

commission for a permit or contract to conduct the operation. If the commission finds that the granting of a permit or contract is in the best interest of the state, it may grant the applicant a permit or contract for a period of time and under those terms and conditions as the commission considers to be in the best interest of the state.

(b) Holders of permits or contracts shall be responsible for obtaining permission of any federal agencies having jurisdiction, including, but not limited to, the United States Department of the Navy and the United States Army Corps of Engineers, prior to conducting those activities.

(c) Permits or contracts shall be issued or made for any of the following activities, without limitation:

- (1) Recreational diving permit or contract.
- (2) Exploration and evaluation permit or contract.
- (3) Excavation and recovery permit or contract.

Section 6. The commission may restrict, when necessary, the activities of commercial fishing vessels in or around known underwater cultural resources when the likelihood of damage to or any alterations of the cultural resources is deemed evident. The restricted area shall encompass only the immediate area of the resource so as not to unduly disrupt fishing operations.

Section 7. (a) Any funds received by the commission under the terms and conditions of permits or contracts made pursuant to this act shall be placed in one or more of the funds maintained in the State Treasury for the commission or in the trust fund maintained by the Retirement Systems of Alabama for the commission, in any ratio of distribution determined by the commission, for use by the commission for carrying out its duties in the management, preservation, and protection of the state's general cultural resources.

(b) The commission shall, pursuant to its rulemaking power, provide a procedure for the sale at public auction of any articles seized pursuant to this act, with the proceeds going to the ~~fund or funds, as determined by the commission.~~ Alabama Cultural Resource Trust Fund.

Section 8. (a) A person commits the crime of theft or disturbance of a cultural resource protected by the commission if the person does either of the following:

- (1) Intentionally and knowingly removes, alters, disturbs, or destroys any cultural resource without the prior written authorization of the commission by permit or contract.
- (2) Knowingly buys, receives, conceals, aids in the concealment of, or possesses any illegally obtained cultural resources as defined in subsection (a).

(b) Intentional and knowing theft or disturbance of a cultural resource having a value of less than one thousand dollars (\$1,000) shall constitute a Class A misdemeanor and be punishable, upon conviction, as provided by law.

(c) Intentional and knowing theft or disturbance of a cultural resource with a value of one thousand dollars (\$1,000) or more shall constitute a Class C felony and shall be punishable, upon conviction, as provided by law.