20Point%20\(6.27-%207.28.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20the%20Adjutant%20General's%20Office;%20Commission%20for%20Minority%20Affairs;%20DNR;%20and%20Patriots%20Point%20(6.27-%207.28.pdf) (accessed April 8, 2018).

# APPENDICES

## Appendix A. Data about Minority Populations in S.C.

When creating the Commission for Minority Affairs in 1993, the General Assembly cited various statistics demonstrating the disadvantaged status of African Americans in South Carolina.<sup>103</sup> Figure 6, below, includes excerpts from Act 164 of 1993 along with more recent, related statistics.

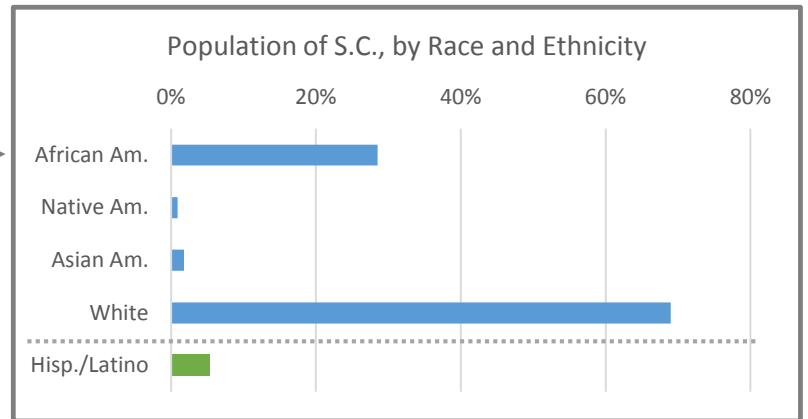
### Demographics

#### 1993

African Americans make up a third of the population in South Carolina.

#### Today

African Americans, Native Americans, Asian Americans, and other people of color make up about one-third of the population of S.C. Over five percent of the state is Hispanic/Latino.<sup>104</sup>



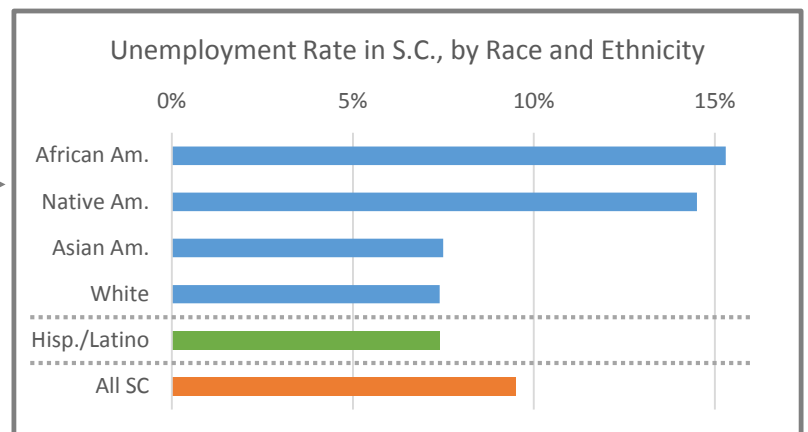
### Unemployment Rate

#### 1993

The unemployment rate for African American males is nearly three times higher than the rate for white males in South Carolina.

#### Today

The unemployment rate for African Americans is over twice the rate for whites in S.C., and the rate for Native Americans is nearly as high.<sup>105</sup>



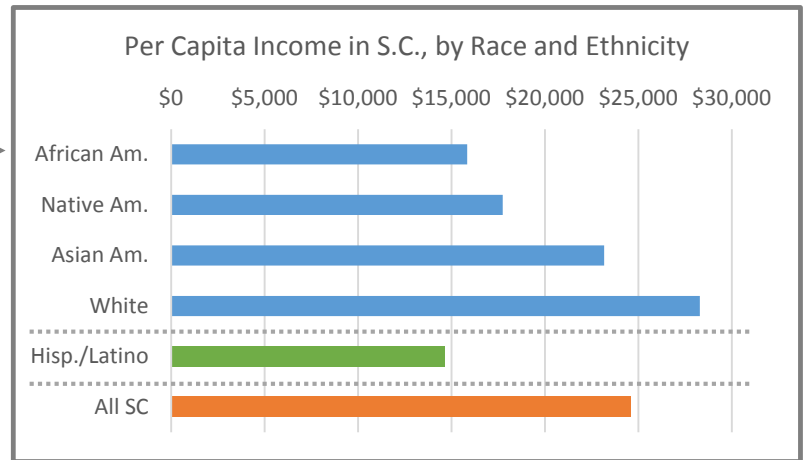
## Per Capita Income

1993

Per capita income for African Americans in South Carolina is less than half the income of whites.

