

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2520

By: Hilliard

AS INTRODUCED

An Act relating to cemeteries; enacting the Abandoned, Historic and Pioneer Cemetery Preservation Act; providing definitions; directing the Oklahoma Historical Society to create and maintain certain register; prohibiting certain conduct; requiring certain disclosure; providing certain rights for persons entering certain cemeteries; providing exclusion from the act; providing a penalty; providing for codification; and providing an effective date.

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 331 of Title 8, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Abandoned, Historic and Pioneer Cemetery Preservation Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 332 of Title 8, unless there is created a duplication in numbering, reads as follows:

A. When used in the Abandoned, Historic and Pioneer Cemetery Preservation Act:

1. "Historic" and "Pioneer" shall mean any cemetery or burial ground, whether on public or private land, that has human remains interred before the statehood of Oklahoma, November 16, 1907; and

2. "Abandoned Cemetery" means any cemetery or burial ground in which there is an interment of the human remains and which no person has been interred for fifty (50) years.

B. The Oklahoma Historical Society shall create and maintain a register for all cemeteries and burial grounds in this state. The register shall set forth the exact location of each cemetery and burial ground, specifically designate those cemeteries that contain remains that date before November 16, 1907, and specify whether the cemetery is located on public or private land or whether such determination is unknown.

C. The Oklahoma Historical Society, or its designee, shall be permitted to enter upon private or public land for the purpose of registering any cemeteries or burial grounds pursuant to the Abandoned, Historic and Pioneer Cemetery Preservation Act. Registration information, including, but not limited to, mapping and descriptions, shall be developed by the Oklahoma Historical Society. The Oklahoma Historical Society shall mail a letter notifying the record landowner that such registration of a cemetery or burial ground will take place on their property at reasonable times. The letter shall be mailed at least thirty (30) days prior to the entrance upon the land.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 333 of Title 8, unless there is created a duplication in numbering, reads as follows:

A. No person shall, whether on private or public land, remove, or cause to be removed, any fence or part of a fence, stone, or marker from around any cemetery or grave. No person shall intentionally injure, or otherwise cause to be damaged, any portion of a grave of a historic or abandoned cemetery by movement of livestock, machinery, or farm implements.

B. No structure may be erected within one hundred (100) feet of a historic or abandoned cemetery or grave, whether on public or private land, other than a structure erected for the maintenance of such cemetery by a government entity, cemetery association, or other properly recognized organization.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 334 of Title 8, unless there is created a duplication in numbering, reads as follows:

Any record landowner or entity that attempts to sale real property where a historic or abandoned cemetery is properly registered with the Oklahoma Historical Society shall disclose to the buyer in writing that there exists a historic or abandoned cemetery on the property and that the laws of the Abandoned, Historic and Pioneer Cemetery Preservation Act apply.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 335 of Title 8, unless there is created a duplication in numbering, reads as follows:

Any family member of the deceased or group of an historical affiliation, upon request and at reasonable times, shall have a right to access and enter upon a historic or abandoned cemetery with reasonable ingress and egress for the purposes of visiting such cemetery or performing minor maintenance such as placing or repairing markers, removing weeds or brush, or installing or mending fences. Such person or group shall have the right to bring in the necessary equipment for such maintenance by motor vehicle, if necessary, on the most direct and efficient route.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 336 of Title 8, unless there is created a duplication in numbering, reads as follows:

The Abandoned, Historic and Pioneer Cemetery Preservation Act shall not have any reference to or be binding on any municipality, county, or state cemetery that is currently maintained by those government bodies, or any of its political subdivisions, or any cemetery in which the earliest interment of human remains is after November 16, 1907.

Any person in violation of any of the provisions the Abandoned, Historic and Pioneer Cemetery Preservation Act shall be guilty of a

misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and no more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both fine and imprisonment for each offense.

SECTION 7. This act shall become effective November 1, 2006.

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