

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 2238

By: Ross of the House

and

Horner of the Senate

COMMITTEE SUBSTITUTE

An Act relating to state government and schools; amending 74 O.S. 2001, Section 8201.1, which relates to the 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee; modifying duties of the Design Committee; establishing responsibilities of the Executive Director of the Oklahoma Historical Society; amending 74 O.S. 2001, Sections 8221, 8223 and 8224, which relate to the Greenwood Area Redevelopment Authority Act; updating citations; modifying membership of the Authority; authorizing the Authority to hire an Executive Director and staff; providing certain exemption; amending 70 O.S. 2001, Sections 2620, 2621, 2623, 2625 and 2626, which relate to the Tulsa Reconciliation Education and Scholarship Program; updating citations; making program contingent on funding; modifying scope of the program; providing limitation on number of scholarships; modifying award criteria; deleting preference factors; providing for management and control of trust fund; providing for board of trustees; modifying investment procedures; directing the Oklahoma Tax Commission to provide for donations to scholarships from tax refunds; providing for use of donated funds; providing for deposits of monies; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 8201.1, is amended to read as follows:

Section 8201.1 A. There is hereby created 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, construction and operations of such memorial. Monies appropriated by the Legislature necessary for construction and design of the memorial shall be set at an amount not to exceed Five Million Dollars (\$5,000,000.00).

B. The Committee shall consist of seventeen (17) 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 former Chair of The 1921 Tulsa Race Riot Commission at the time that the Commission terminated, 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;
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";
11. Two nonlegislator Tulsa County residents, one of whom shall be appointed by the Speaker of the Oklahoma House of Representatives and one of whom shall be appointed by the President Pro Tempore of the Oklahoma State Senate; and

12. The executive directors or equivalent officers, or their designees, of the Metropolitan Tulsa Chamber of Commerce and the chamber of commerce organization for the Greenwood Area.

C. The members shall annually 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~~ this title;

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;

3. From the three finalists, select the design winner and an alternate whose designs shall be forwarded to the Executive Director of the Oklahoma Historical Society;

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

4. 5. Assist with the creation of a nonprofit organization the principal purpose of which shall be to assist in implementing the provisions of the 1921 Tulsa Race Riot Reconciliation Act of 2001.

G. The Executive Director of the Oklahoma Historical Society shall be responsible for awarding all contracts related to the construction of the memorial. The Executive Director, in consultation with the Committee, may elect to use the alternate design or recommend the reopening of the award process if the winning design construction exceeds the anticipated budget for the memorial.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 8221, is amended to read as follows:

Section 8221. ~~This act~~ Sections 8221 through 8226 of this title shall be known and may be cited as the "Greenwood Area Redevelopment Authority Act".

SECTION 3. AMENDATORY 74 O.S. 2001, Section 8223, is amended to read as follows:

Section 8223. A. There is hereby created the Greenwood Area Redevelopment Authority. The Authority shall be an instrumentality of the state.

B. The Authority is created in order to provide a method to facilitate the redevelopment of the Greenwood Area.

C. In addition to other responsibilities imposed pursuant to the Greenwood Area Redevelopment Authority Act, the mission of the Authority shall be to assist in finding methods for other entities, both in the private sector and public sector, to promote the investment, reinvestment, development and revitalization of qualified metropolitan areas.

D. The Authority shall be governed by a board of trustees which shall consist of ~~seventeen (17)~~ nineteen (19) members to be appointed or who shall serve on the board of trustees for the Authority as follows:

1. Two members to be appointed by the Speaker of the House of Representatives, one of whom shall be a legislator from the area of the City of Tulsa;

2. Two members to be appointed by the President Pro Tempore of the Oklahoma State Senate, one of whom shall be a legislator from the area of the City of Tulsa;

3. Two members to be appointed by the Governor;

4. Five members to be appointed by the mayor of the City of Tulsa;

5. The executive director, or a designee, of the Tulsa Metropolitan Chamber of Commerce;

6. The executive director, or a designee, of the Chamber of Commerce serving the Greenwood Area;

7. The executive director, or a designee, of the Oklahoma Department of Commerce;

8. The executive director, or a designee, of the Oklahoma Bankers' Association; and

9. Two persons to be selected by the Oklahoma Municipal League with the following qualifications:

- a. a person with experience in the use of venture capital or seed capital to promote investment or reinvestment in metropolitan areas, and
- b. a person with qualifications deemed suitable for the purposes of the Authority as determined by the Oklahoma Municipal League; and

10. Two persons to be appointed by the board of county commissioners of Tulsa County.

E. The Authority shall be authorized to conduct its meetings as required in order to perform the duties imposed upon the Authority pursuant to law. The Authority shall be subject to the provisions of the Oklahoma Open Meeting Act.