Today →

Per capita income for Hispanics/Latinos and African Americans in S.C. is just over half that of whites, and per capita income for Native Americans and Asian Americans is also significantly lower than that of whites.<sup>106</sup>



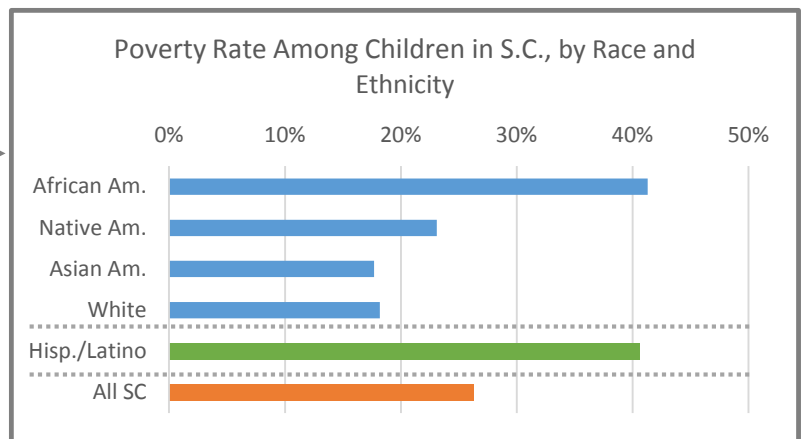
## Children in Poverty

1993

Four out of every ten African American children will grow up in poverty in South Carolina.

Today →

Four out of every ten African American and Hispanic/Latino children in S.C. live in poverty.<sup>107</sup>



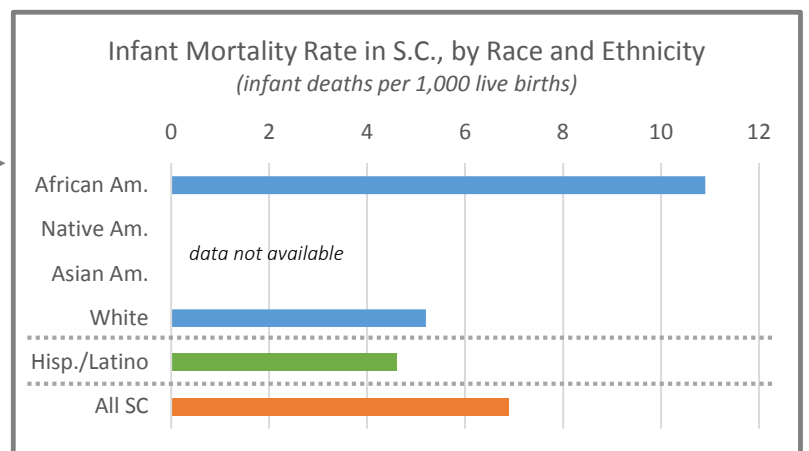
## Infant Mortality

1993

The African American infant mortality rate is more than twice as high as whites in South Carolina.

Today →

The African American infant mortality rate is more than twice as high as the rate for whites in S.C.<sup>108</sup>



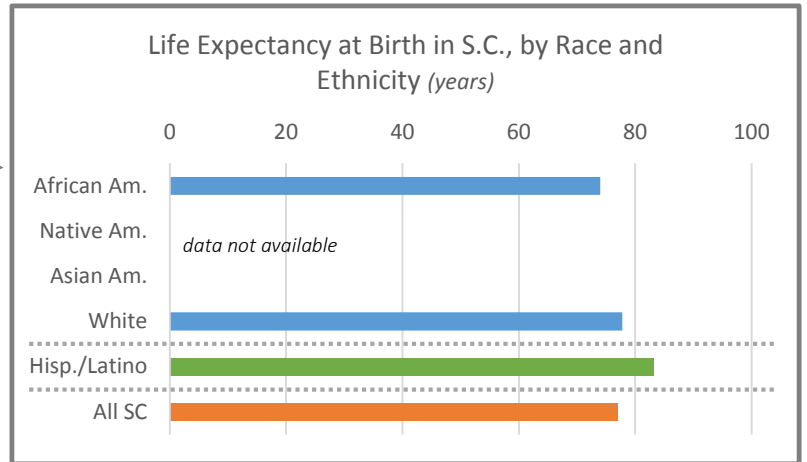
## Life Expectancy

1993

African Americans die six years earlier than whites in South Carolina.

Today →

African Americans die nearly four years earlier than whites in S.C.<sup>109</sup>



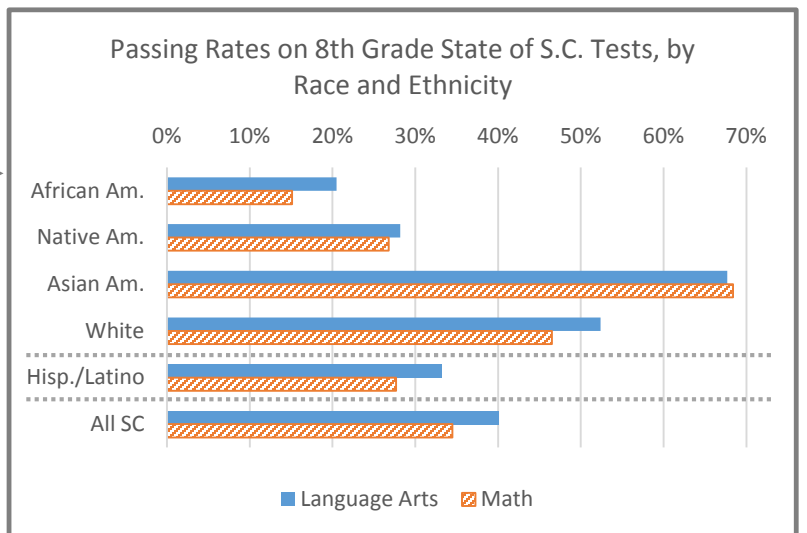
## Educational Success

1993

African American high school graduates attain literacy levels slightly above white eighth graders.

