

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/20/21
A Bill

SENATE BILL 674

By: Senators Elliott, *L. Chesterfield*, *C. Tucker*

By: Representatives V. Flowers, Ennett, McCullough, D. Whitaker

For An Act To Be Entitled

AN ACT TO CREATE THE UNIFY ARKANSAS COMMISSION; TO PROMOTE RACIAL HEALING IN THE STATE; TO ESTABLISH THE OFFICIAL OBSERVANCE OF THE NATIONAL DAY OF RACIAL HEALING IN THE STATE; TO ENCOURAGE THE CREATION OF A COMMUNITY REMEMBRANCE COMMITTEE IN EACH COUNTY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE UNIFY ARKANSAS COMMISSION; TO ESTABLISH THE OFFICIAL OBSERVANCE OF THE NATIONAL DAY OF RACIAL HEALING IN THE STATE; AND TO ENCOURAGE THE CREATION OF A COMMUNITY REMEMBRANCE COMMITTEE IN EACH COUNTY.

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

SECTION 1. Arkansas Code Title 25 is amended to add an additional chapter to read as follows:

CHAPTER 44

UNIFY ARKANSAS COMMISSION

25-44-101. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The National Day of Racial Healing in the State of Arkansas is a statewide community observance created by the Arkansas Peace and Justice



Memorial Movement in 2020 to provide citizens of the state with the opportunity to come together to courageously discuss truth, healing, and transformation;

(2) The original National Day of Racial Healing observance was developed by the W.K. Kellogg Foundation in Battle Creek, Michigan, in 2016;

(3) In 2020, Governor William Asa Hutchinson II issued the nation's first-ever gubernatorial proclamation for the National Day of Racial Healing, and he repeated his action in 2021; and

(4) In 2021, the Arkansas Peace and Justice Memorial Movement, in association with the Arkansas Municipal League and the University of Central Arkansas Center for Community and Economic Development, successfully encouraged over one hundred (100) executives of political subdivisions, presidents and chancellors of institutions of higher education, and school superintendents throughout the state to issue their own proclamations.

(b) It is the intent of the General Assembly to:

(1) Establish a commission to promote truth and reconciliation relating to incidents of documented extralegal, racial, religious, and political injustice and violence;

(2) Encourage all county intergovernmental councils to establish community remembrance committees and to assist the community remembrance committees in their mission, including ensuring that the executives of all political subdivisions, the presidents and chancellors of all institutions of higher education, and all school superintendents in each county also commemorate the National Day of Racial Healing in the state by the issuance of a proclamation;

(3) Provide for the creation of an academic course of study of Arkansas Black culture; and

(4) Encourage the House of Representatives and the Senate to convene jointly, along with all state government elected executive officials and the justices of the Supreme Court, at a time certain during each regular session on the National Day of Racial Healing in the state to hear the Governor present and read an annual proclamation for the National Day of Racial Healing in the state.

25-44-102. Unify Arkansas Commission – Creation and duties.

(a) The Unify Arkansas Commission is created.

(b) The commission shall:

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

(2) Cooperate and assist with the erection of historical markers at confirmed sites of the incidents identified in subdivision (b)(1) of this section to memorialize the victims of those incidents;

(3) Coordinate and facilitate the public distribution of scholarly research, publications, and interpretation of the incidents identified in subdivision (b)(1) of this section;

(4) Assist in the development of programs, legislation, and policies that promote truth and reconciliation relating to the incidents identified in subdivision (b)(1) of this section;

(5) Obtain and maintain expertise concerning the incidents identified in subdivision (b)(1) of this section;

(6)(A) Publish and submit reports with specific recommendations to the executive and legislative branches concerning ways that the state can and should officially, publicly, and individually address the incidents identified in subdivision (b)(1) of this section.

(B)(i) In recognition of the one hundredth anniversary of the Elaine Race Massacre, the commission shall immediately streamline a report with specific recommendations relating to the Elaine Race Massacre, including without limitation a public apology and the full posthumous exoneration of all one hundred twenty-two (122) Black Arkansans who were wrongfully convicted of various crimes, as well as Robert L. Hill, the cofounder of the Progressive Farmers and Household Union of America, who fled to Kansas to avoid unjust arrest and prosecution.

(ii) The commission shall present the report required under subdivision (b)(6)(B)(i) of this section to the Attorney General for approval by May 31, 2022.

(iii) Upon approval of the report submitted under subdivision (b)(6)(B)(ii) of this section, within fourteen (14) days of receipt, the Attorney General shall transmit the report to the Governor.

(iv) The Governor shall formally execute the report transmitted by the Attorney General within fourteen (14) days of the Governor's receipt of the report.

