

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2238

By: Ross

AS INTRODUCED

An Act relating to the Tulsa Race Riot; 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 and 8224, which relate to the Greenwood Area Redevelopment Authority Act; updating citations; authorizing the Authority to hire an Executive Director and staff; providing certain exemption; creating the Greenwood Area Redevelopment Authority Revolving Fund; stating source of funding; providing for expenditures from Fund; amending 70 O.S. 2001, Sections 2621, 2622, 2623 and 2625, which relate to the Tulsa Reconciliation Education and Scholarship Program; modifying scope of the program; defining certain area; modifying award criteria; deleting preference factors; deleting limitation on the number of awards; providing for codification; and declaring an emergency.

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 8224, is amended to read as follows:

Section 8224. A. The 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 other powers as are not inconsistent with the duties and responsibilities imposed upon the Authority.

B. The Authority shall have the power to 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.

C. 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 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8224.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Greenwood Area Redevelopment Authority to be designated the "Greenwood Area Redevelopment Authority Revolving Fund".

B. The Fund shall consist of all monies that are received by the Authority from appropriations or accepted as a gift or donation to the Authority for purposes of fulfilling its mission as set forth in the Greenwood Area Redevelopment Authority Act.

C. The Fund shall be a continuing fund not subject to fiscal year limitations. Expenditures from the Fund shall be for expenses related to any authorized activity of the Authority pursuant to the Greenwood Area Redevelopment Authority Act and shall be made pursuant to law and without legislative appropriation. Warrants for the expenditures from the Fund shall be issued by the State Treasurer against claims signed by an authorized officer or employee of the Authority and approved for payment by the Director of State Finance.

SECTION 5. 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 greater Greenwood area of the City of Tulsa, which was greatly impacted both socially and economically by the civil unrest that occurred in the city during 1921. For the purpose of this program, the greater Greenwood area of the City of Tulsa shall extend outward from the Greenwood area to consist of that land bordered by 66th Street on the north, the Osage County line on the west, Archer Street on the south, and Yale Avenue on the east. Beginning with the 2002-2003 school year and subject to the availability of funds, the program shall each year make available ~~not less than 300~~ scholarships to qualified residents of the greater Greenwood area 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 6. AMENDATORY 70 O.S. 2001, Section 2622, is amended to read as follows:

Section 2622. As used in the Tulsa Reconciliation Education and Scholarship Act:

1. "Resident" means a person of any age who has resided within the ~~corporate city limits~~ greater Greenwood area of the City of Tulsa, Oklahoma, as described in Section 2621 of this title, for not less than two (2) years prior to applying for participation in the Tulsa Reconciliation Education and Scholarship Program;

2. "Private institution" means a private institution of higher learning located within this state which is accredited pursuant to Section 4103 of ~~Title 70 of the Oklahoma Statutes~~ this title; and

3. "Postsecondary vocational-technical program" means a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between a technical center school and an institution of The Oklahoma State System of Higher Education.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 2623, is amended to read as follows:

Section 2623. A. ~~1. If, in any year, the~~ The Oklahoma State Regents for Higher Education ~~receive more than 300 applications shall award full-time equivalent scholarships for the Tulsa Reconciliation Education and Scholarship Program from to~~ residents of the greater Greenwood area of the City of Tulsa, ~~the Regents shall determine the order of preference of the applicants based on the following factors:~~

- a. ~~the family income of the applicant from taxable sources is not more than Seventy Thousand Dollars (\$70,000.00) per year,~~
- b. ~~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, and~~

~~e. 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. 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 April 30 through 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;i

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;i or

c. ~~institutional~~

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

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

C. Applicants who meet the preference factors listed in this section shall also be required to meet the eligibility criteria established in Section ~~18~~ 2624 of this ~~act~~ title.

SECTION 8. 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 than 300~~ eligible participants without any limitation on the number of awards in any year other than 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 eligible participants, 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 9. 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.

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