

1 SB63
2 194937-1
3 By Senator McClendon
4 RFD: Governmental Affairs
5 First Read: 05-MAR-19

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8 SYNOPSIS: Under existing law, the Alabama Underwater
9 Cultural Resources Act requires a permit from the
10 Alabama Historical Commission to explore or
11 excavate underwater cultural resources. Violations
12 are subject to criminal penalties. Cultural
13 resources are defined to include all abandoned
14 shipwrecks or remains of those ships and all
15 underwater treasures and artifacts that are
16 contained in or on submerged lands belonging to the
17 State of Alabama, have remained unclaimed for 50
18 years, and are eligible for, or listed in, the
19 National Register of Historic Places or the Alabama
20 Register of Landmarks and Heritage.

21 This bill would delete items that are
22 eligible for, or listed in, the Alabama Register of
23 Landmarks and Heritage from the definition of
24 cultural resources.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 41-9-291, Code of Alabama 1975,
4 relating to the Alabama Underwater Cultural Resources Act, to
5 amend the definition of cultural resources to delete the
6 language that includes items that are eligible for, or listed
7 in, the Alabama Register of Landmarks and Heritage.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 41-9-291, Code of Alabama 1975,
10 is amended to read as follows:

11 "§41-9-291.

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

14 (1) COMMISSION. The Alabama Historical Commission,
15 acting as the custodian of cultural resources for the State of
16 Alabama.

17 "(2) CONTRACTOR. Any individual, company,
18 corporation, or private or public institution determined by
19 the commission to be appropriately qualified and has applied
20 for and received a permit or contract from the commission to
21 begin exploration or excavation activities in state-owned
22 waters.

23 "(3) CULTURAL RESOURCES. All abandoned shipwrecks or
24 remains of those ships and all underwater archaeological
25 treasures, artifacts, treasure troves, or other cultural
26 articles and materials, whether or not associated with any
27 shipwreck, that are contained in or on submerged lands

1 belonging to the State of Alabama and the sea within the
2 jurisdiction of the state, and that have remained unclaimed
3 for more than 50 years, excluding therefrom sunken logs,
4 cants, and timber resources of any other type not associated
5 as part of a shipping vessel, and are eligible for, or listed
6 in, the National Register of Historic Places ~~or the Alabama~~
7 ~~Register of Landmarks and Heritage.~~

8 "(4) EXCAVATION. The study and intentional removal
9 from submerged land belonging to the state, by accepted
10 scientific methods, of any objects recognized as cultural
11 resources.

12 "(5) EXPLORATION. The systematic examination by
13 actual survey of an area of submerged land belonging to the
14 state for the purpose of locating and recognizing cultural
15 resources.

16 "(6) SUBMERGED LANDS. Lands under navigable
17 waterways owned or controlled by the State of Alabama.

18 "(7) TREASURE TROVE. Any gold bullion, gold ingots,
19 gold dust, silver bars, and other precious metals or stones."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.