

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 400

Short Title: Archaeological Permit Changes.

(Public)

Sponsors: Senator Sherron.

Referred to: Travel, Tourism, and Cultural Resources.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF CULTURAL RESOURCES
SHALL ISSUE ARCHAEOLOGICAL PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 70-13 reads as rewritten:

"§ 70-13. Archaeological investigations.

(a) Any person may apply to the Department of ~~Administration~~Cultural Resources for a permit to conduct archaeological investigations on State lands. The application shall contain information the Department of ~~Administration~~Cultural Resources, in consultation with the Department of ~~Cultural Resources~~Administration, deems necessary, including the time, scope, location and specific purpose of the proposed work.

(b) A permit shall be issued pursuant to an application under subsection (a) of this section if, after any notifications and consultations required by subsection (d) of this section, the Department of ~~Administration~~Cultural Resources, in consultation with the Department of ~~Cultural Resources~~Administration, finds that:

- (1) The applicant is qualified to carry out the permitted activity;
- (2) The proposed activity is undertaken for the purpose of furthering archaeological knowledge in the public interest;
- (3) The currently available technology and the technology the applicant proposes to use are such that the significant information contained in the archaeological resource can be retrieved;

1 (4) The funds and the time the applicant proposes to commit are such that
2 the significant information contained in the archaeological resources
3 can be retrieved;

4 (5) The archaeological resources which are collected, excavated or
5 removed from State lands and associated records and data will remain
6 the property of the State of North Carolina and the resources and
7 copies of associated archaeological records and data will be preserved
8 by a suitable university, museum, or other scientific or educational
9 institution;

10 (6) The activity pursuant to the permit is not inconsistent with any
11 management plan applicable to the State lands concerned; and

12 (7) The applicant shall bear the financial responsibility for the reinterment
13 of any human burials or human skeletal remains excavated or removed
14 as a result of the permitted activities.

15 (c) A permit may contain any terms, conditions or limitations the Department of
16 ~~Administration, Cultural Resources,~~ in consultation with the Department of ~~Cultural~~
17 ~~Resources, Administration,~~ deems necessary to achieve the intent of this Article. A
18 permit shall identify the person responsible for carrying out the archaeological
19 investigation.

20 (d) If a permit issued under G.S. 70-13(a) may result in harm to, or destruction
21 of, any religious or cultural site, as determined by the Department of ~~Administration,~~
22 ~~Cultural Resources,~~ in consultation with the Department of ~~Cultural Resources,~~
23 ~~Administration,~~ before issuing such permit, the Department of ~~Administration, Cultural~~
24 ~~Resources,~~ in consultation with the Department of ~~Cultural Resources, Administration,~~
25 shall notify and consult with, insofar as possible, a local representative of an appropriate
26 religious or cultural group. If the religious or cultural site pertains to Native Americans,
27 the Department of ~~Administration, Cultural Resources,~~ in consultation with the
28 Department of ~~Cultural Resources, Administration,~~ shall notify the Executive Director of
29 the North Carolina Commission of Indian Affairs. The Executive Director of the North
30 Carolina Commission of Indian Affairs shall notify and consult with the Eastern Band
31 of Cherokee or other appropriate tribal group or community. Such notification shall
32 include, but not be limited to, the following:

33 (1) The location and schedule of the forthcoming investigation;

34 (2) Background data concerning the nature of the study; and

35 (3) The purpose of the investigation and the expected results.

36 (e) A permit issued under G.S. 70-13 may be suspended by the Department of
37 ~~Administration, Cultural Resources,~~ in consultation with the Department of ~~Cultural~~
38 ~~Resources, Administration,~~ upon the determination that the permit holder has violated
39 any provision of G.S. 70-15(a) or G.S. 70-15(b). A permit may be revoked by the
40 Department of ~~Administration, Cultural Resources,~~ in consultation with the Department
41 of ~~Cultural Resources, Administration,~~ upon assessment of a civil penalty under G.S. 70-
42 16 against the permit holder or upon the permit holder's conviction under G.S. 70-15."

43 Sec. 2. This act is effective upon ratification.