Today →

African American eighth graders in South Carolina are one-third as likely as white students to pass the state math test, and less than half as likely to pass the state language arts test.<sup>110</sup>



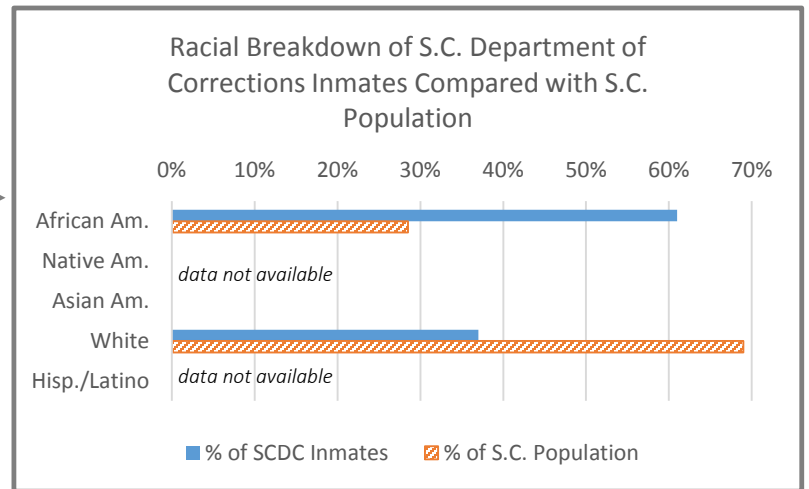
## Incarceration

1993

The percentage of African American inmates at the Central Correctional Institution in South Carolina is over seventy percent.

Today

More than sixty percent of S.C. Department of Corrections inmates are African American.<sup>111</sup>



## Juvenile Detentions

1993

African American youth make up seventy-four percent of commitments to long-term facilities; and

African American children are four and a half times more likely to be incarcerated than are their white counterparts in South Carolina.

Today

More than sixty percent of youth admitted to the S.C. Department of Juvenile Justice detention center in FY 16-17 were African American.<sup>112</sup>

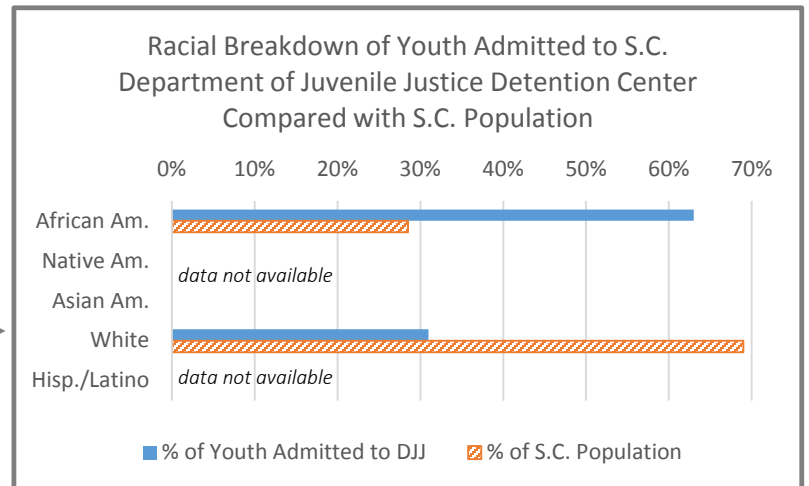


Figure 6. Data about minority populations in S.C.

## *Appendix B. Types of Native American Entities Recognized by CMA*

As outlined in the regulations CMA has promulgated, the agency recognizes three distinct types of Native American entities.<sup>113</sup> The definitions of these entities provided in the regulations are as follows:

- **Tribe**  
An assembly of Indian people comprising numerous families, clans, or generations together with their descendants, who have a common character, interest, and behavior denoting a separate ethnic and cultural heritage, and who have existed as a separate community, on a substantially continuous basis throughout the past 100 years. In general, core members of the tribe are related to each other by blood. A tribal council and governmental authority unique to Native American Indians govern them.
- **Group**  
A number of individuals assembled together, which have different characteristics, interests and behaviors that do not denote a separate ethnic and cultural heritage today, as they once did. The group is composed of both Native American Indians and other ethnic races. They are not all related to one another by blood. A tribal council and governmental authority unique to Native American Indians govern them.
- **Special Interest Organization**  
An assembly of people who have united for the common purpose of promoting Native American culture and addressing socio-economic deprivation among people of Indian origin. The organization is made up of Native American Indians and other ethnic races. A tribal council or other form of governing body provides oversight and management. Membership is not required. They may be organized as a private nonprofit corporation under the laws of South Carolina.

