

1 HB104  
2 126803-3  
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



1 the commission to be appropriately qualified, that has applied  
2 for and received a permit or contract from the commission to  
3 begin exploration or excavation activities in state-owned  
4 waters.

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

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 which are not cultural resources as defined in this  
18 division from submerged lands that are under navigable rivers  
19 in this state."

20           Section 2. All laws or parts of laws which conflict  
21 with this act are repealed.

22           Section 3. This act shall become effective on the  
23 first day of the third month following its passage and  
24 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 Agriculture and  
Forestry..... . . . . 01-MAR-11

Reported from Agriculture and For-  
estry as Favorable with 1 substi-  
tute..... . . . . 09-MAR-11

Read for the third time and passed  
as amended..... . . . . 31-MAR-11

Yeas 86, Nays 3, Abstains 6

Greg Pappas  
Clerk