

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

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8 SYNOPSIS: Under existing law, the Alabama Cultural
9 Resources Act prohibits the salvaging of cultural
10 resources from the waters of this state except with
11 a permit. The term "cultural resource" is broadly
12 defined to include underwater items on lands under
13 navigable waters whether or not associated with a
14 shipwreck. A violation of this act is a criminal
15 offense.

16 This bill would amend the definition of
17 cultural resources to specify cultural resources
18 are those found with any shipwreck, would add a
19 definition for artifacts, and would provide that it
20 would be lawful to recover abandoned artifacts
21 which are not cultural resources from submerged
22 lands that are under navigable rivers in this
23 state.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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

"~~(3)~~ (4) CULTURAL RESOURCES. All abandoned shipwrecks or remains of those ships and all underwater archaeological treasures, artifacts, treasure troves, or other

1 cultural articles and materials, ~~whether or not~~ associated
2 with any shipwreck, that are contained in or on submerged
3 lands belonging to the State of Alabama and the sea within the
4 jurisdiction of the state, and that have remained unclaimed
5 for more than 50 years, excluding therefrom sunken logs,
6 cants, and timber resources of any other type not associated
7 as part of a shipping vessel, and are eligible for, or listed
8 in, the National Register of Historic Places or the Alabama
9 Register of Landmarks and Heritage and any items covered in
10 Section 13A-7-23.1.

11 "~~(4)~~ (5) EXCAVATION. The study and intentional
12 removal from submerged land belonging to the state, by
13 accepted scientific methods, of any objects recognized as
14 cultural resources.

15 "~~(5)~~ (6) 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)~~ (7) SUBMERGED LANDS. Lands under navigable
20 waterways owned or controlled by the State of Alabama.

21 "~~(7)~~ (8) TREASURE TROVE. Any gold bullion, gold
22 ingots, gold dust, silver bars, and other precious metals or
23 stones.

24 "§41-9-292.

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

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

9 "(c) It shall be lawful to recover abandoned
10 artifacts that are not cultural resources as defined in this
11 division from submerged lands that are under navigable rivers
12 in this state."

13 Section 2. All laws or parts of laws which conflict
14 with this act are repealed.

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