There are different qualifications required for recognition of each type of entity. Since the process of state recognition began in 2005, CMA has recognized nine tribes, four groups, and two special interest organizations.<sup>114</sup> Entities recognized as tribes or groups may each appoint one representative to CMA's Native American advisory committee.<sup>115</sup>

H. 3177 has been passed by the House and the Senate. If it becomes law, it will require CMA to cease recognition of Native American groups. However, it will not affect the agency's recognition of Native American tribes and special interest organizations, and all groups that are already recognized will maintain their status.

# CONTACT INFORMATION

## Committee Contact Information

Physical:  
S.C. House of Representatives  
Legislative Oversight Committee  
1105 Pendleton Street, Blatt Building Room 228

Mailing:  
Post Office Box 11867  
Columbia, South Carolina 29211

Telephone: (803) 212-6810

Online: <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

You may also visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "Agency Oversight by House Legislative Oversight Committee". This will list the information posted online for the Committee; click on the information you would like to review.

## Agency Contact Information

Address:  
S.C. Commission for Minority Affairs  
2221 Devine Street, Suite 408  
Columbia, South Carolina 29205

Telephone: (803) 333-9621

Online: <http://cma.sc.gov/>

# ENDNOTES

<sup>1</sup> Commission for Minority Affairs, "Program Evaluation Report," September 29, 2017, under "House Legislative Oversight Committee," "Commission for Minority Affairs,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/PER%20-%20Complete%20PDF.PDF> (accessed March 23, 2018). Hereinafter, "CMA Program Evaluation Report"; and Commission for Minority Affairs, "Fiscal Year 2016-2017 Accountability Report," under "House Legislative Oversight Committee," "Commission for Minority Affairs," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202016-2017.pdf> (accessed March 23, 2018). Hereinafter, "CMA 2016-2017 Accountability Report."

<sup>2</sup> S.C. Code Ann. § 2-2-20(C).

<sup>3</sup> S.C. House of Representatives, House Legislative Oversight Committee, "April 11, 2018 Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," and under "Meetings," (Minutes will be posted when approved at the next Subcommittee meeting.) <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MinorityAffairs.php> (accessed April 12, 2018). A video of this meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, "April 11, 2018 Meeting Minutes and Video." See video at 1:55:30.

<sup>4</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 17:00.

<sup>5</sup> S.C. House of Representatives, House Legislative Oversight Committee, "April 11, 2018 Meeting Packet," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," and under "Meetings," pp. 7-9, [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/4.11.18\\_Meeting\\_Packet\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/4.11.18_Meeting_Packet_EDTNR.pdf) (accessed April 13, 2018).

April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:50:30.

<sup>6</sup> [CMA Program Evaluation Report](#), pp. 3-4.

<sup>7</sup> Act 164 of 1993, Part II, Section 110.

<sup>8</sup> Act 85 of 2003.

<sup>9</sup> The first Native American entities are recognized by CMA on February 17, 2005. The entities recognized are: Pee Dee Indian Nation of Upper South Carolina (tribe); The Waccamaw Indian People (tribe); Eastern Cherokee, Southern Iroquois and United Tribes of South Carolina, Inc. (group); and Wassamasaw Tribe of Varnertown Indians (group). See:

S.C. House of Representatives, House Legislative Oversight Committee, "Native American Affairs Documents," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," under "Meetings," and under "Monday, November 20, 2017," p. 4,

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Native\\_American\\_Affairs\\_Documents.PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Native_American_Affairs_Documents.PDF) (accessed April 16, 2018).



