

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 591

By: Senator Elliott

For An Act To Be Entitled

AN ACT TO PROMOTE TRUTH AND RECONCILIATION AMONG
ARKANSANS; TO CREATE THE ARKANSAS COMMUNITY
REMEMBRANCE COMMISSION; TO CREATE THE ARKANSAS TRUTH
AND RECONCILIATION COMMITTEE; AND FOR OTHER PURPOSES.

Subtitle

TO PROMOTE TRUTH AND RECONCILIATION AMONG
ARKANSANS; TO CREATE THE ARKANSAS
COMMUNITY REMEMBRANCE COMMISSION; AND TO
CREATE THE ARKANSAS TRUTH AND
RECONCILIATION COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-16-124(b), concerning required social studies classes in public schools, is amended to read as follows:

(b)(1) Course guidelines shall ~~ensure~~:

(A) Ensure that the courses represent the most accurate and historically sound account of the prehistory, history, and culture of Arkansas, including the significant contributions and achievements of all segments of the population; and

(B) Be approved by the Department of Education and the Arkansas Community Remembrance Commission.

(2) Any revisions in the Arkansas history course content guidelines shall be reported to the public schools and the House Committee on Education and the Senate Committee on Education no later than July 1 of the year the course guidelines are to be implemented.



(3)(A) ~~The Department of Education shall~~ department, in advance of the ~~2018-2019~~ 2019-2020 school year and with the assistance of the Commission, develop materials or units relating to Arkansas and the American Civil War.

(B) The emphasis of the curriculum under this subdivision (b)(3) shall be placed upon civilian and military leadership during the period and how the lessons of that era can inform contemporary society.

(C) The course content under this subdivision (b)(3) is not exempt from the reporting requirements under subdivision (b)(2) of this section.

(D) The department shall ensure that the materials required under this section are reproduced and delivered to all school districts in the state as a resource for the inclusion in the Arkansas history courses.

SECTION 2. Arkansas Code Title 25 is amended to add an additional chapter to read as follows:

Chapter 43

Arkansas Community Remembrance Commission

and

Arkansas Truth and Reconciliation Committee

25-43-101. Arkansas Community Remembrance Commission – Creation and duties.

(a) The Arkansas Community Remembrance Commission is created.

(b) The Arkansas Community Remembrance Commission shall:

(1) Assist the Department of Arkansas Heritage in carrying out its duties and responsibilities;

(2) Promote truth and reconciliation relating to incidents of documented extrajudicial, racial, religious, and political injustice and violence, including without limitation lynching, discriminatory cleansing, and expulsion, that were perpetrated against citizens, veterans, and others in Arkansas throughout its history as a territory and as a state;

(3) Place focus and emphasis on the historical era between the end of the Civil War and the end of the Korean War in carrying out its duties;

(4) Cooperate with and assist national, state, and local organizations with the erection of historic markers at confirmed sites of these incidents to memorialize the victims of documented extrajudicial, racial, religious, and political injustice and violence;

(5) Coordinate and facilitate the public distribution of scholarly research, publications, and interpretation of incidents of documented extrajudicial, racial, religious, and political injustice and violence; and

(6) Assist in the development of programs, projects, activities, curricular, and media concerning incidents of documented extrajudicial, racial, religious, and political injustice and violence that were perpetrated against citizens, veterans, and others in Arkansas throughout its history as a territory and as a state.

25-43-102. The Arkansas Community Remembrance Commission – Members, terms, and vacancies.

(a) The Arkansas Community Remembrance Commission shall consist of thirteen (13) members who shall be appointed as follows:

(1)(A) Except as provided in subdivision (a)(1)(B) of this section, the Governor shall appoint three (3) members to serve four-year terms.

(B) The Governor’s initial appointees shall be designated as follows:

(i) One (1) member whose initial term shall end on December 31, 2024;

(ii) One (1) member whose initial term shall end on December 31, 2023; and

(iii) One (1) member whose initial term shall end on December 31, 2022;

(2)(A) Except as provided in subdivision (a)(2)(B), the Speaker of the House of Representatives shall appoint three (3) members to serve four-year terms.

(B) The initial appointees of the Speaker of the House of Representatives shall be designated as follows:

(i) One (1) member whose initial term shall end on December 31, 2023;

(ii) One (1) member whose initial term shall end on December 31, 2022; and

(iii) One (1) member whose initial term shall end on December 31, 2021;

(3)(A) Except as provided in subdivision (a)(3)(B), the President Pro Tempore of the Senate shall appoint three (3) members to serve four-year terms.

(B) The initial appointees of the President Pro Tempore of the Senate shall be designated as follows:

(i) One (1) member whose initial term shall end on December 31, 2023;

(ii) One (1) member whose initial term shall end on December 31, 2022; and

(iii) One (1) member whose initial term shall end on December 31, 2021;

(4)(A) Except as provided in subdivision (a)(4)(B) of this section, the Chair of the Arkansas Legislative Black Caucus shall appoint two (2) members to serve four-year terms.

