WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 245

(By Mr. Carson, Mr. President, and Mr. Porter)

PASSED... March 6, 1965
In Effect.. Passage

Filed in the Office of
Joe F. Burdett
Secretary of State
This Date 3-12-65
AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twelve, relating to the establishment, powers and duties of the state antiquities commission and providing penalties.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twelve, to read as follows:


Section 1. Legislative Determination and Declaration of Policy.—It is hereby declared as a matter of legislative determination:
(a) That the state of West Virginia, being richly endowed with archaeological treasures and other sites of antiquities, should explore by excavation and preserve these prehistoric treasures and sites;

(b) That in the past, there has been no systematic and planned development and preservation of antiquities of historical and archaeological importance in the state of West Virginia; and

(c) That this article contemplates the establishment of a commission which shall be authorized and empowered to recommend the acquisition, development and preservation of our state's sites of antiquities.

Sec. 2. Composition; Appointment and Terms of Members; Reimbursement of Expenses; Officers; Meetings; Reports.

There is hereby created the West Virginia antiquities commission, hereinafter referred to as the commission, to consist of six members, one of whom shall be the chief of the division of parks and recreation of the department of natural resources, one of whom shall be the state historian and archivist, one of whom shall be the director of the state geological and economic survey, one of whom shall be the
state archaeologist, one of whom shall be the president of the West Virginia archaeological society, and one of whom shall be a professional historian who is a member of the West Virginia historical association of college and university teachers who shall be appointed by the governor, by and with the advice and consent of the senate. The term of office for the member appointed by the governor shall be four years. All the members of the commission shall serve without pay, but shall be reimbursed for any and all reasonable and necessary expenses incurred in the performance of their duties hereunder. The members of the commission shall elect from their own membership the officers of the commission.

The commission will meet at least twice during the year, in May and in November, at a time and place to be determined by the chairman.

The commission shall transmit an annual report of its activities to the governor, the president of the senate, and the speaker of the house of delegates on or before the opening day of each regular session of the Legislature.
Sec. 3. Powers and Duties of the Commission.—The commission shall be authorized and empowered to locate, identify, and recommend for acquisition historic sites worthy of preservation; to direct and supervise the excavation, study, restoration and development of such sites; and to conduct a survey and study throughout the state to determine needs and priorities for the preservation, restoration, and development of sites, buildings, and other objects of archaeological or historic interest.

Sec. 4. Protection of Archaeological Sites; Penalties.—Archaeological sites, identified as such by the commission, on lands owned or leased by the state, or on private lands where investigation and development rights have been acquired by the state by lease or contract, shall not be disturbed, developed, or destroyed except with permission of the commission.

Any person violating the provisions of this section will be guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars or imprisonment for a term of six months, or by both such fine and imprisonment in the discretion of the court.
Sec. 5. Special Fund Created.—For the purpose of carrying out the provisions of this article, there is hereby created a special fund entitled "the West Virginia antiquities fund". All moneys appropriated by the Legislature for the purposes set out herein shall be deposited in such fund and shall be expended from such fund only for the purposes for which the same is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Parker
Chairman Senate Committee

James W. Roop
Chairman House Committee

Originated in the Senate.

Takes effect ________ Passage.

J. Sanford Withers
Clerk of the Senate

A. Blenkornship
Clerk of the House of Delegates

Howard W. Cannon
President of the Senate

H. Sabau White
Speaker House of Delegates

The within approved this the 17
day of March, 1965.

Hulett C. Smith
Governor