

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2113

By: Benson and Davis of the  
House

and

Taylor and Crutchfield of  
the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to county courthouses; enacting the Oklahoma Centennial County Courthouses Preservation Act; stating purpose; defining terms; providing for the administration of the Oklahoma Centennial County Courthouses Preservation Program; providing for grants and procedures related thereto; requiring minimum standards for the description of project work; requiring oversight procedures; requiring certain grants be administered by the Oklahoma Capitol Complex and Centennial Commemoration Commission; creating the Oklahoma Centennial County Courthouses Preservation Act Revolving Fund; providing procedures and requirements related to the revolving fund; amending Section 4, Chapter 358, O.S.L. 1996 (73 O.S. Supp. 1999, Section 98.3), as last amended by Section 2 of Enrolled Senate Bill No. 819 of the 2nd Session of the 47th Oklahoma Legislature, which relates to the Oklahoma Capitol Complex and Centennial Commemoration Commission; authorizing the Commission to appoint certain employees; authorizing the Commission to fix the salaries and duties of the executive director and other employees; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99.1 of Title 73, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 6 of this act shall be known and may be cited as the "Oklahoma Centennial County Courthouses Preservation Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99.2 of Title 73, unless there is created a duplication in numbering, reads as follows:

The purpose of the Oklahoma Centennial County Courthouses Preservation Act is to preserve county courthouses as part of the celebration of Oklahoma's statehood centennial. County courthouses represent the significant role of county government in Oklahoma's growth and development and illustrate excellence in public building design and construction in the state. County courthouses are worthy of preservation for these qualities, and their appropriate rehabilitation will serve as a lasting symbol and highly visible legacy of the centennial commemoration for future generations.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99.3 of Title 73, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Centennial County Courthouses Preservation Act:

1. "Commission" means the Oklahoma Capitol Complex and Centennial Commemoration Commission created by Section 98.2 of Title 73 of the Oklahoma Statutes;

2. "Fund" means the Oklahoma Centennial County Courthouses Preservation Act Revolving Fund;

3. "Historic county courthouse" means a former or current Oklahoma county courthouse that is listed on the National Register of Historic Places at the time that an application for a grant from the Oklahoma Centennial County Courthouses Preservation Program is submitted;

4. "County courthouse project" means a project to preserve or rehabilitate a county courthouse not listed on the National Register of Historical Places;

5. "Preservation" means identification, evaluation, recordation, documentation, curation, acquisition, protection,

management, restoration, rehabilitation, stabilization, reconstruction, maintenance, research, conservation, education and training regarding activities or any combination of the foregoing activities;

6. "Program" means the Oklahoma Centennial County Courthouses Preservation Program;

7. "Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of a property which are significant to its historical, architectural, and cultural values;

8. "Society" means the Oklahoma Historical Society; and

9. "Standards" means the "Secretary of the Interior's Standards for Rehabilitation" which are the ten basic principles established by the United States Secretary of the Interior and which are recommended in the planning and execution of projects which alter historic buildings.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99.4 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Capitol Complex and Centennial Commemoration Commission shall administer the Oklahoma Centennial County Courthouses Preservation Program. The Commission shall coordinate its activities with the Oklahoma Historic Preservation Officer at the Oklahoma Historical Society for those rehabilitation or preservation projects involving historic county courthouses.

B. All counties that own a county courthouse may apply to the Commission for a grant for a county courthouse project. The application for a project must:

1. State the location of the county courthouse;

2. State whether the courthouse is listed on the National Register of Historic Places;

3. State the amount of monies or in-kind contributions that the county promises to contribute to the project and the methods by which they will be provided;

4. State whether the courthouse is currently functioning as a courthouse;

5. Include any plans, including but not limited to a master preservation plan, that the county may have for the project; and

6. Include any other information that the Commission by rule may require.

C. The Commission may award a grant to a county that owns a county courthouse for the purpose of preserving or rehabilitating the courthouse, if the county's application meets the standards of the program. In considering whether to award a grant, the Commission shall consider the factors listed in this section and any other factors that the Commission may adopt by rule. In considering whether to award a grant, the Commission shall consider the following factors:

1. County courthouses which still function as courthouses;
2. The cost to preserve or rehabilitate the historic county courthouse; and
3. Other factors that the Commission may by rule adopt.

D. The Commission may by rule set a limit on the grant amount for a project. These amounts may be expressed as a dollar amount or as a percentage of the total amount appropriated for implementing the program during a fiscal year.

E. The Commission shall adopt rules regarding the application and grant process and the way in which the Commission will consider a county's contribution to project costs pursuant to this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99.5 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. Before a county may spend any monies awarded by the Oklahoma Capitol Complex and Centennial Commemoration Commission for a historic county courthouse project, the Commission shall adopt minimum standards for the description of project work in cooperation with the Oklahoma Historic Preservation Officer at the Oklahoma Historical Society.

