

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 970

By: Simpson of the Senate

and

6 Roberts (Dustin) of the  
7 House

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9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to historical preservation;  
12 prohibiting the removal, relocation, alteration,  
13 renaming or rededication of certain statues,  
14 monuments, markers, memorials, nameplates or plaques;  
15 prohibiting persons from preventing certain entities  
16 from maintaining certain structures; defining term;  
17 providing procedures for certain waiver; providing  
18 for exception; providing for codification; and  
19 providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2.1a of Title 53, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. 1. No statue, monument, marker, memorial, nameplate or  
plaque which has been erected for, or named or dedicated in honor of  
any historical military figure, historical military event, military

1 organization or military unit and is located on public property may  
2 be relocated, removed, altered, renamed, rededicated or otherwise  
3 disturbed.

4 2. No statue, monument, marker, memorial, nameplate, plaque,  
5 historic flag display, school, street, bridge, building, park,  
6 preserve or reserve which has been erected for, or named or  
7 dedicated in honor of, any historical military figure, historical  
8 military event, military organization or military unit and is  
9 located on public property may be renamed or rededicated.

10 B. No person may prevent the governmental entity having  
11 responsibility for maintaining any of the items, structures or areas  
12 described in subsection A of this section from taking proper and  
13 appropriate measures, and exercising proper and appropriate means,  
14 for the protection, preservation, care, repair or restoration of  
15 such items, structures or areas.

16 C. For the purposes of this section, "public property" means  
17 all property owned or leased by the State of Oklahoma, any county,  
18 municipality, metropolitan government or any other entity that is  
19 created by act of the Legislature to perform any public function.

20 D. Any entity exercising control of public property on which an  
21 item, structure or area described in subsection A of this section is  
22 located may petition the Oklahoma Historical Society for a waiver to  
23 this section. A petition for waiver shall be in writing and shall  
24 state the reason or reasons upon which the waiver is sought. Any

1 petition for waiver must be preceded by notice of intent by the  
2 entity, filed with the court clerk of the respective county where  
3 the subject of the petition is located. After filing notice of  
4 intent, the governing entity must allow a minimum of ninety (90)  
5 days for public comment, and a minimum of two (2) public hearings  
6 within the jurisdiction of the governing entity, notice of hearings  
7 must be made at least thirty (30) days prior to the convening of  
8 such hearing, and shall have been published in print media, of  
9 general circulation, stating the date, time, and place, and  
10 describing the specific action to be proposed and the reasons for  
11 requesting the waiver. After conducting the minimum two (2)  
12 hearings, the governing entity may pursue a waiver of restrictions,  
13 it may do so at a regularly scheduled meeting of the Oklahoma  
14 Historical Society Board of Directors, the Board must schedule such  
15 action a minimum of thirty (30) days after such petition is  
16 presented to them. The Board may grant a petition for waiver, by a  
17 majority vote of the board members. Board members must be present  
18 at the meeting to vote. The Board may include reasonable conditions  
19 and instructions to ensure that any items, structures or areas are  
20 preserved to the greatest extent possible.

21 E. This section shall not apply to items, structures or areas  
22 described in subsection A of this section that are located on public  
23 property under the control of, or acquired by, the Oklahoma  
24 Department of Transportation which may interfere with the

1 construction, maintenance or operation of the public transportation  
2 system. The Department shall strive to ensure that any such items,  
3 structures or areas are preserved to the greatest extent possible.

4 SECTION 2. This act shall become effective November 1, 2016.

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