

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1120

4
5 By: Representative Wilkins
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For An Act To Be Entitled

8
9 "AN ACT TO REQUIRE NOTIFICATION OF THE ARKANSAS
10 ARCHEOLOGICAL SURVEY WHENEVER AN ARTIFACT OF
11 HISTORICAL SIGNIFICANCE IS FOUND; TO AUTHORIZE THE
12 ARKANSAS ARCHEOLOGICAL SURVEY TO SUSPEND ANY
13 CONSTRUCTION WHICH THREATENS AN ARCHEOLOGICAL SITE;
14 AND FOR OTHER PURPOSES."

Subtitle

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17 "AN ACT TO REQUIRE NOTIFICATION OF THE
18 ARKANSAS ARCHEOLOGICAL SURVEY WHENEVER
19 AN ARTIFACT OF HISTORICAL SIGNIFICANCE
20 IS FOUND; AND TO AUTHORIZE SUSPENSION OF
21 ANY CONSTRUCTION WHICH THREATENS AN
22 ARCHEOLOGICAL SITE."

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code 13-6-210(a) is amended to read as follows;

28 "(a) In recognition of the fact that archeological materials and
29 antiquities are destroyed or damaged in connection with ~~the~~ construction of
30 ~~public works such as highways and dams~~, the program created by this subchapter
31 shall include salvage work in advance of or coexistent with ~~public~~
32 construction and advice directed to the avoidance of waste of archeological
33 sites and materials."

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35 SECTION 2. Arkansas Code 13-6-301 is amended to read as follows:

36 "13-6-301. Reservation of rights - Legislative intent.

1 (a) The State of Arkansas reserves to itself the exclusive right and
 2 privilege of field archeology on sites ~~owned or controlled by the~~ in this
 3 ~~state, its agencies, departments, and institutions,~~ in order to protect and
 4 preserve archeological and scientific information, matter, and objects. All
 5 archeological information and objects ~~deriving from state lands~~ shall be
 6 utilized solely for scientific or public educational purposes and shall remain
 7 the property of the state.

8 ~~(b) It is a declaration and statement of legislative intent that field~~
 9 ~~archeology on privately owned lands should be discouraged except in accordance~~
 10 ~~with both the provisions and spirit of this subchapter. Persons having~~
 11 ~~knowledge of the location of archeological sites are encouraged to communicate~~
 12 ~~the information to the Arkansas Archeological Survey."~~

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 14 SECTION 3. Arkansas Code 13-6-304 is amended to read as follows:

15 "13-6-304. Cooperation by state and local entities.

16 (a) All persons, businesses, corporations, state agencies, departments,
 17 institutions, and commissions, as well as all counties and municipalities,
 18 shall cooperate fully with the Arkansas Archeological Survey in the
 19 preservation, protection, excavation, and evaluation of artifacts and sites.

20 (b) To that end, where any site or artifacts may be found or discovered
 21 ~~on property owned or controlled by the state or by any county or municipality,~~
 22 the person, business, corporation, agency, bureau, commission, governmental
 23 subdivision, or county or municipality, having control over or owning the
 24 property or preparing to excavate or perform work upon the property or
 25 currently performing work of any type upon the property ~~is urged to~~ shall stop
 26 all ongoing excavation or work and refrain from initiating any new excavation
 27 or work on the land and shall notify the Arkansas Archeological Survey of the
 28 discovery and location of the site or artifacts. Excavation or work may resume
 29 or begin only after the Arkansas Archeological Survey has explored, excavated,
 30 or otherwise examined the land to the extent desired by the survey.

31 (c) ~~Any~~ The person, business, corporation, state or local entity shall
 32 cooperate to the fullest extent practicable with the Arkansas Archeological
 33 Survey to preserve and prevent the destruction of the site or artifacts and to
 34 allow the Arkansas Archeological Survey to assist in, and effect, the removal
 35 of artifacts by means designed to preserve and permit the study and evaluation
 36 of the artifacts.

1 (d) The provisions of this subchapter shall be made known to contractors
 2 by the persons, businesses, corporations, or state agencies doing the
 3 contracting.”

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 5 SECTION 4. Arkansas Code 13-6-307 is amended to read as follows:

6 “13-6-307. Trespass.

7 It shall be deemed an act of trespass and a misdemeanor for any person,
 8 natural or corporate, except the Arkansas Archeological Survey, to remove
 9 artifacts and antiquities of the kind described in this subchapter from the
 10 private land of any owner thereof without his permission being first
 11 obtained.”

12
 13 SECTION 5. Arkansas Code 15-20-603(a), regarding vandalism in caves, is
 14 amended to read as follows:

15 “(a) It shall be unlawful for any person, except the Arkansas
 16 Archeological Survey, without express permission of the owner, to purposefully
 17 or recklessly:

18 (1) Break, carve, mark upon, or deface the natural rock surface
 19 of any cave, whether wall, ceiling, or floor, any speleothem, whether attached
 20 or previously broken, or any man-made material within the cave which
 21 constitutes an archeological site or was placed within the cave under
 22 permission of the owner;

23 (2) Remove from the cave any material protected by this
 24 subchapter;

25 (3) Damage in any way any lock, gate, door, or other obstruction
 26 designed to control access to any cave, even though entry thereto may not be
 27 gained;

28 (4) Remove or deface any sign stating the cave is posted or
 29 citing provisions of this subchapter;

30 (5) Excavate, deface, or disrupt the integrity of any
 31 identifiable archeological or paleontological site which may be found in any
 32 cave.”

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 34 SECTION 6. All provisions of this act of a general and permanent nature
 35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 36 Revision Commission shall incorporate the same in the Code.

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SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.