

House Bill 26 (AS PASSED HOUSE AND SENATE)

By: Representatives Broome of the 141st, Post 2, Sholar of the 141st, Post 1, Morris of the 120th, Barnard of the 121st, Post 1, Black of the 144th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-3-621 of the Official Code of Georgia Annotated, relating to
2 prohibited acts as to archeological, aboriginal, prehistoric, or historic sites, notification of the
3 state archeologist before beginning the investigation or disturbance of a site, and penalties,
4 so as to provide for exemptions from the prohibition against disturbing certain archeological,
5 aboriginal, prehistoric, or historic sites; to provide for authorized collecting of certain
6 submerged finds; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 12-3-621 of the Official Code of Georgia Annotated, relating to prohibited acts
10 as to archeological, aboriginal, prehistoric, or historic sites, notification of the state
11 archeologist before beginning the investigation or disturbance of a site, and penalties, is
12 amended by striking paragraph (2) of subsection (a) and inserting in lieu thereof the
13 following:

14 "(2)(A) Disturb or alter in any manner the prevailing condition of any archeological,
15 aboriginal, prehistoric, or historic site; provided, however, that except;
16 (B) Except for human remains and burial objects, subparagraph (A) of this paragraph
17 shall not apply to the collecting of artifacts exposed on the surface of dry land; and
18 (C) Nothing in this subsection shall prohibit the collecting of isolated submerged finds
19 of chipped stone tools or edged weapons in the Flint or Chattahoochee River by a
20 person 16 years of age or older pursuant to a license issued by the department for such
21 purpose. A child under 16 years of age shall not be issued such a license but may
22 collect such isolated submerged finds when he or she is accompanied by a person
23 licensed under this subparagraph. All such collecting activity shall be limited to zones
24 established by the department at locations where river access may be obtained through
25 state owned or controlled real property adjoining such river, and the department shall
26 specify annual periods during which collecting in such zones may occur. Any person

1 finding any submerged artifact in any such zone shall report such finding to the
2 department within 72 hours. The department may charge a license fee as established
3 by rule or regulation of the Board of Natural Resources in such amount as is reasonable
4 and necessary to cover the costs of administration for purposes of this subparagraph.
5 For purposes of this subparagraph, the term 'isolated submerged finds' means artifacts
6 that have become displaced from their archaeological context because of erosion or
7 water currents and are not considered of archaeological significance because they have
8 become isolated from their sites of origin and are not within an archaeological,
9 aboriginal, prehistoric, or historic site;"

10

SECTION 2.

11 All laws and parts of laws in conflict with this Act are repealed.