

# 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 from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-12-65

#245

ENROLLED

Senate Bill No. 245

(By MR. CARSON, MR. PRESIDENT, and MR. PORTER)

[Passed March 6, 1965; in effect from passage.]

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:

**Article 12. West Virginia Antiquities Commission.**

**Section 1. Legislative Determination and Declaration**

**2 of Policy.**—It is hereby declared as a matter of legislative

**3 determination:**

4 (a) That the state of West Virginia, being richly en-  
5 dowed with archaeological treasures and other sites of  
6 antiquities, should explore by excavation and preserve  
7 these prehistoric treasures and sites;

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

12 (c) That this article contemplates the establishment  
13 of a commission which shall be authorized and empowered  
14 to recommend the acquisition, development and preserva-  
15 tion of our state's sites of antiquities.

**Sec. 2. Composition; Appointment and Terms of Members;**

**2 Reimbursement of Expenses; Officers; Meetings; Reports.—**

3 There is hereby created the West Virginia antiquities com-  
4 mission, hereinafter referred to as the commission, to consist  
5 of six members, one of whom shall be the chief of the divi-  
6 sion of parks and recreation of the department of natural  
7 resources, one of whom shall be the state historian and  
8 archivist, one of whom shall be the director of the state  
9 geological and economic survey, one of whom shall be the

10 state archaeologist, one of whom shall be the president  
11 of the West Virginia archaeological society, and one of  
12 whom shall be a professional historian who is a member  
13 of the West Virginia historical association of college and  
14 university teachers who shall be appointed by the gov-  
15 ernor, by and with the advice and consent of the senate.  
16 The term of office for the member appointed by the gov-  
17 ernor shall be four years. All the members of the com-  
18 mission shall serve without pay, but shall be reimbursed  
19 for any and all reasonable and necessary expenses in-  
20 curred in the performance of their duties hereunder. The  
21 members of the commission shall elect from their own  
22 membership the officers of the commission.

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

26 The commission shall transmit an annual report of its  
27 activities to the governor, the president of the senate,  
28 and the speaker of the house of delegates on or before  
29 the opening day of each regular session of the Legislature.

**Sec. 3. Powers and Duties of the Commission.—**The

2 commission shall be authorized and empowered to locate,  
3 identify, and recommend for acquisition historic sites  
4 worthy of preservation; to direct and supervise the exca-  
5 vation, study, restoration and development of such sites;  
6 and to conduct a survey and study throughout the state  
7 to determine needs and priorities for the preservation,  
8 restoration, and development of sites, buildings, and other  
9 objects of archaeological or historic interest.

**Sec. 4. Protection of Archaeological Sites; Penalties.—**

2 Archaeological sites, identified as such by the commission,  
3 on lands owned or leased by the state, or on private lands  
4 where investigation and development rights have been  
5 acquired by the state by lease or contract, shall not be  
6 disturbed, developed, or destroyed except with permis-  
7 sion of the commission.

8 Any person violating the provisions of this section will  
9 be guilty of a misdemeanor and be punished by a fine not  
10 exceeding five hundred dollars or imprisonment for a  
11 term of six months, or by both such fine and imprison-  
12 ment 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. Doep  
Chairman House Committee

Originated in the Senate.

Takes effect from Passage.

Sharon H. Hedges  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard G. Carson  
President of the Senate

H. Raban White  
Speaker House of Delegates

The within approved this the 12  
day of March, 1965.

Stewart C. Smith  
Governor



Presented to Gov. Fie

3/10/65

11:18 a.m.