

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 674

5 By: Senator Elliott
6 By: Representatives V. Flowers, Ennett, McCullough, D. Whitaker
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE UNIFY ARKANSAS COMMISSION; TO
10 PROMOTE RACIAL HEALING IN THE STATE; TO ESTABLISH THE
11 OFFICIAL OBSERVANCE OF THE NATIONAL DAY OF RACIAL
12 HEALING IN THE STATE; TO ENCOURAGE THE CREATION OF A
13 COMMUNITY REMEMBRANCE COMMITTEE IN EACH COUNTY; AND
14 FOR OTHER PURPOSES.
15

Subtitle

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18 TO CREATE THE UNIFY ARKANSAS COMMISSION;
19 TO ESTABLISH THE OFFICIAL OBSERVANCE OF
20 THE NATIONAL DAY OF RACIAL HEALING IN THE
21 STATE; AND TO ENCOURAGE THE CREATION OF A
22 COMMUNITY REMEMBRANCE COMMITTEE IN EACH
23 COUNTY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

29 (a) The General Assembly finds that:

30 (1) The National Day of Racial Healing in the State of Arkansas
31 is a statewide community observance created by the Arkansas Peace and Justice
32 Memorial Movement in 2020 to provide citizens of the state with the
33 opportunity to come together to courageously discuss truth, racial healing,
34 and transformation;

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



1 violence, including without limitation lynching, discriminatory cleansing,
 2 expulsion, and racialized exploitation, that were perpetrated against
 3 citizens, veterans, and others in Arkansas throughout its history as a
 4 territory and as a state;

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

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

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

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

16 (6) In recognition of the one-hundredth anniversary of the
 17 Elaine Race Massacre, immediately streamline recommendations from community
 18 remembrance committees relating to the Elaine Race Massacre, including
 19 without limitation the full posthumous exoneration of all one hundred twenty-
 20 two (122) Black Arkansans who were wrongfully convicted of various crimes, as
 21 well as Robert L. Hill, the cofounder of the Progressive Farmers and
 22 Household Union of America, who fled to Kansas to avoid unjust arrest and
 23 prosecution.

24
 25 13-16-102. Unify Arkansas Commission – Members – Meetings – Staffing.

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

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

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

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

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

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

1 four (4) years.

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

4 (b)(1) Except as provided in subdivision (b)(2) of this section, the
5 Unify Arkansas Commission, in consultation with the Black History Commission
6 of Arkansas, shall provide a list of at least three (3) but no more than five
7 (5) qualified persons to each appointing official under this section from
8 which each appointing official shall choose his or her appointees.

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

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

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

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

19 (e) A member of the Unify Arkansas Commission may receive expense
20 reimbursement and stipends under § 25-16-901 et seq.

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

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

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

29 (g)(1) The Unify Arkansas Commission may:

30 (A) Hire and retain staff;

31 (B) Hire and employ consultants;

32 (C) Fix the compensation, duties, authority, and
33 responsibilities of the staff or consultants; and

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

36 (2) If no appropriation is made for subdivision (g)(1) of this

1 section, the Secretary of the Department of Parks, Heritage, and Tourism
2 shall designate staff to assist the Unify Arkansas Commission.

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

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7 SECTION 3. DO NOT CODIFY. Unify Arkansas Commission initial
8 appointments.

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

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

17 (2) After soliciting and accepting public recommendations, the
18 Black History Commission of Arkansas, the Arkansas State Archives, and the
19 Board of Trustees of the Arkansas Historical Association shall provide the
20 lists required under § 13-16-102(b) to the appointing officials no later than
21 sixty (60) days after the effective date of this act.

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

24 (2) The Governor's initial appointments under § 13-16-
25 102(a)(1)(A) shall be as follows:

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

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

30 (3) The initial appointments of the Speaker of the House of
31 Representatives under § 13-16-102(a)(1)(B) shall be as follows:

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

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

36 (4) The initial appointments of the President Pro Tempore of the

1 Senate under § 13-16-102(a)(1)(C) shall be as follows:

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

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

6 (5) The initial appointments of the Chair of the Arkansas
7 Legislative Black Caucus under § 13-16-102(a)(1)(D) shall be as follows:

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

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

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

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

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17 SECTION 4. Arkansas Code § 1-5-106, concerning state memorial days, is
18 amended to add additional subdivisions to read as follows:

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

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

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23 SECTION 5. Arkansas Code § 6-16-107(a), concerning patriotic
24 observances in elementary and secondary schools, is amended to read as
25 follows:

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

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

33 6-16-152. Elaine Remembrance Week.

34 (a) To educate students about the role of Black Arkansans in labor and
35 civil rights organizations and to highlight the sacrifices they made in
36 advancing the cause of racial equity, the first seven (7) days of October

1 shall be recognized as “Elaine Remembrance Week”.

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

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

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10 6-16-153. Arkansas Black culture course.

11 (a)(1) The State Board of Education shall allow for an elective
12 academic study of Arkansas Black culture course that consists of a
13 nonpartisan, unbiased academic study of Arkansas and American Black culture
14 and its influence on American literature, art, music, popular culture, and
15 politics, to be offered to students in public schools or school districts if
16 the academic study of Arkansas Black culture course meets the standards
17 listed in this section.

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

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

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

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

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

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

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

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

2 (d) The Division of Elementary and Secondary Education shall, by the
3 2022-2023 school year, identify, develop, and approve an Arkansas Black
4 culture course for high school credit that meets the requirements in
5 subsections (a) and (b) of this section.

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7 SECTION 7. Arkansas Code Title 14, Chapter 13, Subchapter 1, is
8 amended to add an additional section to read as follows:

9 14-13-101. Community remembrance committees.

10 (a) Each county is encouraged to establish a community remembrance
11 committee to facilitate and encourage participation in regular, courageous,
12 ongoing dialogues among the citizens and elected officials of the county.

13 (b) Community remembrance committees:

14 (1) Shall be funded through a public-private partnership using
15 private funds held in trust by the Black History Commission of Arkansas and
16 accessed through the Unify Arkansas Commission;

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

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

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

29 (ii) Occurred at least seventy-five (75) years
30 before the recommendation.

31 (C) A community remembrance committee shall:

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

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

36 (3) May serve as committees of the Unify Arkansas Commission,

1 giving local citizens input on the Unify Arkansas Commission's operations
2 within each of the counties of the state.

3 (c) A community remembrance committee is encouraged to:

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

9 (2) Host regular public meetings and other activities that focus
10 on future-building through countywide solidarity and collaboration across
11 differences with the goal of addressing ordinances, policies, regulations,
12 norms, cultures, institutions, and narratives that have historically
13 fostered, either explicitly or implicitly, exclusion.

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