

Rep(s). By Representative Turner

HB390

Enrolled, An Act,**SYNOPSIS:**

Under existing law, artifacts and archaeological treasures from shipwrecks are considered property of the state and are managed and preserved by the Alabama Historical Commission.

This bill would clarify existing law and practice by providing that certain artifacts, archaeological finds, treasure troves, and articles contained in or on submerged lands belonging to the state would be declared "state cultural resources," and would be regulated and protected by the Alabama Historical Commission. This bill would: Prohibit the taking, damaging, destruction of, salvaging, excavation of, or other alteration of these resources, intentionally or knowingly, without the prior written consent by contract or permit of the commission; designate the commission as the official custodian of those resources; authorize the commission to promulgate rules and regulations that have the force and effect of law regarding a management plan for those resources; require a permit or contract for exploration, excavation, or observation of those resources; and authorize the commission to restrict commercial fishing in the immediate vicinity of the resources.

This bill would provide for the distribution of funds received pursuant to this act for the implementation of the commission general cultural resource management plans; provide for and define criminal penalties for violations of this act; authorize the seizure of boats and instruments used in violation of this act; grant exemptions from permitting requirements where activities are conducted pursuant to certain federal permits; allow the curing of certain violations where the violating activities are stopped and required permits are sought; and direct all state and local law enforcement authorities and officers to assist the commission in the enforcement of this act.

To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources, intentionally and knowingly, without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known as and may be cited as the "Alabama Underwater Cultural Resources Act."

Section 2. As used in this act, the following terms shall have the following meanings:

(1) **COMMISSION.** The Alabama Historical Commission, acting as the custodian of cultural