

Act 82 of 1959

AN ACT TO CREATE AN ARKANSAS PROGRAM OF ARCHEOLOGICAL RESEARCH, AND FOR OTHER PURPOSES.

WHEREAS, Arkansas is a State rich in archeological resources which, if properly excavated, catalogued and preserved, can add immeasurably to the knowledge of our history and our heritage; and

WHEREAS, the preservation of our antiquities is of value and interest not only to the citizens of Arkansas but to persons from other states who visit Arkansas as well; and

WHEREAS, many historic sites and archeological treasures are either unsurveyed and undiscovered, due to lack of a coordinated and adequate program, or are, in fact, in danger of being lost to posterity by reason of unscientific exploitation, highway construction, flooding from reservoirs in connection with building of dams, and by other means;

NOW THEREFORE, this legislative body recognizes the need for a state-wide program of archeological research and enacts this measure for the achievement of that purpose.

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. The Board of Trustees of the University of Arkansas is hereby designated agent of the State of Arkansas for the purpose of conducting a program of archeological research as hereinafter described.

SECTION 2. The University of Arkansas shall initiate, operate, and maintain a program in archeology which shall include, but not be limited to, the following areas of action:

- (a) Excavation of historical sites, ruins, and mounds for the purpose of securing data and objects relating to early man in Arkansas;
- (b) Fundamental research in Arkansas archeology and the encouragement of public cooperation in the preservation of Arkansas antiquities;
- (c) Research in and study of anthropology, geology, and related social and physical sciences, both prior to excavation and thereafter in order to plan in aid of discovery of sites and artifacts and their proper assessment once discovered;
- (d) Publication of findings in terms of their scientific, popular, and cultural values;
- (e) Display and custodianship of relics, artifacts, sites and other tangible results of the program;

(f) Educational activities providing a stimulus to archeological efforts and the encouragement of archeological societies, parks, and museums.

SECTION 3. The University of Arkansas is to make available for study in connection with this program the holdings of its Museum which contains the world's best and most extensive collection of Arkansas archeological material, and the valuable collection of archeological and related literature held by its Library. Housing, in the nature of laboratory and office space, shall be assigned by the University for this activity, and the cooperation of University personnel in other related fields of activity shall be extended to the program herein created; provided, that the University of Arkansas' responsibility to initiate, operate, and continue to maintain an archeological program exceeding the scope of its present operations in that field shall be and is hereby made dependent upon the biennial appropriation of additional State funds (which amounts are now available to the University of Arkansas) for said purpose. All funds received from any source for this program shall be held by, expended by, and distributed through regular University of Arkansas business channels, but used only in support of the activity herein described.

SECTION 4. All other State agencies, departments, and institutions, as well as county and city officials, are hereby directed to cooperate in the activities described in order that a State-wide focus shall be given the implementation of the program created by this measure.

SECTION 5. All artifacts, fossils, relics, and other personal property discovered, donated or otherwise acquired in pursuance of this program shall be the property of the State of Arkansas held in trust by the University of Arkansas. That institution shall to the extent possible make these items available for scientific use, or public display by appropriate public bodies at places throughout the State; provided, complete authority is hereby granted to exchange and barter such items, for other such items deemed of equal value, with persons, non-profit organizations, and public agencies both within and without Arkansas, in order that representative collections may be assembled and that study and analysis be enhanced.

SECTION 6. In recognition of the fact that archeological materials and antiquities are destroyed or damaged in connection with the construction of public works such as highways and dams, the program created hereby shall include salvage work in advance of or co-existent with public construction, and advice directed to the avoidance of waste of archeological sites and materials. Authority is hereby granted to the University of Arkansas to cooperate with individuals and State and federal agencies in surveying and excavating archeological sites, and full power to contract with such persons or agencies relative to these matters is hereby extended.

SECTION 7. The State Highway Commission is hereby authorized and directed to enter into appropriate contracts and cooperative agreements with the University of Arkansas and the U.S. Bureau of Public Roads and to expend funds, both State and Federal, in aid of archeological salvage and archeological preservation on all or any part of the lands and rights of way now or hereafter coming into its control in order that the beneficial purpose of this Act shall be

achieved.

SECTION 8. The Board of Trustees of the University of Arkansas is hereby authorized to accept grants, bequests, devises, gifts, and donations for purposes of a State program in archeological research and to expend same to that end. Its full power to accept and hold title to interests in land for said purposes is hereby recognized. Said Board is hereby empowered to make a reasonable charge for publications and expend the proceeds for this program.

SECTION 9. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 10. It is hereby determined by the General Assembly that archeological materials, sites, mounds, and relics are being lost through thoughtless destruction by untrained excavators as well as through the construction of public dams and highways; that early preventive action is required and that immediate educational efforts should be made in order that the heritage of an earlier age not be lost; that a comprehensive State program of archeology will result in findings which will be of interest and value not only to the citizens of the State but to those who visit Arkansas as well; that the best method of accomplishing these objectives and preventing the losses referred to is by creation of a State program of archeological research. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health, safety, and welfare shall be in full force and effect from and after its passage and approval.