F. A simple majority of the board of trustees shall be required to approve any actions taken by the Authority.

G. No person appointed to or otherwise serving on the board of trustees of the Authority shall be required to vacate any public office otherwise subject to the requirements of Section 6 of Title 51 of the Oklahoma Statutes and for purposes of such requirements, the position of trustee shall not be considered a public office.

SECTION 4. AMENDATORY 74 O.S. 2001, Section 8224, is amended to read as follows:

Section 8224. A. The Greenwood Area Development Authority shall have the power to:

1. Adopt a seal for its official use;
2. Contract;
3. Own property;
4. Accept gifts and donations;
5. Invest funds under its control; ~~and~~

6. ~~Such~~ Exercise such other powers as are not inconsistent with the duties and responsibilities imposed upon the Authority; and

7. Hire an executive director and any other staff as may be necessary for the Authority to fulfill its mission. Employees of the Authority shall not be subject to the Merit System of Personnel Administration.

B. The Authority shall not have the power to:

1. Acquire property through the use of eminent domain;
2. Become indebted in any manner; or
3. Take any action in derogation of the rights, whether based on contract or otherwise, established pursuant to any agreements entered into between private entities, between public entities or by one or more private and one or more public entities.

SECTION 5. AMENDATORY 74 O.S. 2001, Section 8225, is amended to read as follows:

Section 8225. A. In addition to other responsibilities imposed upon it by law, the Greenwood Area Redevelopment Authority shall develop a long-term plan for the redevelopment of the Greenwood Area. The Authority may engage the services of such advisors, consultants or other persons or business entities as may be required in order to formulate the plan.

B. The plan shall include:

1. An assessment of the existing conditions of the Greenwood Area, including, but not limited to:
 - a. population,
 - b. per capita income,
 - c. employment or unemployment rates,
 - d. workforce characteristics,
 - e. assessed value,
 - f. existing land use regulations or restrictions,
 - g. available utilities such as water, electricity, solid and other waste disposal and access to telecommunication services, including but not limited to conventional or fiber optic cable,

- h. identification of persons or entities doing business within the Greenwood Area,
- i. identification of existing infrastructure such as water, sewer, roads, and other public sector assets which are material to business location, business investment and business reinvestment decisions,
- j. traffic volume and characteristics,
- k. any existing economic development incentives applicable to persons or entities within the Greenwood Area, including but not limited to areas which qualify as enterprise zones pursuant to Section 690.1 et seq. of Title 62 of the Oklahoma Statutes and any existing or proposed increment or incentive districts pursuant to the Local Development Act, Section 850 et seq. of Title 62 of the Oklahoma Statutes, and
- l. such other demographic data or characteristics as the Authority or its consultants or advisors consider to be relevant to the mission and responsibilities imposed upon the Authority pursuant to this section;

2. Specific recommendations regarding the redevelopment and reinvestment of capital within the Greenwood Area, including, but not limited to recommendations regarding the uses of real property most conducive to the redevelopment and reinvestment of the Greenwood Area, whether for residential dwellings, wholesale or retail business activity, commercial and industrial activity, governmental uses, community assets such as parks and similar development, and such other uses of the Greenwood Area real property most conducive to a sustained and viable redevelopment and reinvestment resulting in a productive use of the real property and improvements located within the Greenwood Area;

3. An analysis of the efforts of other states or political subdivisions with respect to the redevelopment and reinvestment of

areas with economic characteristics similar to the Greenwood Area with recommendations to duplicate successful models or programs, whether through the stimulation of private investment, the use of government resources to stimulate private investment, community development programs and other methods as deemed advisable by the Authority;

4. A specific list of resources that might be utilized in the redevelopment and reinvestment effort, including, but not limited to:

- a. federal grants or loans or programs offered through any federal agency such as the United States Department of Commerce and the United States Department of Housing and Urban Development,
- b. state programs available to individuals or business entities, whether in the form of grants or loans or other programs, which would have the effect of stimulating redevelopment and reinvestment in the Greenwood Area,
- c. local programs available to individuals or business entities which would have the effect of stimulating redevelopment and reinvestment in the Greenwood Area, and
- d. any program or resource available through private not-for-profit organizations that would be compatible with the goals and objectives of the Authority with respect to its duties for the development of the long-term plan and the identification of specific actions which could be taken to stimulate redevelopment and reinvestment in the Greenwood Area; and

5. A projected timetable with specific dates to achieve the recommended development of the Greenwood Area including specific actions to be taken by persons, business entities, financial service

providers, contractors, consultants, or other persons or entities in order to achieve the recommendations of the Authority within a realistic period of time.

