

## OKLAHOMA HISTORICAL SOCIETIES AND ASSOCIATIONS

## CHAPTER 20.—OKLAHOMA STATE REGISTER OF HISTORIC PLACES ACT [NEW]

## Sec.

351. Short title.  
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 355. State Register of Historic Places.

## § 351. Short title

This act shall be known as the "Oklahoma State Register of Historic Places Act".

Added by Laws 1983, c. 132, § 1, eff. Nov. 1, 1983.

1 Section 351 et seq. of this title.

Section 6 of Laws 1983, c. 132 provides for an effective date.

## Title of Act:

An Act relating to Oklahoma Historical Societies and Associations; providing short title; stating legislative intent; creating Oklahoma Historic Preservation Review Committee; providing for membership, qualifications and terms; designating the state historic preservation officer; establishing duties; creating a state register of historic places; providing for codification; and providing an effective date. Laws 1983, c. 132.

## § 352. Legislative intent

It is the intent of the Legislature that the historical, archeological, architectural and cultural heritage of the state are among the most important assets of the state and that these resources should be identified, recorded and preserved.

Added by Laws 1983, c. 132, § 2, eff. Nov. 1, 1983.

## § 353. Oklahoma Historic Preservation Review Committee

A. There is hereby created the Oklahoma Historic Preservation Review Committee, in compliance with the National Historic Preservation Act of 1966,<sup>1</sup> (P.L. 89-665) as amended, and regulations promulgated thereunder. The Review Committee shall consist of at least five (5) members, and shall include at least one recognized professional in each of the following disciplines: History, archeology, architecture and architectural history. Nonprofessional citizens may be appointed to the Review Committee, but a majority of the members shall be professionals. The professional members of the

Review Committee shall meet the minimum qualifications required by federal law.

B. The Governor shall appoint the members of the Review Committee, who shall serve at the Governor's pleasure.

C. Members of the Review Committee shall serve without compensation.

Added by Laws 1983, c. 132, § 3, eff. Nov. 1, 1983.  
 1 16 U.S.C.A. § 470a.

## § 354. State Historic Preservation Officer

The Executive Director of the Oklahoma Historical Society shall be the State Historic Preservation Officer who, with no additional compensation, shall work with the federal government and other states concerning matters of historic preservation.

Added by Laws 1983, c. 132, § 4, eff. Nov. 1, 1983.

## § 355. State Register of Historic Places

A. There is hereby created a "State Register of Historic Places".

B. The State Historic Preservation Officer, in consultation with the Oklahoma Historic Preservation Review Committee, shall establish a listing of sites, districts, structures, buildings, areas or objects above or below the surface of the earth whether on land or in the waters of the state, together with any designated improvements thereon, significant in the history, architecture, archeology, or culture of the state, its communities or the nation. Such listing shall constitute the Oklahoma State Register of Historic Places. All historic places within the state listed on or nominated to the National Register before or after this act becomes law shall be deemed to be listed in the State Register.

C. The State Historic Preservation Officer, with the advice of the Review Committee, shall establish the procedures and the criteria for listing in the State Register.

D. Listing a privately owned property in the State Register shall in no way violate or abridge the lawful owner's right to use, modify, or dispose of said property.

Added by Laws 1983, c. 132, § 5, eff. Nov. 1, 1983.

## § 361. Anthropological and archaeological projects

A. Any person, or persons, making any investigations, explorations, or excavations of any prehistoric ruins, ancient burial grounds, pictographs, petroglyphs, prehistoric specimens, utensils, and trinkets, and all other archaeological discoveries in the state on state lands, shall donate to the state all articles, implements and material found or discovered by such investigations, explorations, or excavations, which shall be deposited with a museum or other recognized repository in the state, within ninety (90) days after the permit termination date, as provided in subsection F of this section.

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B. 1. The State Archaeologist, in consultation with the State Historic Preservation Officer, shall study and evaluate the museums and institutions in this state and designate appropriate curatorial facilities. The characteristics of museums and institutions to be considered in making this determination shall include:

- a. the quality of the physical plant,
- b. previous experience in curation, and
- c. the availability of a professional staff trained in curation or archaeology.

2. All original field records, notes, photographs and other information collected, except for personal journals or diaries, or reasonable facsimiles of those records, notes, photographs and other information shall be housed in the same repository as the collections of artifacts and archaeological materials unless otherwise specified in the permit or by the State Archaeologist in consultation with the State Historic Preservation Officer.

3. All those collections of artifacts, archaeological materials, field records, maps, notes, photographs and other information collected pursuant to the provisions of this act shall be made available to the people of Oklahoma for study, examination and appreciation, provided that such availability can be arranged without contributing to the destruction or degradation of said artifacts, archaeological materials, field records, maps, notes, photographs and other information and objects and that such release of information is in the educational interest of the citizens of Oklahoma.

4. Any repository for materials as designated in accordance with paragraph 1 of this subsection may, as it deems necessary, charge a reasonable, one-time fee of a permit holder to help defray the costs of providing long-term storage of the materials.

C. Before any exploration or excavation is made in or on any prehistoric ruins or archaeological site in Oklahoma, on the Oklahoma State Register, or on property owned by or under the control of the State of Oklahoma or any of its political subdivisions, a permit shall first be obtained from the State Archaeologist, Oklahoma Archaeological Survey.

