COMMITTEE REPORT

February 5, 2014

**S. 611**

Introduced by Senator Rankin

S. Printed 2/5/14--S.

Read the first time April 11, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 611) to amend the Code of Laws of South Carolina, 1976, by adding Section 1‑31‑60, so as to require that the Commission for Minority Affairs eliminate eligibility, 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, by striking on page 2, lines 20-29, and inserting:

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(3) any regulations providing for recognition as a Native American Indian Group are repealed.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

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Commission for Minority Affairs estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑31‑60, SO AS TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS ELIMINATE ELIGIBILITY FOR A NATIVE AMERICAN INDIAN GROUP TO RECEIVE OFFICIAL RECOGNIZED STATUS IN THIS STATE, TO REPEAL ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP, AND TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS REVISE ANY OF ITS REGULATIONS TO DELETE ANY REFERENCES OR ELIMINATE ANY PROCEDURES FOR RECOGNIZING A NATIVE AMERICAN INDIAN GROUP.

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

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”;

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

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;

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 the effective date of this statute:

(1) the Commission for Minority Affairs must eliminate the eligibility for a Native American Indian Group to receive official recognized status in the state; and

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

(B) The Commission for Minority Affairs must revise any regulations to eliminate any reference to or procedure for recognition as a Native American Indian Group.”

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

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