

Senate Bill 218

By: Senators Williams of the 19th and Bulloch of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to submerged cultural resources, so as to change certain provisions
3 relating to permits and authorization to contract for investigation, survey, or recovery
4 operations and renewal and revocation of permits; to provide for investigation, survey, and
5 sales of certain sunken logs to which the state holds title; to provide for administration of
6 such a program; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
10 relating to submerged cultural resources, is amended in Code Section 12-3-82, relating to
11 permits and authorization to contract for investigation, survey, or recovery operations and
12 renewal and revocation of permits, by adding a new subsection to read as follows:

13 "(f) This Code section shall not apply to deadhead logs, which shall be subject to the
14 provisions of Code Section 12-3-82.1."

15 **SECTION 2.**

16 Said part is further amended by adding a new Code section to read as follows:

17 "12-3-82.1.

18 (a) As used in this Code section, the term:

19 (1) 'Deadhead logs' means logs that were commercially harvested from forests in this
20 state during the nineteenth or twentieth century and that sank or were sunken in a
21 navigable stream, other than a segment of a navigable stream which segment is a
22 boundary of the State of Georgia as described in Article 1 of Chapter 2 of Title 50, either
23 while in the process of being floated to mill or market or intentionally for storage.

24 (2) 'Navigable stream' has the meaning provided by Code Section 44-8-5.

25 (b) The department may contract with any person for the investigation or survey of
26 deadhead logs on such terms and conditions as the department deems appropriate.

27 (c)(1) The department shall provide for sales of deadhead logs on a competitive bid basis
28 to the highest responsible bidders as provided by this Code section. Such sales shall be
29 made as and when, and from such navigable stream locations, in such quantities, and
30 upon such terms and conditions as the department may deem appropriate, taking into
31 consideration the protection of natural resources, other submerged cultural resources, and
32 the recreational and commercial uses of the navigable streams that may be affected by the
33 removal, recovery, and sale of deadhead logs.

34 (2) No known cache or caches of an otherwise marketable quantity of deadhead logs
35 shall be withheld from marketing to the bidding public unless the department, upon
36 investigation, makes a written determination and order that the public interest, including
37 without limitation public safety, water quality, wildlife and wildlife habitat, commercial
38 and recreational fisheries, state and federal threatened and endangered species, land use,
39 effects on stream bank property, or other submerged cultural resources, cannot be
40 adequately protected if the recovery and removal operation is allowed.

41 (d) The department may coordinate its actions with the State Forestry Commission and
42 may delegate to the commission any part or all of its authority to act under this Code
43 section in any case, and the State Forestry Commission is authorized to act on behalf of the
44 department in accordance with this Code section pursuant to any such delegation of
45 authority.

46 (e) Except as otherwise provided by subsection (f) of this Code section, the provisions for
47 disposition of surplus property under Article 4 of Chapter 5 of Title 50 shall not apply to
48 disposition of deadhead logs under this Code section.

49 (f) The purchaser of any deadhead logs shall be responsible for recovery and removal of
50 the same. The state shall retain title to any deadhead logs until such time as the amount due
51 to the state as payment for such logs has been received. If a person recovering such
52 deadhead logs fails or refuses to pay to the department the amount due as consideration
53 within 60 days of recovery, the recovered deadhead logs may be disposed of by the
54 department pursuant to the provisions for disposition of surplus property under Article 4
55 of Chapter 5 of Title 50.

56 (g) The provisions of Code Section 45-12-92 shall not apply to proceeds received by the
57 department from sales of deadhead logs pursuant to this Code section, and the department
58 may retain such proceeds for use in the effective administration of the deadhead log or
59 fisheries management programs; provided, however, that any such funds not expended for
60 such purposes in the fiscal year in which the funds are generated shall be deposited into the
61 general fund of the state treasury.

62 (h) In addition to those powers set forth in subsection (a) of Code Section 12-3-81, the
63 board is empowered to promulgate such rules and regulations as may be necessary or
64 appropriate for the protection of natural resources, other submerged cultural resources, and
65 the recreational and commercial uses of the navigable streams in connection with the
66 investigation, survey, recovery, removal, sale, and disposition of deadhead logs and for the
67 department's effective administration thereof."

68 **SECTION 3.**

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