

1 HB104
2 122771-1
3 By Representatives McClendon, Williams (P), Mask, Davis,
4 Sanderford, McClurkin, Love, Williams (J), Canfield, Fincher,
5 Barton, Bridges, McCutcheon, Clouse, Buttram, Henry, Rich,
6 Wood, Weaver, Galliher, Ball, Johnson (W), Nordgren, Johnson
7 (K) and Boman
8 RFD: Agriculture and Forestry
9 First Read: 01-MAR-11

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8 SYNOPSIS: Under existing law, the Alabama Underwater
9 Cultural Resources Act, underwater cultural
10 resources are subject to regulation by the state. A
11 permit is required to be obtained from the Alabama
12 Historical Commission prior to the exploration or
13 excavation of underwater cultural resources or for
14 recreational diving related to cultural resources.
15 Theft or disturbance of underwater cultural
16 resources is subject to criminal penalties.

17 Under existing law, the term "cultural
18 resources" is defined to include abandoned
19 shipwrecks and all underwater archeological
20 treasures and articles, whether or not associated
21 with a shipwreck, if unclaimed for more than 50
22 years and eligible for or listed on the National
23 Register of Historical Places or the Alabama
24 Register of Landmarks and Heritage.

25 This bill would amend the definition of
26 cultural resources to include only articles and
27 materials associated with shipwrecks and would

1 delete references to articles which may be listed
2 on the Alabama Register of Landmarks and Heritage.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 41-9-291 of the Code of Alabama
9 1975, relating to the Alabama Underwater Cultural Resources
10 Act, to further define the term "cultural resources."

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 41-9-291 of the Code of Alabama
13 1975, is amended to read as follows:

14 "§41-9-291.

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

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

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

26 "(3) CULTURAL RESOURCES. All abandoned shipwrecks or
27 remains of those ships and all underwater archaeological

1 treasures, artifacts, treasure troves, or other cultural
2 articles and materials, ~~whether or not~~ associated with any
3 shipwreck, that are contained in or on submerged lands
4 belonging to the State of Alabama and the sea within the
5 jurisdiction of the state, and that have remained unclaimed
6 for more than 50 years, excluding therefrom sunken logs,
7 cants, and timber resources of any other type not associated
8 as part of a shipping vessel, and are eligible for, or listed
9 in, the National Register of Historic Places ~~or the Alabama~~
10 ~~Register of Landmarks and Heritage.~~

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

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

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

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

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