**South Carolina General Assembly**

122nd Session, 2017-2018

**A163, R175, H3177**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, G.R. Smith, Bedingfield and Huggins

Document Path: l:\council\bills\bbm\9522ahb17.docx

Companion/Similar bill(s): 272

Introduced in the House on January 10, 2017

Introduced in the Senate on April 9, 2018

Passed by the General Assembly on April 26, 2018

Governor's Action: May 3, 2018, Signed

Summary: Native American Indian Groups

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2016 House Prefiled

 12/15/2016 House Referred to Committee on **Judiciary**

 1/10/2017 House Introduced and read first time ([House Journal‑page 103](file:///h%3A%5Chj%5C20170110.docx))

 1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 103](file:///h%3A%5Chj%5C20170110.docx))

 2/8/2017 House Member(s) request name added as sponsor: G.R.Smith, Bedingfield

 3/6/2018 House Member(s) request name added as sponsor: Huggins

 4/4/2018 House Recalled from Committee on **Judiciary** ([House Journal‑page 30](file:///h%3A%5Chj%5C20180404.docx))

 4/5/2018 House Read second time ([House Journal‑page 38](file:///h%3A%5Chj%5C20180405.docx))

 4/5/2018 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 38](file:///h%3A%5Chj%5C20180405.docx))

 4/5/2018 House Unanimous consent for third reading on next legislative day ([House Journal‑page 39](file:///h%3A%5Chj%5C20180405.docx))

 4/6/2018 House Read third time and sent to Senate ([House Journal‑page 5](file:///h%3A%5Chj%5C20180406.docx))

 4/9/2018 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20180409.docx))

 4/9/2018 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20180409.docx))

 4/18/2018 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20180418.docx))

 4/19/2018 Scrivener's error corrected

 4/25/2018 Senate Read second time ([Senate Journal‑page 30](file:///h%3A%5Csj%5C20180425.docx))

 4/25/2018 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 30](file:///h%3A%5Csj%5C20180425.docx))

 4/26/2018 Senate Read third time and enrolled ([Senate Journal‑page 18](file:///h%3A%5Csj%5C20180426.docx))

 5/1/2018 Ratified R 175

 5/3/2018 Signed By Governor

 5/11/2018 Effective date 05/03/18

 5/14/2018 Act No. 163

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p%3A%5Cpprever%5C2017-18%5C3177_20161215.docx)

[4/4/2018](file:///p%3A%5Cpprever%5C2017-18%5C3177_20180404.docx)

[4/18/2018](file:///p%3A%5Cpprever%5C2017-18%5C3177_20180418.docx)

[4/19/2018](file:///p%3A%5Cpprever%5C2017-18%5C3177_20180419.docx)

(A163, R175, H3177)

**AN ACT 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. Now, therefore,

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

**Native American Indian Groups, existing recognition, prospective repeal of regulations regarding recognition**

SECTION 1. Chapter 31, 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.”

**Time effective**

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

Ratified the 1st day of May, 2018.

Approved the 3rd day of May, 2018.

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