COMMITTEE REPORT

April 20, 2016

**S. 356**

Introduced by Senator Rankin

S. Printed 4/20/16--S.

Read the first time January 22, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 356) to amend the Code of Laws of South Carolina, 1976, by adding Section 1‑31‑60, so as to require that on the effective date of this act, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking lines 5 through 15 and inserting therein the following:

/ of Tribe members on the Advisory Committee. Now, therefore, /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill adds Section 1-31-60, which states that any Native American Indian Group that has been recognized by the Commission of Minority Affairs through its regulatory process remains and continues to be recognized as a Native American Indian Group and is eligible to exercise the privileges and obligations authorized by that designation. The commission must eliminate the eligibility for additional Native American Indian Groups to receive official recognized status in the state and cease to recognize additional entities as Native American Indian Groups.

**Commission for Minority Affairs.** The commission indicates there would be no expenditure impact associated with this bill.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑31‑60, SO AS TO REQUIRE THAT ON THE EFFECTIVE DATE OF THIS ACT RECOGNIZED NATIVE AMERICAN INDIAN GROUPS CONTINUE TO BE RECOGNIZED AND ELIGIBLE TO EXERCISE PRIVILEGES AND OBLIGATIONS AUTHORIZED BY THAT DESIGNATION, THAT THE COMMISSION FOR MINORITY AFFAIRS CEASE TO RECOGNIZE ADDITIONAL NATIVE AMERICAN INDIAN GROUPS, THAT ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP ARE REPEALED, AND THAT THE COMMISSION REVISE ITS REGULATIONS TO PROVIDE FOR THE PRIVILEGES AND OBLIGATIONS OF NATIVE AMERICAN INDIAN GROUPS THAT CONTINUE TO BE RECOGNIZED.

Whereas, Chapter 139 of the South Carolina Code of Regulations provides for recognition of Native American Indian Groups; and

Whereas, under the definition of “Native American Indian Group” found in Chapter 139, a group “means 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”; and

Whereas, while the number of entities that may be recognized as Native American Indian Tribes is finite, recognition of Native American Indian Groups is unlimited; and

Whereas, by continuing to recognize Native American Indian Groups, all of which are entitled membership on the Advisory Committee of the Commission for Minority Affairs, the number of Group members could easily outnumber and outvote the number of Tribe members on the Advisory Committee; and

Whereas, the recognized Tribes of the Beaver Creek Indians, the Edisto Natchez Kusso Tribe of South Carolina, the Pee Dee Nation of Upper South Carolina, the Pee Dee Indian Tribe of South Carolina, the Santee Indian Organization, and the Waccamaw Indian People, all of whom are voting members of the Advisory Committee, have passed a resolution recommending the elimination of recognition of Native American Indian Groups in order to preserve the Tribes’ voting strength on the Advisory Committee. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 31 of Title 1 of the 1976 Code is amended by adding:

“Section 1‑31‑60. (A) Notwithstanding any other provision of law, upon and after the effective date of this statute:

(1) any Native American Indian Group that on the effective date of this section has been recognized by the Commission for Minority Affairs through its regulatory process remains and continues to be:

(a) recognized as a Native American Indian Group, and

(b) eligible to exercise the privileges and obligations authorized by that designation;

(2) the Commission for Minority Affairs must:

(a) eliminate the eligibility for any additional Native American Indian Groups to receive official recognized status in the State; and

(b) cease to recognize any additional entities as Native American Indian Groups; and

(3) any regulations providing for recognition as a Native American Indian Group are repealed.

(B) The Commission for Minority Affairs must revise any regulations to:

(a) eliminate any recognition procedure as a Native American Indian Group; and

(b) provide for the privileges and obligations a Native American Indian Group that continues to be recognized is authorized to exercise.”

SECTION 2. This act takes effect upon approval by the Governor.

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