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- <sup>10</sup> Act 280 of 2008.
- <sup>11</sup> CMA 2016-2017 Accountability Report, p. 1.
- <sup>12</sup> S.C. Code Ann. § 1-31-10.  
S.C. Secretary of State, Boards and Commissions, State Commission for Minority Affairs.  
[http://search.scsos.com/boards\\_commissions/default.aspx](http://search.scsos.com/boards_commissions/default.aspx) (accessed April 17, 2018).
- <sup>13</sup> [CMA Program Evaluation Report](#), p. 19.
- <sup>14</sup> [CMA Program Evaluation Report](#), p. 19.
- <sup>15</sup> April 11, 2018 Meeting [Video](#) at 1:06:00.  
S.C. House of Representatives, House Legislative Oversight Committee, “CMA Response to December 1, 2017, Subcommittee Letter (December 10, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Correspondence,” pp. 63-64,  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Response\\_to\\_12.1.17\\_Subcommittee\\_Letter.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Response_to_12.1.17_Subcommittee_Letter.pdf) (accessed April 13, 2018).
- <sup>16</sup> Commission for Minority Affairs, “Organization Chart,” November 2017, under “House Legislative Oversight Committee,” “Commission for Minority Affairs,”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Org\\_Chart\\_CMA.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Org_Chart_CMA.pdf) (accessed April 3, 2018).
- <sup>17</sup> [CMA Program Evaluation Report](#), p. 5.
- <sup>18</sup> U.S. Census Bureau, “ACS Demographic and Housing Estimates - 2012-2016 American Community Survey 5-Year Estimates.”  
<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018).
- <sup>19</sup> S.C. Code Ann. § 1-31-20.
- <sup>20</sup> South Carolina State Library, “Grants Research Assistance: Home,” <http://guides.statelibrary.sc.gov/c.php?g=545068> (accessed March 12, 2018).
- <sup>21</sup> Phone conversation between Ms. Kendra Wilkerson, Fiscal/Research Analyst of the House Legislative Oversight Committee, and Ms. Michele Abraham, State Director of South Carolina Small Business Development Centers (February 1, 2018).
- <sup>22</sup> South Carolina Revenue and Fiscal Affairs Office, “About Us,” <http://rfa.sc.gov/about> (accessed March 12, 2018).
- <sup>23</sup> South Carolina Human Trafficking Task Force, “About,” <http://humantrafficking.scag.gov/about/> (accessed March 12, 2018).
- <sup>24</sup> South Carolina Department of Labor, Licensing and Regulation, “Wages/Child Labor,” under “Labor Programs/OSHA,”  
<http://www.llr.state.sc.us/labor/> (accessed March 12, 2018);  
South Carolina Department of Labor, Licensing and Regulation, “Immigrant Worker,” under “Labor Programs/OSHA,”  
<http://www.llr.sc.gov/immigration/> (accessed March 12, 2018);  
S.C. Code Ann. § 8-30-10.
- <sup>25</sup> [CMA 2016-2017 Accountability Report](#), pp. 19-26.
- <sup>26</sup> S.C. House of Representatives, House Legislative Oversight Committee, “February 22, 2018 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/2.22.18\\_Meeting\\_Minutes\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/2.22.18_Meeting_Minutes_EDTNR.pdf) (accessed April 12, 2018). A video of this meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, “February 22, 2018 Meeting Minutes and Video.” See video at 59:00.  
S.C. House of Representatives, House Legislative Oversight Committee, “January 25, 2018 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/1.25.18\\_Meeting\\_Minute\\_s\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/1.25.18_Meeting_Minute_s_EDTNR.pdf) (accessed April 7, 2018). A video of this meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, “January 25, 2018 Meeting Minutes and Video.” See video at 22:00.
- <sup>27</sup> U.S. Census Bureau, “ACS Demographic and Housing Estimates - 2012-2016 American Community Survey 5-Year Estimates.”  
<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018).
- <sup>28</sup> U.S. Census Bureau, “ACS Demographic and Housing Estimates - 2012-2016 American Community Survey 5-Year Estimates.”  
<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018). See “Race alone or in combination with one or more races” section.
- <sup>29</sup> [CMA Program Evaluation Report](#), pp. 13-18.
- <sup>30</sup> S.C. House of Representatives, House Legislative Oversight Committee, “CMA Response to Question #1 of the November 3, 2017, Subcommittee Letter (November 16, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Correspondence,” pp. 2-3,  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Response\\_to\\_Subcomm\\_11.16.17.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Response_to_Subcomm_11.16.17.pdf) (accessed April 14, 2018).
- <sup>31</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:50:00.
- <sup>32</sup> April 11, 2018 Meeting [Video](#) at 1:06:00.  
S.C. House of Representatives, House Legislative Oversight Committee, “CMA Response to December 1, 2017, Subcommittee Letter (December 10, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Correspondence,” pp. 63-64,  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Response\\_to\\_12.1.17\\_Subcommittee\\_Letter.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Response_to_12.1.17_Subcommittee_Letter.pdf) (accessed April 13, 2018).
- <sup>33</sup> CMA 2016-2017 Accountability Report.
- <sup>34</sup> [CMA Program Evaluation Report](#), p. 35.
- <sup>35</sup> [CMA Program Evaluation Report](#), pp. 20-31.
- <sup>36</sup> [CMA Program Evaluation Report](#), pp. 38-40.
- <sup>37</sup> [CMA Program Evaluation Report](#), pp. 32-34.

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<sup>38</sup> S.C. Code Ann. § 2-2-10(1).

<sup>39</sup> S.C. House of Representatives, House Legislative Oversight Committee, “May 10, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for” and under “Meetings,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/May%2010,%202017%20Meeting%20Minutes.pdf> (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>.

<sup>40</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Subcommittees -2018,” under “Committee Information,” under “House Legislative Oversight Committee,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20-%202018%20\(4.3.18\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20-%202018%20(4.3.18).pdf) (accessed April 7, 2018).

<sup>41</sup> S.C. House of Representatives, House Legislative Oversight Committee, “2016 Annual Restructuring Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for” and under “Oversight Reports and Studies,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20Extensions%20-%20Minority%20Affairs.pdf> (accessed April 7, 2018).

<sup>42</sup> [CMA 2016-2017 Accountability Report](#).

<sup>43</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Restructuring and Seven-Year Plan Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for” and under “Oversight Reports and Studies,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Commission%20for%20Minority%20Affairs.pdf> (accessed April 7, 2018).

<sup>44</sup> A brochure about the House Legislative Oversight’s Committee process and ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study are available online under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Public Participation,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed April 7, 2018).

<sup>45</sup> The other three agencies are Adjutant General’s Office; Department of Natural Resources; and Patriots Point Development Authority. See: S.C. House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (June 27, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for” and under “Public Survey & Public Input via LOC webpage,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Media%20Release%20Public%20Survey%20June%202017.PDF> (accessed April 7, 2018).

<sup>46</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (June 27, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for” and under “Public Survey & Public Input via LOC webpage,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Media%20Release%20Public%20Survey%20June%202017.PDF> (accessed April 7, 2018).

