**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4360**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Barfield

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Companion/Similar bill(s): 611

Introduced in the House on January 14, 2014

Currently residing in the House Committee on **Judiciary**

Summary: Minority Affairs Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2013 House Prefiled

12/3/2013 House Referred to Committee on **Judiciary**

1/14/2014 House Introduced and read first time ([House Journal‑page 47](file:///H:\HJ%20Archive\2014\01-14-14.docx))

1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 47](file:///H:\HJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/3/2013](file:///p:\pprever\2013-14\4360_20131203.docx)

[1/16/2014](file:///p:\pprever\2013-14\4360_20140116.docx)

**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, AND TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS REVISE ITS REGULATIONS TO DELETE 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; 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 while 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 the effective date of this section:

(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) the Commission for Minority Affairs must revise its regulations to eliminate any procedure for recognition as a Native American Indian Group; provided that any such recognitions for a Native American Indian Group by the commission before the effective date of this section continues to remain in effect.”

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

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