25-44-103. Unify Arkansas Commission – Members – Meetings – Staffing.

(a)(1) The Unify Arkansas Commission shall consist of the following members:

(A) Two (2) members appointed by the Governor;

(B) Two (2) members appointed by the Speaker of the House of Representatives;

(C) Two (2) members appointed by the President Pro Tempore of the Senate; and

(D) Three (3) members appointed by the Chair of the Arkansas Legislative Black Caucus.

(2)(A) Except as provided in subdivision (a)(2)(B) of this section, a member of the Unify Arkansas Commission shall serve for a term of four (4) years.

(B) The initial appointments to the Unify Arkansas Commission shall be for staggered terms.

(b)(1) Except as provided in subdivision (b)(2) of this section, the Unify Arkansas Commission, in consultation with the Board of Trustees of the Arkansas Historical Association, shall provide a list of at least three (3) but no more than five (5) qualified persons to each appointing official under this section from which each appointing official is highly encouraged to choose his or her appointees.

(2) If the Unify Arkansas Commission fails to provide the list of qualified persons at least forty-five (45) days before the term of an open position on the Unify Arkansas Commission begins, the appointing official shall make the appointment without consulting the list.

(c) The members of the Unify Arkansas Commission shall select a chair, who shall serve as the chair for two (2) years.

(d)(1) If a vacancy occurs on the Unify Arkansas Commission, the vacancy shall be filled by the same process as the original appointment.

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

(e) A member of the Unify Arkansas Commission may receive expense

reimbursement and stipends under § 25-16-901 et seq.

(f)(1) The Unify Arkansas Commission shall establish rules and procedures for conducting its business.

(2)(A) A majority of the voting members of the Unify Arkansas Commission shall constitute a quorum for transacting business of the Unify Arkansas Commission.

(B) An affirmative vote of a majority of a quorum present shall be required for the passage of a motion or other action of the Unify Arkansas Commission.

(g) The Unify Arkansas Commission may:

(1) Hire and retain staff;

(2) Hire and employ consultants;

(3) Fix the compensation, duties, authority, and responsibilities of the staff or consultants; and

(4) Be funded through a public-private partnership using private funds held in trust by the Black History Commission of Arkansas.

(h) The Unify Arkansas Commission shall dissolve on December 31, 2034, unless it is extended by the General Assembly at the request of the Unify Arkansas Commission.

25-44-104. Custodian of records.

The Arkansas State Archives shall be the custodian of all property, reference, and source materials of the Unify Arkansas Commission.

SECTION 2. DO NOT CODIFY. Unify Arkansas Commission initial appointments.

(a)(1)(A) The Arkansas History Commission, Black History Commission of Arkansas, the Arkansas State Archives, and the Board of Trustees of the Arkansas Historical Association shall convene a joint public meeting using a virtual platform no later than forty-five (45) days after the effective date of this act.

(B) The date and time of the meeting required under subdivision (a)(1)(A) of this section shall be set by the Chair of the Arkansas History Commission, Chair of the Black History Commission of Arkansas, the Director of the Arkansas State Archives, and the President of the Arkansas Historical Association.

(2) After soliciting and accepting public recommendations, the Arkansas History Commission, the Black History Commission of Arkansas, the Arkansas State Archives, and the Board of Trustees of the Arkansas Historical Association shall provide the lists required under § 25-44-103(b) to the appointing officials no later than sixty (60) days after the effective date of this act.

(b)(1) The first term of the appointees to the Unify Arkansas Commission shall begin on January 1, 2022.

(2) The Governor's initial appointments under § 25-44-103(a)(1)(A) shall be as follows:

(A) One (1) member whose initial term shall end on December 31, 2025; and

(B) One (1) member whose initial term shall end on December 31, 2026.

(3) The initial appointments of the Speaker of the House of Representatives under § 25-44-103(a)(1)(B) shall be as follows:

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

(B) One (1) member whose initial term shall end on December 31, 2025.

(4) The initial appointments of the President Pro Tempore of the Senate under § 25-44-103(a)(1)(C) shall be as follows:

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

(B) One (1) member whose initial term shall end on December 31, 2025.

(5) The initial appointments of the Chair of the Arkansas Legislative Black Caucus under § 25-44-103(a)(1)(D) shall be as follows:

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

(B) One (1) member whose initial term shall end on December 31, 2025; and

(C) One (1) member whose initial term shall end on December 31, 2026.

(c) The appointing officials under this act shall make their initial appointments before January 1, 2022.

SECTION 3. Arkansas Code § 1-5-106, concerning state memorial days, is amended to add additional subdivisions to read as follows:

(14) National Day of Racial Healing – Third Tuesday in January;
and

(15) Elaine Remembrance Week – October 1-7.

