

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

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

As Engrossed: S4/20/21

A Bill

SENATE BILL 674

5 By: Senators Elliott, *L. Chesterfield*, *C. Tucker*
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
16

Subtitle

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:
27

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

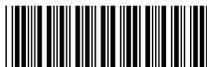
CHAPTER 44

UNIFY ARKANSAS COMMISSION

25-44-101. Legislative findings and intent.

(a) The General Assembly finds that:

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



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

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

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

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

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

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

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

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

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

34
35 25-44-102. Unify Arkansas Commission – Creation and duties.

36 (a) The Unify Arkansas Commission is created.

1 (b) The commission shall:

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

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

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

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

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

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

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

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

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

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

4
5 25-44-103. Unify Arkansas Commission – Members – Meetings – Staffing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (g) The Unify Arkansas Commission may:

11 (1) Hire and retain staff;

12 (2) Hire and employ consultants;

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

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

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

20
21 25-44-104. Custodian of records.

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

24
25 SECTION 2. DO NOT CODIFY. Unify Arkansas Commission initial
26 appointments.

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

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

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

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

9 (2) The Governor's initial appointments under § 25-44-
10 103(a)(1)(A) shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 and

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

7
8 SECTION 4. Arkansas Code § 6-16-107(a), concerning patriotic
9 observances in elementary and secondary schools, is amended to read as
10 follows:

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

15
16 SECTION 5. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended
17 to add additional sections to read as follows:

18 6-16-152. Elaine Remembrance Week.

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

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

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

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

34
35 6-16-153. Arkansas Black culture course.

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

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

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

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

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

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

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

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

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

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

27 (d) The Division of Elementary and Secondary Education shall, by the
28 2022-2023 school year, identify, develop, and approve an Arkansas Black
29 culture course for high school credit that meets the requirements in
30 subsections (a) and (b) of this section.

31
32 SECTION 6. Arkansas Code Title 14, Chapter 13, Subchapter 1, is
33 amended to add an additional section to read as follows:

34 14-13-101. Community remembrance committees.

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

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

2 (b) Community remembrance committees:

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

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

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

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

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

21 (C) A community remembrance committee shall:

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

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

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

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

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

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

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

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/s/Elliott