

1 HB54
2 135200-2
3 By Representative McClendon
4 RFD: Health
5 First Read: 07-FEB-12
6 PFD: 01/23/2012

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 41-9-291 and 41-9-292 of the Code of Alabama 1975, relating to the Alabama Underwater Cultural Resources Act; to amend the definition of cultural resources; to add a definition for artifacts; and to provide that it would be lawful to recover abandoned artifacts which are not cultural resources from submerged lands that are under navigable rivers in this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-9-291 and 41-9-292 of the Code of Alabama 1975, are amended to read as follows:

"§41-9-291.

"As used in this division, the following terms shall have the following meanings:

"(1) ARTIFACTS. Any man-made object.

~~"(1)~~ (2) COMMISSION. The Alabama Historical Commission, acting as the custodian of cultural resources for the State of Alabama.

~~"(2)~~ (3) CONTRACTOR. Any individual, company, corporation, or private or public institution determined by the commission to be appropriately qualified, that has applied

1 for and received a permit or contract from the commission to
2 begin exploration or excavation activities in state-owned
3 waters.

4 "~~(3)~~ (4) CULTURAL RESOURCES. All abandoned
5 shipwrecks or remains of those ships and all underwater
6 archaeological treasures, artifacts, treasure troves, or other
7 cultural articles and materials, ~~whether or not~~ associated
8 with any shipwreck, that are contained in or on submerged
9 lands belonging to the State of Alabama and the sea within the
10 jurisdiction of the state, and that have remained unclaimed
11 for more than 50 years, excluding therefrom sunken logs,
12 cants, and timber resources of any other type not associated
13 as part of a shipping vessel, and are eligible for, or listed
14 in, the National Register of Historic Places or the Alabama
15 Register of Landmarks and Heritage and any items covered in
16 Section 13A-7-23.1.

17 "~~(4)~~ (5) EXCAVATION. The study and intentional
18 removal from submerged land belonging to the state, by
19 accepted scientific methods, of any objects recognized as
20 cultural resources.

21 "~~(5)~~ (6) EXPLORATION. The systematic examination by
22 actual survey of an area of submerged land belonging to the
23 state for the purpose of locating and recognizing cultural
24 resources.

25 "~~(6)~~ (7) SUBMERGED LANDS. Lands under navigable
26 waterways owned or controlled by the State of Alabama.

1 "~~(7)~~ (8) TREASURE TROVE. Any gold bullion, gold
2 ingots, gold dust, silver bars, and other precious metals or
3 stones.

4 "§41-9-292.

5 "(a) All cultural resources as defined herein are
6 declared to be state cultural resources subject to the
7 exclusive dominion and control of the State of Alabama.

8 "(b) Cultural resources shall not be taken, damaged,
9 destroyed, salvaged, excavated, or otherwise altered without a
10 prior contract or permit obtained through the commission,
11 which is designated as the official custodian of state
12 cultural resources within the jurisdiction of the State of
13 Alabama; provided, however, that issuance of any contract or
14 permit shall also be subject to the prior written approval of
15 the Commissioner of Conservation and Natural Resources.

16 "(c) It shall be lawful to recover abandoned
17 artifacts that are not cultural resources as defined in this
18 division from submerged lands that are under navigable rivers
19 in this state."

20 "(d) This section shall not be construed to affect
21 any laws, regulations, or rules governing federal land,
22 submerged or otherwise, within the borders of this state,
23 including, but not limited to, the prohibition of the
24 excavation, removal, or other alteration of "archaeological
25 resources" as defined under the Archaeological Resources
26 Protection Act (Public Law 96-95; 16 U.S.C. 470aa-mm).

1 Any man-made object lawfully recovered pursuant to
2 subsection (c) shall be registered with the commission. The
3 registration shall include the Global-Positioning-System (GPS)
4 location of each artifact recovered.

5 Section 2. All laws or parts of laws which conflict
6 with this act are repealed.

7 Section 3. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 07-FEB-12

Read for the second time and placed
on the calendar..... 08-FEB-12

Read for the third time and passed
as amended..... 23-FEB-12

Yeas 49, Nays 21, Abstains 0

Greg Pappas
Clerk