

ENROLLED HOUSE  
BILL NO. 2468

By: Ross and Toure of the House

and

Horner of the Senate

An Act relating to state government and Oklahoma Historical Societies; amending Section 1, House Joint Resolution No. 1035, p. 2836, O.S.L. 1997, as last amended by Section 1, Chapter 17, O.S.L. 1998 (74 O.S. Supp. 1999, Section 8201), which relates to The 1921 Tulsa Race Riot Commission; extending the Commission until specified time period; requiring final report and monthly status reports; creating The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee; creating The 1921 Tulsa Race Riot Commission Revolving Fund; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, House Joint Resolution No. 1035, p. 2836, O.S.L. 1997, as last amended by Section 1, Chapter 17, O.S.L. 1998 (74 O.S. Supp. 1999, Section 8201), is amended to read as follows:

Section 8201. A. 1. There is hereby created until February 7, 2000, the The 1921 Tulsa Race Riot Commission, to continue until February 28, 2001; at which time a final report of its findings and recommendations shall be completed and submitted in writing to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Mayor and each member of the City Council of the City of Tulsa, Oklahoma.

2. The Commission shall submit a monthly status report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate beginning thirty (30) days after the effective date of this act and every month thereafter until submission of the final report as provided in paragraph 1 of this subsection.

3. The Commission may enter into agreements with other public or private entities regarding publication of the final report. All proceeds received pursuant to publication of the final report shall be deposited in The 1921 Tulsa Race Riot Commission Revolving Fund created in Section 4 of this act.

B. The Commission shall consist of the eleven (11) members as follows serving on the Commission as of February 1, 2000, who shall continue to be subject to the following qualifications, terms and duties:

1. From a list of five nominees submitted by the Speaker of the House of Representatives, the Governor shall appoint three members. If a member appointed pursuant to this paragraph resigns or is

otherwise unable to serve, the Speaker of the House of Representatives shall submit a list of an additional three nominees for the vacant position from which the Governor shall select a successor;

2. From a list of five nominees submitted by the President Pro Tempore of the Senate, the Governor shall appoint three members. If a member appointed pursuant to this paragraph resigns or is otherwise unable to serve, the President Pro Tempore of the Senate shall submit a list of an additional three nominees for the vacant position from which the Governor shall select a successor;

3. The Director of the Oklahoma Human Rights Commission shall serve ex officio, but shall be a voting member of the Commission. The Director shall be authorized to appoint a designee to attend meetings and to vote on matters considered by the Commission;

4. The Director of the Oklahoma Historical Society shall serve ex officio, but shall be a voting member of the Commission. The Director shall be authorized to appoint a designee to attend meetings and to vote on matters considered by the Commission; and

5. From a list of five nominees submitted by the City Council of the City of Tulsa, the Mayor of the City of Tulsa shall appoint three persons, one of whom must be a survivor of the 1921 Tulsa Race Riot incident, and two of whom must be residents in the area of the ward or equivalent political subdivision ~~for~~ of the City of Tulsa ~~City Council~~ known as "Greenwood", ~~also~~ and historically identified as "Black Wall Street of America".

~~B.~~ C. Each person appointed to the Commission shall serve at the pleasure of the appointing authority. No person appointed to any of the positions constituting the Commission who is, at the time of appointment to the Commission or subsequent to the date of appointment, a public official or officer shall be deemed to be serving in a dual capacity and such person shall be specifically exempt from the provisions of Section 6 of Title 51 of the Oklahoma Statutes. The Commission shall conduct its initial meeting not later than ninety (90) days after ~~the effective date of this act~~ November 1, 1997.

~~C.~~ D. The Commission shall be authorized to conduct its meetings as often as may be required in order to perform the duties imposed upon it by law. A quorum of the Commission shall be required in order for any official action of the Commission.

~~D.~~ E. The Commission shall undertake a study to develop a historical record of the 1921 Tulsa Race Riot including the identification of persons who:

1. Can provide adequate proof to the Commission that the person was an actual resident of the "Greenwood" area or community of the City of Tulsa, Oklahoma, on or about May 31, 1921, or June 1, 1921; or

2. Can demonstrate to the satisfaction of the members of the Commission that the person sustained an identifiable loss to ~~their~~ such person, personal relations, real property, or personal property, or other loss as a result of tortuous or criminal conduct, whether or not the conduct was ever adjudicated, occurring during

the period beginning on or about May 31, 1921, and ending not later than June 30, 1921, resulting from the activity commonly described as ~~the~~ The 1921 Tulsa Race Riot.

~~E. F.~~ The Commission shall be authorized to gather information, identify and interview witnesses or other persons with knowledge of relevant events and to preserve testimony and records obtained, to examine and copy documents, instruments and writings, to obtain or examine physical objects or to reproduce, to the extent practical, objects or devices relevant to the inquiry by the Commission, and to otherwise take such actions as may be necessary or proper in the task of accurately identifying persons, places or objects having historical significance for Commission purposes.