SECTION 4. Arkansas Code § 6-16-107(a), concerning patriotic observances in elementary and secondary schools, is amended to read as follows:

(a) February 1, as National Freedom Day, February 22, as the birthday of George Washington, and such other days as may be designated by the State Board of Education for patriotic observance shall be observed with appropriate exercises.

SECTION 5. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended to add additional sections to read as follows:

6-16-152. Elaine Remembrance Week.

(a) To educate students about the role of Black Arkansans in labor and civil rights organizations and to highlight the sacrifices they made in advancing the cause of racial equity, the first seven (7) days of October shall be recognized as “Elaine Remembrance Week”.

(b) During Elaine Remembrance Week, particular study shall be made of the Elaine Race Massacre, the deadliest race massacre in United States history.

(c) Curricula and materials to be used during Elaine Remembrance Week shall be devised, approved, and distributed by the State Board of Education in cooperation with the Black History Commission of Arkansas and the Unify Arkansas Commission by August 1 of each year.

(d) The Secretary of Education shall ensure that the curricula and materials devised and approved by the State Board of Education under subsection (c) of this section are reproduced and sent to all public school districts in the state by September 1 of each year.

6-16-153. Arkansas Black culture course.

(a)(1) The State Board of Education shall allow for an elective

academic study of Arkansas Black culture course that consists of a nonpartisan, unbiased academic study of Arkansas and American Black culture and its influence on American literature, art, music, popular culture, and politics, to be offered to students in public schools or school districts if the academic study of Arkansas Black culture course meets the standards listed in this section.

(2) The curriculum standards submitted by a public school or school district for approval of an academic study of Arkansas Black culture course shall meet the:

(A) Academic rigor and curriculum standards of other elective courses approved by the state board; and

(B) Requirements of the Arkansas Constitution and the United States Constitution.

(b)(1) A public school or school district that elects to offer an academic study of Arkansas Black culture course shall implement the course in accordance with state and federal law, including the manner in which the course is taught in the classroom and the assignment of public school or school district personnel teaching the course.

(2) Personnel assigned to teach the course shall be licensed to teach in the State of Arkansas.

(c) A public school or school district that elects to offer an academic study of Arkansas Black culture course shall use only the standards in this section to:

(1) Evaluate textbooks for an academic study of Arkansas Black culture course; and

(2) Teach an academic study of Arkansas Black culture course.

(d) The Division of Elementary and Secondary Education shall, by the 2022-2023 school year, identify, develop, and approve an Arkansas Black culture course for high school credit that meets the requirements in subsections (a) and (b) of this section.

SECTION 6. Arkansas Code Title 14, Chapter 13, Subchapter 1, is amended to add an additional section to read as follows:

14-13-101. Community remembrance committees.

(a) Each county is encouraged to establish a community remembrance committee to facilitate and encourage participation in regular, courageous,

ongoing dialogues among the citizens and elected officials of the county.

(b) Community remembrance committees:

(1) Shall be funded through a public-private partnership using private funds that may be held in trust by and accessed through the Unify Arkansas Commission;

(2)(A) Shall publicly recommend actions to all elected executive and legislative branch officials on specific measures that the state should take to correct the unjust outcome of any incident of documented extrajudicial, racial, religious, or political injustice and violence, including without limitation lynching, discriminatory cleansing, expulsion, and exploitation, that were perpetrated against citizens, veterans, and others in the respective county and in Arkansas generally throughout its history as a territory and a state.

(B) Incidents regarding which a community remembrance committee recommends actions under subdivision (b)(2)(A) of this section shall have:

(i) Been a subject of the work of the Unify Arkansas Commission for at least one (1) year; and

(ii) Occurred at least seventy (70) years before the recommendation.

(C) A community remembrance committee shall:

(i) Not make more than three (3) recommendations under subdivision (b)(2)(A) of this section in one (1) year; and

(ii) Publish each recommendation made under subdivision (b)(2)(A) of this section; and

(3) May serve as committees of the Unify Arkansas Commission, giving local citizens input on the Unify Arkansas Commission's operations within each of the counties of the state.

(c) A community remembrance committee is encouraged to:

(1) Work with the Unify Arkansas Commission and the Department of Parks, Heritage, and Tourism to erect historical markers at confirmed sites to memorialize the victims of documented extrajudicial, racial, religious, or political injustice and violence throughout the history of Arkansas as both a territory and a state; and

(2) Host regular public meetings and other activities that focus on future-building through countywide solidarity and collaboration across

differences with the goal of addressing ordinances, policies, regulations, norms, cultures, institutions, and narratives that have historically fostered, either explicitly or implicitly, selective exclusion based on partiality.

/s/Elliott