1. A county that receives a grant for the preservation or rehabilitation of a historic county courthouse pursuant to the Oklahoma Centennial County Courthouses Preservation Program must use the United States Secretary of Interior's Standards for Rehabilitation for work on the project.

2. A county that receives a grant for the preservation or rehabilitation of a historic county courthouse pursuant to the program may use the money only for eligible preservation and rehabilitation expenses that the Commission in cooperation with the Oklahoma Historic Preservation Officer at the Oklahoma Historical Society prescribes by rule. Eligible expenses may include, but are not limited to:

- a. structural, mechanical, electrical, and plumbing systems and weather protection and emergency public safety issues not covered by insurance,
  - b. code and environmental compliance, including, but not limited to, complying with the federal Americans with Disabilities Act of 1990 and its subsequent amendments and other federal or state laws relating to accessibility standards, hazardous materials mitigation rules and other similar concerns,
  - c. replication of a missing architectural feature,
  - d. removal of an inappropriate addition or modification,
- and

e. rehabilitation of a courtroom or other significant public space in a functional and historically appropriate manner.

B. The Commission in cooperation with the Oklahoma Historic Preservation Officer at the Oklahoma Historical Society by rule shall provide for oversight procedures on a project. These rules shall provide for reasonable inspections by the Oklahoma Historic Preservation Officer or staff assigned by the Officer to inspect projects and periodic reports by a county on a project's progress.

C. All grants awarded by the Oklahoma Capitol Complex and Centennial Commemoration Commission for the preservation or rehabilitation of county courthouses not on the National Register of Historic Places shall be administered by the Commission. These projects shall not be subject to the provisions of subsections A and B of this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 99.6 of Title 73, 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 Oklahoma Capitol Complex and Centennial Commemoration Commission to be designated as the "Oklahoma Centennial County Courthouses Preservation Act Revolving Fund".

B. The Fund shall consist of all monies that are received by the Commission from appropriations or donations for historic county courthouse projects pursuant to this 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 Commission pursuant to this 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

employee of the Commission and approved for payment by the Director of State Finance.

D. The Commission may use monies in the Fund to provide matching grants to counties that own a historic county courthouse for a historic courthouse project or to provide the State Historic Preservation Officer, created by Section 354 of Title 53 of the Oklahoma Statutes, funds to assist the Commission in administering the program.

SECTION 7. AMENDATORY Section 4, Chapter 358, O.S.L. 1996 (73 O.S. Supp. 1999, Section 98.3), as last amended by Section 2 of Enrolled Senate Bill No. 819 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 98.3 A. Duties of the Oklahoma Capitol Complex and Centennial Commemoration Commission shall be to develop and implement a statewide master plan for commemorating the centennial of Oklahoma's admission to statehood in 1907. The plan shall be developed to represent the contributions of all peoples and cultures to Oklahoma state history and to the extent possible shall be designed to encourage and support participation in the centennial by all interested ethnic groups in and geographical areas of the state.

B. The master plan may include, but is not limited to, the following projects and activities:

1. Restoration of historic properties, with emphasis on those properties appropriate for use in the observance of the centennial;
2. State and local historic preservation programs and activities;
3. State and local archaeological programs and activities;
4. Publications, films, and other educational materials;
5. Bibliographical and documentary projects;
6. Conferences, lectures, seminars, and other programs;

7. Museum, library, cultural center, and park improvements, services, and exhibits, including but not limited to a centennial commemorative painting and mobile exhibits;

8. Public art that captures the diversity of the Oklahoma experience and spirit;

9. Tourism attractions;

10. Ceremonies and commemorations;

11. Cooperate with the Oklahoma Historical Society in the publication of an encyclopedia of Oklahoma; and

12. Interior and exterior renovations to the State Capitol and state buildings and grounds at the Capitol Complex. For the purpose of the Oklahoma Centennial Act, the scope of the "Capitol Complex" shall be determined by the Oklahoma Capitol Complex and Centennial Commemoration Commission for its needs.

The Commission's master plan shall devise a timetable and budget for completion for all parts of the master plan and shall be submitted to the Governor, the Speaker of the House of Representatives and President Pro Tempore of the Senate. The Commission shall submit an initial draft of the master plan to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate by January 1, 2000. The master plan must be completed by January 1, 2001.

C. To perform its duties, the Commission is authorized to appoint subcommittees which may include persons who are not members of the Commission. Such persons shall not be entitled to compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Such reimbursement shall be paid by the Oklahoma Capitol Complex and Centennial Commemoration Commission.

D. The Oklahoma Capitol Complex and Centennial Commemoration Commission is authorized to appoint and fix the salaries and duties

of an executive director and professional and administrative employees as may be necessary to carry out the duties of the Commission as provided by law.

E. The Oklahoma Historical Society shall provide administrative support to the Oklahoma Capitol Complex and Centennial Commemoration Commission for the Commission's activities.

SECTION 8. This act shall become effective July 1, 2000.

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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