~~F. G.~~ ~~The Commission shall produce a written final report of its the Commission's findings and recommendations and shall submit the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Mayor and each member of the City Council of the City of Tulsa not later than February 7, 2000. The report may contain specific~~ recommendations regarding whether or not reparations can or should be made and the appropriate methods to achieve the recommendations made in the final report.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4.13 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. A park located on a parcel of land presently owned by The University Center of Tulsa Trust Authority within the area of the City of Tulsa, Oklahoma, known as "Greenwood", all appurtenances and all personal property attached thereto, shall be transferred from Oklahoma State University to the Oklahoma Historical Society. The Oklahoma Historical Society shall have the same powers and duties with respect to the transferred land as were previously vested in Oklahoma State University. The Society shall assume the performance of all existing and future obligations related to the development, design, operation and maintenance of The 1921 Tulsa Race Riot Memorial of Reconciliation created in Section 3 of this act.

B. The Society shall hold and use the land transferred to the Oklahoma Historical Society pursuant to the provisions of subsection A of this section for the development, design and construction of The 1921 Tulsa Race Riot Memorial of Reconciliation commemorating the lives of the victims and honoring the survivors of The 1921 Tulsa Race Riot. The Society shall erect the memorial pursuant to procedures outlined in Section 3 of this act.

C. The Oklahoma Historical Society shall take all actions necessary to identify and exhume the remains of victims of The 1921 Tulsa Race Riot.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8201.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until November 1, 2003, The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee. The purpose of the Design Committee shall be to recommend the design of The 1921 Tulsa Race Riot Memorial of Reconciliation and to provide

oversight and advice to the Oklahoma Historical Society in the development and construction of such memorial. Monies necessary to achieve the purposes of this section shall be set at an amount not to exceed Five Million Dollars (\$5,000,000.00).

B. The Committee shall consist of thirteen (13) members as follows:

1. Two members of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;
2. Two members of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate;
3. Two members appointed by the Governor;
4. The Chair of The 1921 Tulsa Race Riot Commission, or a designee;
5. The Executive Director of the Oklahoma Historical Society, or a designee;
6. The Executive Director of the Oklahoma Tourism and Recreation Department, or a designee;
7. The Mayor of the City of Tulsa, or a designee;
8. The Chair of the Tulsa City Council, or a designee;
9. The Chair of the Board of County Commissioners of Tulsa County, or designee; and
10. One member, appointed by the Mayor of the City of Tulsa, who shall be a resident in the area of the ward or equivalent political subdivision of the City of Tulsa known as "Greenwood", and historically identified as "Black Wall Street of America".

C. The Chair of The 1921 Tulsa Race Riot Commission shall convene the first meeting of the Design Committee on or before September 1, 2000, at which time the members shall elect a chair and vice-chair from among the membership. Meetings of the Design Committee shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

D. Members of the Design Committee shall receive no compensation for their service on the Design Committee, but shall receive travel reimbursement as follows:

1. Legislative members of the Design Committee shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;
2. Nonlegislative state agency members of the Design Committee shall be reimbursed by their agencies pursuant to the provisions of the State Travel Reimbursement Act; and
3. Other members of the Design Committee shall be reimbursed by the Oklahoma Historical Society pursuant to the provisions of the State Travel Reimbursement Act.

E. Staffing for the Design Committee shall be provided by the staffs of the Oklahoma House of Representatives, the Oklahoma State Senate and the Oklahoma Historical Society.

F. The duties of the Design Committee shall be to:

1. Develop criteria for and solicit public comment and input on the development and design of The 1921 Tulsa Race Riot Memorial of Reconciliation;

2. Develop and implement criteria for The 1921 Tulsa Race Riot Memorial of Reconciliation Design Competition which shall include, but not be limited to, solicitation of designs from appropriate persons or entities. The Design Committee shall select three designs as finalists from among the designs submitted through the competition and shall present the selected designs to the public for comment and input. The Design Committee shall give due consideration to the comments received from the public in choosing the design that, in the opinion of a majority of the Design Committee members, is most appropriate to commemorate the lives of the victims and honor the survivors of The 1921 Tulsa Race Riot. The Design Committee shall forward the selected design to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate; and

3. Provide oversight and advice to the Oklahoma Historical Society during the development, design and construction of The 1921 Tulsa Race Riot Memorial of Reconciliation.

SECTION 4. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated The 1921 Tulsa Race Riot Commission Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of: revenue received pursuant to publication of the final report of The 1921 Tulsa Race Riot Commission; funds received from a joint venture between the City of Tulsa and The 1921 Tulsa Race Riot Commission; gifts; donations; or private, state, or federal grant funds.

B. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purpose of paying for expenses associated with publication of the final report of The 1921 Tulsa Race Riot Commission and expenses incurred by The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee in developing criteria for, selecting the design of, and providing oversight and advice during the development, design and construction of The 1921 Tulsa Race Riot Memorial of Reconciliation.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of March, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the 20th day of March, 2000.

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President of the Senate