

2 State of Arkansas  
3 92nd General Assembly  
4 Regular Session, 2019

# A Bill

SENATE BILL 591

5  
6 By: Senator Elliott

7 Filed with: Senate Committee on Education  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO PROMOTE TRUTH AND RECONCILIATION AMONG  
11 ARKANSANS; TO CREATE THE ARKANSAS COMMUNITY  
12 REMEMBRANCE COMMISSION; TO CREATE THE ARKANSAS TRUTH  
13 AND RECONCILIATION COMMITTEE; AND FOR OTHER PURPOSES.  
14

## 15 Subtitle

16 TO PROMOTE TRUTH AND RECONCILIATION AMONG  
17 ARKANSANS; TO CREATE THE ARKANSAS  
18 COMMUNITY REMEMBRANCE COMMISSION; AND TO  
19 CREATE THE ARKANSAS TRUTH AND  
20 RECONCILIATION COMMITTEE.  
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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 6-16-124(b), concerning required social  
27 studies classes in public schools, is amended to read as follows:

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

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

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

35 (2) Any revisions in the Arkansas history course content  
36 guidelines shall be reported to the public schools and the House Committee on

1 Education and the Senate Committee on Education no later than July 1 of the  
2 year the course guidelines are to be implemented.

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

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

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

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

17  
18 SECTION 2. Arkansas Code Title 25 is amended to add an additional  
19 chapter to read as follows:

20 Chapter 43

21 Arkansas Community Remembrance Commission

22 and

23 Arkansas Truth and Reconciliation Committee

24  
25 25-43-101. Arkansas Community Remembrance Commission – Creation and  
26 duties.

27 (a) The Arkansas Community Remembrance Commission is created.

28 (b) The Arkansas Community Remembrance Commission shall:

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

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

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

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

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

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

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18           25-43-102. The Arkansas Community Remembrance Commission – Members,  
19 terms, and vacancies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 and

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

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

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

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

3            (b)(1) Except as provided under subdivision (b)(2) of this section,  
4 the Arkansas Truth and Reconciliation Committee shall provide a list of no  
5 less than five (5) nor more than ten (10) qualified persons to each  
6 appointing official under this section from which each appointing official  
7 shall choose his or her appointees.

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

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

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

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

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

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

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

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

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

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

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

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

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

5           (h)(1) The commission may:

6                   (A) Hire and retain staff;

7                   (B) Hire and employ consultants; and

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

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

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14           25-43-103. The Arkansas Community Remembrance Commission – Dissolution  
15 and extension.

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

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

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

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

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

25                   (3) May be requested to extend:

26                   (A) The initial term of the commission ending on January  
27 1, 2027; and

28                   (B) Each five-year extension made thereafter.

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30           25-43-104 The Arkansas Truth and Reconciliation Committee – Creation  
31 and duties.

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

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

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

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

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

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

5           (5) The Director of the Mosaic Templars Cultural Center or his  
6 or her designee;

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

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

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

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

15           (c) The committee shall:

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

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

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

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27           SECTION 3. DO NOT CODIFY. Temporary language.

28           (a) The Arkansas Truth and Reconciliation Committee shall:

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

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

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

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

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5 Referred requested by the Arkansas Senate

6 Prepared by: JAW/VJF

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