<sup>47</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Results of Survey of Adjutant General’s Office; Commission for Minority Affairs; Department of Natural Resources; and Patriots Point Development Authority (June 27 - July 28, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Minority Affairs, Commission for,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20the%20Adjutant%20General's%20Office;%20Commission%20for%20Minority%20Affairs;%20DNR;%20and%20Patriots%20Point%20\(6.27-2017\).28.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20the%20Adjutant%20General's%20Office;%20Commission%20for%20Minority%20Affairs;%20DNR;%20and%20Patriots%20Point%20(6.27-2017).28.pdf) (accessed April 7, 2018). Hereinafter, “Results of Survey (June 27-July 28, 2017)”

<sup>48</sup> Committee Standard Practice 10.4.

<sup>49</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Public Participation,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed April 7, 2018).

<sup>50</sup> [Results of Survey \(June 27-July 28, 2017\)](#), p. 7.

<sup>51</sup> [Results of Survey \(June 27-July 28, 2017\)](#), p. 11.

<sup>52</sup> Committee Standard Practice 10.4.2 allows for the redaction of profanity.

<sup>53</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Public Survey & Public Input via LOC webpage,” under “Committee Postings and Reports” and under “House Legislative Oversight Committee,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MinorityAffairs.php> (accessed April 7, 2018).

<sup>54</sup> Also, the chair of either the Committee or a Subcommittee has the discretion to allow testimony during meetings.

<sup>55</sup> S.C. House of Representatives, House Legislative Oversight Committee, “October 16, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/October%2016,%202017%20Meeting%20Minutes.pdf> (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, “October 16, 2017 Meeting Minutes and Video.”

<sup>56</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Statewide Media Release Inviting the Public to Provide Testimony about Four Agencies Under Study (October 2, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Correspondence,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MinorityAffairs.php> (accessed April 9, 2018).

<sup>57</sup> [October 16, 2017 Meeting Minutes](#).

<sup>58</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meetings,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Minority Affairs, Commission for,”

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<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MinorityAffairs.php> (accessed April 7, 2018). Hereinafter, “CMA Meetings;”

[Video Archives.](#)

<sup>59</sup> [October 16, 2017 Meeting Minutes.](#)

<sup>60</sup> South Carolina Legislature, Video Archives, <http://www.scstatehouse.gov/video/archives.php> (accessed April 7, 2018). Hereinafter, “Video Archives.”

<sup>61</sup> S.C. House of Representatives, House Legislative Oversight Committee, “October 24, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/EDTNR\\_Minutes\\_10.24.17.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/EDTNR_Minutes_10.24.17.pdf) (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, “October 24, 2017 Meeting Minutes and Video.”

<sup>62</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>63</sup> S.C. House of Representatives, House Legislative Oversight Committee, “November 13, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/November1317.pdf> (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>.

<sup>64</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>65</sup> S.C. House of Representatives, House Legislative Oversight Committee, “November 20, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/EDTNR\\_Minutes\\_11.20.17.PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/EDTNR_Minutes_11.20.17.PDF) (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, “November 20, 2017 Meeting Minutes and Video.”

<sup>66</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to CMA (November 3, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Correspondence,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Subcommittee\\_Letter\\_to\\_CMA\\_11-3-17.PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Subcommittee_Letter_to_CMA_11-3-17.PDF) (accessed April 7, 2018).

<sup>67</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>68</sup> S.C. House of Representatives, House Legislative Oversight Committee, “November 28, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/11.28.17\\_EDTNR\\_Meeting\\_Minutes.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/11.28.17_EDTNR_Meeting_Minutes.pdf) (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>.

<sup>69</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>70</sup> S.C. House of Representatives, House Legislative Oversight Committee, “December 19, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/12.19.17\\_EDTNR\\_Minute\\_s.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/12.19.17_EDTNR_Minute_s.pdf) (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>. Hereinafter, “December 19, 2017 Meeting Minutes and Video.”

<sup>71</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>72</sup> January 25, 2018 Meeting Minutes and Video.

<sup>73</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>74</sup> S.C. House of Representatives, House Legislative Oversight Committee, “February 8, 2018 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Minority Affairs, Commission for,” and under “Meetings,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/2.8.18\\_Minutes\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/2.8.18_Minutes_EDTNR.pdf) (accessed April 7, 2018). A video of the meeting is available at <http://www.scstatehouse.gov/video/archives.php>.

<sup>75</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>76</sup> February 22, 2018 Meeting Minutes and Video.

<sup>77</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>78</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting).

<sup>79</sup> [CMA Meetings;](#)

[Video Archives.](#)

<sup>80</sup> Committee Standard Practice 14.1.

<sup>81</sup> Committee Standard Practice 14.2.

<sup>82</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:55:30.

<sup>83</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:32:30. S.C. Commission for Minority Affairs, “Research Services,” <http://cma.sc.gov/policy-research/> (accessed April 13, 2018).

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S.C. Office of the Inspector General, "Performance Review of the Commission for Minority Affairs," June 2015, under "Reports," and under "2015," [http://oig.sc.gov/Documents/Performance\\_Review\\_of\\_the\\_Commission\\_for\\_Minority\\_Affairs.pdf](http://oig.sc.gov/Documents/Performance_Review_of_the_Commission_for_Minority_Affairs.pdf) (accessed April 14, 2018). Hereinafter, "2015 Inspector General Review of CMA." See p. 8.