C. ~~The final report and recommendations~~ long-term plan of the Authority shall be presented to the mayor of the City of Tulsa, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate and the Governor ~~not later than January 1, 2003.~~

SECTION 6. AMENDATORY 70 O.S. 2001, Section 2620, is amended to read as follows:

Section 2620. Sections ~~14~~ 2620 through ~~20~~ 2626 of this ~~act~~ title and Section 10 of this act shall be known and may be cited as the "Tulsa Reconciliation Education and Scholarship Act".

SECTION 7. AMENDATORY 70 O.S. 2001, Section 2621, is amended to read as follows:

Section 2621. There is hereby created the Tulsa Reconciliation Education and Scholarship Program. The purpose of the program is to provide a scholarship award to residents of the City of Tulsa, which was greatly impacted both socially and economically by the civil unrest that occurred in the city during 1921. Beginning with the 2002-2003 school year and subject to the availability of funds, the program shall each year make scholarships available ~~not less than 300 scholarships~~ to qualified residents of the City of Tulsa, who meet the criteria set forth in this act, and who are intending to pursue studies at an institution of higher education in The Oklahoma State System of Higher Education or a private institution, or who are intending to pursue studies in a postsecondary vocational-technical program. The scholarship shall be an amount of not more than the equivalent of the amount of resident tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled at an institution in The Oklahoma State System of Higher Education is obligated to pay. The scholarship shall be

paid as provided for in Section ~~19~~ 2625 of this ~~act~~ title. The further purpose of this program is to establish and maintain a variety of educational support services whereby residents who qualify for the program will be prepared for success in postsecondary endeavors.

SECTION 8. AMENDATORY 70 O.S. 2001, Section 2623, is amended to read as follows:

Section 2623. A. ~~1. If, in any year,~~ Subject to the availability of funds, the Oklahoma State Regents for Higher Education ~~receive more than 300 applications~~ shall annually award a maximum of three hundred full-time-equivalent scholarships for the Tulsa Reconciliation Education and Scholarship Program ~~from to~~ residents of the City of Tulsa, ~~the Regents shall determine the order of preference of the applicants based on the following factors.~~

B. To qualify for a scholarship, an applicant shall satisfy the following criteria:

~~a. the~~

1. The family income of the applicant from taxable sources is not more than Seventy Thousand Dollars (\$70,000.00) per year;i

~~b. the~~

2. The applicant attended a Tulsa public school where seventy-five percent (75%) or more of the students enrolled in the school qualify for the free and reduced lunch program;i and

~~e. the~~

3. The applicant resides in a census block area within the City of Tulsa where thirty percent (30%) or more of the residents are at or below the poverty level established by the United States Bureau of the Census.

~~2. C.~~ The Regents may consider as a factor, ~~when determining the order of preference of applicants,~~ whether an applicant is a direct lineal descendant of a person who resided in the Greenwood

Area in the City of Tulsa ~~on~~ between April 30 ~~through~~, 1921, and June 1, 1921. If the Regents use descent as a preference factor, it shall be applied to all applicants. The applicants shall be required to present verifiable documentation of their lineage. The Oklahoma Historical Society shall verify the authenticity and accuracy of the documentation submitted by an applicant and shall establish the boundaries of the Greenwood Area. Verifiable documentation shall include, but not be limited to the following:

~~a.~~ family

1. Family records including family bibles, vital records, correspondence, memoirs, journals, diaries, unrecorded deeds, diplomas, certificates, or testimonials~~;~~

~~b.~~ public

2. Public records including censuses, government records, military records, pensions, land bounty records, passport applications, passenger lists, original grants, naturalization or immigration records, records of entry, or state, province, or local records~~;~~ or

~~c.~~ institutional

3. Institutional records including church records, cemetery records and inscriptions, education institutions, insurance records, or societies and fraternal organizations.

~~B.~~ D. The Regents shall promulgate rules establishing the application requirements for the program and the system for evaluating applications based on the preference factors.

~~C.~~ E. Applicants ~~who meet the preference factors listed in this section~~ shall also ~~be required to~~ meet the eligibility criteria established in Section ~~48~~ 2624 of this ~~act~~ title.

SECTION 9. AMENDATORY 70 O.S. 2001, Section 2625, is amended to read as follows:

Section 2625. A. Subject to the availability of funds, an amount of not more than the equivalent of the amount of resident

tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled in an institution in The Oklahoma State System of Higher Education is obligated to pay shall be awarded by allocation from the Tulsa Reconciliation Education and Scholarship Trust Fund.

B. Subject to the availability of funds, for each eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled at a private institution, the Oklahoma State Regents for Higher Education shall award from the Tulsa Reconciliation Education and Scholarship Trust Fund an amount of not more than the equivalent of the amount of resident tuition for which the participant would be eligible if the participant were enrolled in a comparable program at a comparable institution of The Oklahoma State System of Higher Education. Comparability shall be determined by the State Regents.