(B) The initial appointees of the Chair of the Arkansas Legislative Black Caucus shall be designated as follows:

(i) One (1) member whose initial term shall end on December 31, 2024; and

(ii) One (1) member whose initial term shall end on December 31, 2021;

and

(5)(A) Except as provided under subdivision (a)(5)(B) of this section, the Chair of the Legislative Veterans Caucus shall appoint two (2) members to serve four-year terms.

(B) The initial appointees of the Chair of the Legislative Veterans Caucus shall be designated as follows:

(i) One (1) member whose initial term shall end on December 31, 2024; and

(ii) One (1) member whose initial term shall end on December 31, 2021.

(b)(1) Except as provided under subdivision (b)(2) of this section, the Arkansas Truth and Reconciliation Committee shall provide a list of no

less than five (5) nor more than ten (10) qualified persons to each appointing official under this section from which each appointing official shall choose his or her appointees.

(2) If the committee fails to provide the list of qualified persons no later than forty-five (45) days before the term of an open position on the commission begins, the appointing official shall make the appointment without consulting the list.

(c)(1) A person who is appointed under this section shall notify his or her appointing official in writing of his or her acceptance of the appointment no later than fifteen (15) days after the appointment is made.

(2) If the person does not accept the appointment under subdivision (c)(1) of this section, the appointing official shall make a new appointment to the position.

(d) The terms of the members shall be staggered.

(e) A member of the commission may serve more than one (1) term.

(f)(1) A member of the commission may be removed by majority vote of the remaining members of the commission for misconduct, neglect of duty, or other just cause for removal.

(2) If a written complaint is presented to the commission or the Governor alleging misconduct, neglect of duty, or other just cause for removal, the commission shall notify the member of the complaint and the date for hearing on the complaint to be set no later than thirty (30) days after the complaint is presented.

(3)(A) A member who is removed by the commission may appeal the decision to the Governor no later than ten (10) days after the finding by the commission.

(B) Upon appeal, the Governor may affirm or deny the decision of the commission.

(4) If a member is removed under this subsection, the commission shall declare a vacancy.

(f)(1) A vacancy on the commission shall be filled by majority vote of the remaining members of the commission.

(2) The person elected to fill the vacancy shall serve the remainder of the vacating member's term.

(g) A member of the commission may receive expense reimbursement and stipends under § 25-16-901 et seq.

(h)(1) The commission may:

(A) Hire and retain staff;

(B) Hire and employ consultants; and

(C) Fix the compensation, duties, authority and responsibilities of the staff or consultants.

(2) If no appropriation is made for subdivision (h)(1) of this section, the Director of the Department of Arkansas Heritage shall designate staff to assist the commission.

25-43-103. The Arkansas Community Remembrance Commission – Dissolution and extension.

(a) The Arkansas Community Remembrance Commission shall dissolve on January 1, 2027, unless it is extended by request of the commission.

(b) If the commission elects to extend its term of service under this section by majority vote of the commission, the commission shall be extended for an additional 5 years.

(c) An extension of the commission’s existence under this section:

(1) Shall be for a duration of five (5) years;

(2) Shall be requested no sooner than sixty (60) days before a dissolution date; and

(3) May be requested to extend:

(A) The initial term of the commission ending on January 1, 2027; and

(B) Each five-year extension made thereafter.

25-43-104 The Arkansas Truth and Reconciliation Committee – Creation and duties.

(a) The Arkansas Truth and Reconciliation Committee is created.

(b) The committee shall be composed of the following nine (9) members:

(1) The State Historian or his or her designee;

(2) The State Librarian or his or her designee;

(3) The President of the Arkansas Historical Association or his or her designee;

(4) The Chair of the Black History Commission of Arkansas or his or her designee;

(5) The Director of the Mosaic Templars Cultural Center or his

or her designee;

(6) The Director of the Delta Cultural Center or his or her designee;

(7) The Director of the Butler Center for Arkansas Studies or his or her designee;

(8) The Director of the Anderson Institute on Race and Ethnicity or his or her designee; and

(9) The Dean of the Clinton School for Public Service or his or her designee.

(c) The committee shall:

(1) Assist and advise the Arkansas Community Remembrance Commission;

(2) Recommend programs, legislation, and policies that promote truth and reconciliation relating to incidents of documented extrajudicial, racial, religious, and political injustice and violence, including without limitation lynching, discriminatory cleansing, and expulsion, that were perpetrated against citizens, veterans, and others in Arkansas throughout its history as a territory and as a state; and

(3) Obtain and maintain expertise concerning extrajudicial, racial, religious, and political injustice and violence in Arkansas.

SECTION 3. DO NOT CODIFY. Temporary language.

(a) The Arkansas Truth and Reconciliation Committee shall:

(1) Assemble and meet no later than thirty (30) days after the effective date of this act and on a date to be set by the Chair of the Black History Commission of Arkansas; and

(2) Provide the lists required under § 25-43-102(b) to the appointing officials no later than sixty (60) days after the effective date of this act.

(b) The first term of the appointees to the Arkansas Community Remembrance Commission shall begin on January 1, 2020.

(c) The appointing officials under this act shall make their appointments before January 1, 2020.