<sup>84</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:33:00 and 1:06:00.

S.C. House of Representatives, House Legislative Oversight Committee, "CMA Response to December 1, 2017, Subcommittee Letter (December 10, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," and under "Correspondence," pp. 63-64, [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Response\\_to\\_12.1.17\\_Subcommittee\\_Letter.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Response_to_12.1.17_Subcommittee_Letter.pdf) (accessed April 13, 2018).

<sup>85</sup> October 16, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:03:02, 57:52, and 1:39:40.

October 24, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:51:45.  
[2015 Inspector General Review of CMA](#).

<sup>86</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:33:30 and 1:37:00.

S.C. House of Representatives, House Legislative Oversight Committee, "CMA Response to Question #1 of the November 3, 2017, Subcommittee Letter (November 16, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," and under "Correspondence," pp. 2-3, [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Response\\_to\\_Subcomm\\_11.16.17.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Response_to_Subcomm_11.16.17.pdf) (accessed April 14, 2018).

February 22, 2018 Meeting Minutes and [Video](#). See video at 32:15.

<sup>87</sup> February 22, 2018 Meeting Minutes and [Video](#). See video at 48:00.

April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:43:00.

<sup>88</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:44:00.  
[2015 Inspector General Review of CMA](#), p. 13.

<sup>89</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:56:00.

<sup>90</sup> October 24, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:56:00.

<sup>91</sup> October 24, 2017 Meeting [Minutes](#) and [Video](#). See video at 2:04:00.

<sup>92</sup> S.C. House of Representatives, House Legislative Oversight Committee, "CMA Response to November 21, 2017, Subcommittee Letter (November 21-22, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," and under "Correspondence," pp. 42-46, [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Response\\_to\\_11.21.17\\_Subcommittee\\_Letter.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Response_to_11.21.17_Subcommittee_Letter.pdf) (accessed April 13, 2018).

<sup>93</sup> October 24, 2017 Meeting [Minutes](#) and [Video](#). See video at 2:07:00.

<sup>94</sup> October 24, 2017 Meeting [Minutes](#) and [Video](#). See video at 2:07:00.

<sup>95</sup> S.C. Office of the Attorney General, "Opinion regarding 'the efforts of the Hunley Commission and the Friends of the Hunley in the ongoing conservation of the Hunley...,'" October 22, 2004, p. 16, <http://www.scag.gov/archives/752> (accessed April 17, 2018).

See also:

S.C. Office of the Attorney General, "Opinion concerning the creation of a non-profit organization by the Office on Aging based on Attorney General opinions that have set legal precedent for a government entity to provide public funds to a non-profit corporation," January 7, 2009, <http://www.scag.gov/archives/3250> (accessed April 17, 2018).

S.C. Office of the Attorney General, "Opinion regarding whether the Fifth Circuit Solicitor's Office may create a nonprofit eleemosynary corporation as a foundation to provide first aid kits to aid participants in the Veterans and treatment court programs," September 12, 2014, <http://www.scag.gov/archives/18637> (accessed April 17, 2018).

S.C. Office of the Attorney General, "Opinion asking may Coastal Carolina University establish a research foundation to process grants, contracts and other documents," July 29, 2014, <http://www.scag.gov/archives/18210> (accessed April 17, 2018).

S.C. Office of the Attorney General, "Opinion concerning the Department of Parks, Recreation and Tourism's authority to create the South Carolina Heritage Corridor (the "Foundation"), a South Carolina eleemosynary corporation," January 16, 1997, <http://www.scag.gov/archives/11097> (accessed April 17, 2018).

<sup>96</sup> Masaoka, Jan, "Nonprofit Conflict of Interest: A 3-Dimensional View," <http://www.blueavocado.org/content/nonprofit-conflict-interest-3-dimensional-view> (accessed April 17, 2018).

National Council of Nonprofits, "Conflicts of Interest," <https://www.councilofnonprofits.org/tools-resources/conflicts-of-interest> (accessed April 17, 2018).

<sup>97</sup> October 16, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:54:30.

<sup>98</sup> October 24, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:55:55.

November 20, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:17:40.

December 19, 2017 Meeting [Minutes](#) and [Video](#). See video at 1:25:30.

April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:38:00.

<sup>99</sup> April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 17:00.

<sup>100</sup> S.C. House of Representatives, House Legislative Oversight Committee, "April 11, 2018 Meeting Packet," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," and under "Meetings," pp. 7-9, [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/4.11.18\\_Meeting\\_Packet\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/4.11.18_Meeting_Packet_EDTNR.pdf) (accessed April 13, 2018).

April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:50:30.

<sup>101</sup> November 20, 2017 Meeting [Minutes](#) and [Video](#). See video at 24:30.

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April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 58:00 and 1:50:30.

<sup>102</sup> November 20, 2017 Meeting [Minutes](#) and [Video](#). See video at 26:00.

April 11, 2018 Meeting Minutes and [Video](#) (Minutes will be posted when approved at the next Subcommittee meeting). See video at 1:52:30.