C. Subject to the availability of funds, an amount of not more than the equivalent of the amount of tuition for which an eligible Tulsa Reconciliation Education and Scholarship Program participant enrolled in a postsecondary vocational-technical program is obligated to pay shall be awarded by allocation from the Tulsa Reconciliation Education and Scholarship Trust Fund. The allocation shall not exceed the amount a participant would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education.

D. Benefits awarded under the Tulsa Reconciliation Education and Scholarship Program shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first semester of participation in the program. The Oklahoma State Regents for Higher Education may award the Tulsa Reconciliation Education and Scholarship Program benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of participation in the program

only in hardship circumstances. No Tulsa Reconciliation Education and Scholarship Program participant may receive benefits beyond a cumulative time period of five (5) years. The Oklahoma State Regents for Higher Education may establish a maximum limit on the number of courses or other postsecondary units to which Tulsa Reconciliation Education and Scholarship Program benefits will apply. An award to an eligible Tulsa Reconciliation Education and Scholarship Program participant who is enrolled in a postsecondary vocational-technical program may be used to pay for both vocational-technical and college work if both are required by the program.

E. Benefits awarded under the Tulsa Reconciliation Education and Scholarship Program shall be awarded to not ~~less~~ more than 300 eligible participants ~~without any limitation on the number of awards in any year other than~~ annually, subject to the amount of funds available for the program and the number of eligible participants. Subject to the provisions of subsection F of this section, if funds are not sufficient to provide awards for ~~all~~ the maximum number of eligible participants each year, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. The Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible student when making awards. If an eligible student receives other grants and scholarships, the benefits awarded under the Tulsa Reconciliation Education and Scholarship Program may cover any additional educational costs not covered by the other grants and scholarships. If the family of an eligible Tulsa Reconciliation Education and Scholarship Program participant may qualify for the federal Hope Scholarship or Lifetime Learning tax credit as provided for in the Taxpayer Relief Act of 1997, P.L. No. 105-34, the participant may elect to use the award allowed by this section to pay for fees, required textbooks or materials, and, if any funds remain, to pay for room and board instead of resident tuition.

F. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of a Tulsa Reconciliation Education and Scholarship Program participant, set aside in the Tulsa Reconciliation Education and Scholarship Trust Fund funds for the full commitment made to such Tulsa Reconciliation Education and Scholarship Program participant. For all academic years, participants who have previously received awards under the provisions of the Tulsa Reconciliation Education and Scholarship Act and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program shall be given an absolute priority for continued financial support by the Tulsa Reconciliation Education and Scholarship Program superior to any residents who are applying for such benefits for the first time.

SECTION 10. AMENDATORY 70 O.S. 2001, Section 2626, is amended to read as follows:

Section 2626. A. There is hereby created a trust fund to be known as the "Tulsa Reconciliation Education and Scholarship Trust Fund". The trust fund shall be managed and controlled by a board of trustees. The Oklahoma State Regents for Higher Education shall ~~be~~ constitute the board of trustees of said the Trust Fund.

B. The State Regents shall utilize said Trust Fund to implement the provisions of the Tulsa Reconciliation Education and Scholarship Act.

C. The Trust Fund ~~principal~~ capital shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund, monies transferred from the donations from taxpayers pursuant to Section 10 of this act, and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. ~~Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust~~

~~Fund for use as provided by authorization of the trustees for the purposes provided in Sections 14 through 19 of this act. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections 14 through 19 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Tulsa Reconciliation Education and Scholarship Program established by this act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget. The board of trustees shall invest the trust capital in a reasonable and prudent manner which, consistent with any long-term investment needs, will produce the greatest trust income over the term of the investment while preserving the trust capital. All trust income shall be reinvested into the trust fund except for the purposes of awarding scholarships pursuant to the Tulsa Reconciliation Education and Scholarship Act.~~

E. The Regents shall adopt rules for accomplishing transfer of funds from the Tulsa Reconciliation Education and Scholarship Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of Title 70 of the Oklahoma Statutes, to private institutions, and to the appropriate technology center school district. Allocations from the Trust Fund may be made only for the purpose of covering the scholarship award of eligible participants. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2627 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tax Commission shall include on each state individual income tax return form for tax years beginning after December 31, 2002, and each state corporate tax return form for tax years beginning after December 31, 2002, an opportunity for the taxpayer to donate from a tax refund for the benefit of scholarships pursuant to the Tulsa Reconciliation Education and Scholarship Trust Fund.

B. The monies generated from donations made pursuant to subsection A of this section shall be used by the board of trustees of the trust fund for purposes set forth by the Tulsa Reconciliation Education and Scholarship Act.

C. All monies generated pursuant to the provisions of subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Tulsa Reconciliation Education and Scholarship Trust Fund.

SECTION 12. This act shall become effective November 1, 2002.

48-2-3221

CJ

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