

Senate Bill 362

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

AS PASSED SENATE

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 river
 21 either while in the process of being floated to mill or market or intentionally for storage.

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

23 (3) 'River' means the Altamaha River, Flint River, Ocmulgee River, or Oconee River,
 24 where the same qualifies as a navigable stream, but not including any segment that is a
 25 boundary of the State of Georgia as described in Article 1 of Chapter 2 of Title 50.

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

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

35 (2) No river segment known to contain an otherwise merchantable quantity of deadhead
36 logs shall be withheld from marketing as a deadhead log sales area or portion thereof to
37 the bidding public unless the department makes a written determination and order that the
38 public interest, including without limitation public safety, water quality, wildlife and
39 wildlife habitat, commercial and recreational fisheries, state and federal threatened and
40 endangered species, land use, effects on stream bank property, or other submerged
41 cultural resources, cannot be adequately protected by the bidder if the recovery and
42 removal operation is allowed.

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

48 (e) The provisions for disposition of surplus property under Article 4 of Chapter 5 of Title
49 50 shall not apply to disposition of deadhead logs under this Code section.

50 (f) The purchaser of any deadhead logs shall be responsible for recovery and removal of
51 the same. No deadhead logs shall be removed pursuant to this Code section until such time
52 as the amount due to the state as payment for such logs has been received; but the state
53 shall retain title to such deadhead logs unless and until the same are removed in a timely
54 manner in accordance with the terms of the sales agreement.

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

61 (h) In addition to those powers set forth in subsection (a) of Code Section 12-3-81, the
62 board is empowered to promulgate such rules and regulations as may be necessary or

63 appropriate for the protection of natural resources, other submerged cultural resources, and
64 the recreational and commercial uses of the rivers in connection with the investigation,
65 survey, recovery, removal, sale, and disposition of deadhead logs and for the department's
66 effective administration thereof."

67 **SECTION 3.**

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