<sup>103</sup> Act 164 of 1993, Part II, Section 110.

<sup>104</sup> U.S. Census Bureau, "ACS Demographic and Housing Estimates - 2012-2016 American Community Survey 5-Year Estimates." <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018).

<sup>105</sup> U.S. Census Bureau, "Selected Economic Characteristics - 2011-2015 American Community Survey Selected Population Tables." <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018). See Civilian Labor Force Unemployment Rate. Note that the racial categories include people who indicated each race alone or in combination with one or more other races.

<sup>106</sup> U.S. Census Bureau, "Selected Economic Characteristics - 2011-2015 American Community Survey Selected Population Tables." <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018). See per capita income. Note that the racial categories include people who indicated each race alone or in combination with one or more other races.

<sup>107</sup> U.S. Census Bureau, "Selected Economic Characteristics - 2011-2015 American Community Survey Selected Population Tables." <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (accessed April 18, 2018). See percent of all people under 18 whose income in the past 12 months is below the poverty level. Note that the racial categories include people who indicated each race alone or in combination with one or more other races.

<sup>108</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, "Health, United States, 2016," pp. 125-127, <https://www.cdc.gov/nchs/data/hus/hus16.pdf> (accessed April 19, 2018). See 2012-2014 annual average in Table 12, Infant mortality rates, by race and Hispanic origin of mother, state, and territory on pp. 125-127. Note that the categories "white" and "African American" exclude Hispanics/Latinos.

<sup>109</sup> Measure of America of the Social Science Research Council, "American Human Development Report – The Measure of America 2013-2014," pp. 45-51, <http://www.measureofamerica.org/wp-content/uploads/2013/06/MOA-III.pdf> (accessed April 19, 2018). See "American Human Development Index by State, 2010" tables.

<sup>110</sup> S.C. Department of Education, "State Scores by Grade Level and Demographic Category (2017)," under "Data," under "Test Scores," under "State Assessments," under "SC READY," under "2017," and under "Grade 8," <https://ed.sc.gov/data/test-scores/state-assessments/sc-ready/2017/state-scores-by-grade-level-and-demographic-category/?ID=999999> (accessed April 19, 2018). Note that unlike other data used in Appendix B, these do not include people of multiple races.

<sup>111</sup> S.C. Department of Corrections, "Profile of inmates in Institutional Count (Including Inmates on Authorized Absence) as of June 30, 2017," under "Research," under "Statistics," under "Inmate Population at Fiscal Year-End," and under "Statistics by Race and Gender On June 30, 2017," [http://www.doc.sc.gov/research/InmatePopulationStats/ASOF\\_InstitutionalCountProfile\\_FY17.pdf](http://www.doc.sc.gov/research/InmatePopulationStats/ASOF_InstitutionalCountProfile_FY17.pdf) (accessed April 19, 2018).

<sup>112</sup> S.C. Department of Juvenile Justice, "Annual Statistical Report 2016-2017," under "Pubs and Videos," under "DJJ Reports," and under "Annual Statistical Reports," p. 8, <http://www.state.sc.us/djj/pdfs/2016-17%20Annual%20Statistical%20Report.pdf> (accessed April 19, 2018).

<sup>113</sup> S.C. Code Ann. Regs. 139-102 *et seq.*

<sup>114</sup> S.C. Commission for Minority Affairs, "SC Native American Recognized Entities," under "Native American," <http://cma.sc.gov/native-american-affairs/> (accessed April 20, 2018);

S.C. House of Representatives, House Legislative Oversight Committee, "Native American Affairs Documents," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Minority Affairs, Commission for," under "Meetings," and under "Monday, November 20, 2017," pp. 4-5, [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA\\_Native\\_American\\_Affairs\\_Documents.PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Native_American_Affairs_Documents.PDF) (accessed April 16, 2018).

<sup>115</sup> S.C. Code Ann. Regs. 139-107.

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**Committees:**  
Judiciary  
Legislative Oversight

**House of Representatives**  
State of South Carolina

**Member Statement**  
**for the Subcommittee Study of the Commission for Minority Affairs**

During the Economic Development, Transportation, and Natural Resources Subcommittee's study of the Commission for Minority Affairs (CMA), I listened intently to hours of testimony and reviewed hundreds of pages of documents submitted during the legislative oversight process. This thorough review of the agency left me with significant concerns as to the agency leadership's ability to fulfill its vital mission.

The roles and responsibilities of the CMA are noble and important to minority communities in South Carolina. As I stated in the Subcommittee's final meeting with the agency, the minority populations of South Carolina deserve a CMA that fulfills its functions. Unfortunately, as outlined in the report, testimony and materials presented during the study did not reflect engaged leadership at the agency. As the great American poet Maya Angelou observed, "Nothing will work unless you do." As these are wise and true words, I recommend the Governor consider replacing the board members who bear the ultimate responsibility for setting the course of the agency and choosing an executive director who can effectively lead the staff in their daily activities.

It is my sincere hope that now that this Subcommittee's concerns about the CMA have been brought to light, the Governor and the agency will take necessary action to ensure this agency fulfills its vital mission.

The Honorable Mandy Powers Norrell  
Subcommittee Member