Such permit shall be issued upon:

1. Receipt of an application from any state agency, institution, company or individual who can show cause for having such a permit for the taking, salvage, excavation, restoration or conducting of scientific or educational studies at, in or on properties defined in this subsection;

2. Payment of a fee of Fifty Dollars (\$50.00);

3. Determination by the State Archaeologist of the appropriateness of the permit request. This determination shall include:

- a. application on a form approved by the State Archaeologist,

- b. specifications on the need for the indicated research activity and shall include a research design providing for the recovery of scientific, archaeological or historical information,

- c. designation and qualifications of personnel involved in the project,

- d. specifications on the location, nature of the activity and time period required for the work, and

- e. a signed statement from the landowner or, for state lands, from the appropriate state agency, granting permission for access and removal of archaeological or historical specimens;

4. Signing an agreement to donate specimens or materials in compliance with subsection A of this section; and

5. A signed agreement establishing a mutually acceptable formula for determining a one-time fee, as authorized by subsection B of this section, or that no fee will be charged by the repository for the long-term curation of deposited materials relating to the licensed project.

D. Each permit shall accurately specify the locations, nature of the activity and the time period covered by the permit, and shall authorize or permit explorations or excavations only at the described location.

E. Copies of issued permits shall be on file with the State Archaeologist and the State Historic Preservation Officer.

F. Each permit shall expire at midnight one (1) year after the date of its issuance, provided, that any permit may be revoked by the State Archaeologist, upon consultation with the State Historic Preservation Officer, at any time upon being convinced that archaeological activities authorized by the permit are being conducted unlawfully or improperly. It shall be the duty of the State Archaeologist to monitor all projects granted permits. The following shall be considered proper actions for the conducting of archaeological work under a permit:

1. One copy of the permit shall be at the site of the project, either in the possession of the Principal Investigator of the project or a designated supervisory archaeologist at the project site;

2. The permit may be examined by the State Archaeologist or his designated representative on demand at any time during the period of the permit; and

3. Investigation or excavation of archaeological sites or ruins listed on the permit must be conducted in accordance with the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, and the permit provisions of this statute, as stipulated.

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The permit may be renewed if cause is shown for the need of renewal. The fee for renewal shall be at the rate for a new application.

G. A final report shall be submitted to the State Archaeologist and the State Historic Preservation Officer each within a reasonable period of time after the termination of the permitted project. Applications for new permits from delinquent permit holders shall not be granted until the delinquent final reports are delivered. This final report shall be in accordance with federal standards and the "minimal standard for reports" which have been adopted by the State Historic Preservation Officer and the Oklahoma Archaeological Survey.

H. The fees, if any, collected under the provisions of this section shall be deposited in the Revolving Fund of the University of Oklahoma, and shall be used for the payment of the expenses in making investigations and for administration costs by the State Archaeologist as set out in this section: provided, that the State Archaeologist shall not issue any permit to any person until a thorough review has been made as to the purpose, place, and condition of the proposed explorations or excavations.

I. It shall be unlawful for any person to offer for sale or to purchase any archaeological specimen knowing the same to have been acquired in violation of this act.

J. Any person in possession of articles or materials acquired in violation of this act shall forfeit them to the state, pending return to their rightful owner.

K. It shall be unlawful for any person to intentionally and knowingly deface American Indian or aboriginal paintings, pictographs, petroglyphs or other marks or carvings on rock or elsewhere that are of archaeological interest and pertain to early American Indian or aboriginal habitation of the country. It shall be unlawful to willingly injure, disfigure, remove or destroy any archaeological resources, including but not limited to, a prehistoric or historic structure, site, monument, marker, medalion, burial, burial marker or artifact without lawful authority as provided in this or related statutes. It

shall be unlawful to enter onto the enclosed lands of another with the intent to intentionally injure, disfigure, remove, excavate, damage, take, dig into or destroy any archaeological remains or any prehistoric or historic site, American Indian or aboriginal campsite, artifact, burial, ruin or other materials wherever situated within the state without the consent of the owner.

L. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall forfeit to the state for final disposition all articles and materials and related records wrongfully acquired through his action or efforts, and shall also be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail, not exceeding thirty (30) days, or both.

M. In order to protect and preserve historical, archaeological and scientific information, matters and objects and other archaeological remains, which may from time to time be found on privately owned lands within Oklahoma, the Legislature declares as a statement of purpose that archaeological excavations on privately owned lands should be discouraged except in accordance with and pursuant to the spirit and authority of this statute. Persons having knowledge of the location of archaeological sites in the State of Oklahoma are encouraged to communicate such information to a reputable museum, institution of higher learning, a recognized scientific or historical institution or society or the Oklahoma Archaeological Survey. Those institutions, societies or museums contacted with such information should in turn inform the State Archaeologist, Oklahoma Archaeological Survey, so that the information may be recorded in the inventory of sites maintained for the state.

Amended by Laws 1985, c. 262, § 1, eff. Nov. 1, 1985.  
Renumbered from Title 70, § 3309 by Laws 1985, c. 263,  
§ 2, eff. Nov. 1, 1985.

<sup>1</sup> Should be "facsimiles"

<sup>2</sup> 16 U.S.C.A. § 470 et seq.

<sup>3</sup> 16 U.S.C.A. § 470aa et seq.

Section 3 of Laws 1983, c. 222 provides for an effective date.