

5-440. SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY — IN GENERAL.

(A) STATE PROPERTY IF ON OR RECOVERED FROM STATE-CONTROLLED LAND.

SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON OR TAKEN FROM UNDERWATER LAND OVER WHICH THE STATE HAS SOVEREIGN CONTROL IS THE PROPERTY OF THE STATE.

(B) CONVEYANCE OF TITLE.

THE STATE MAY CONVEY TITLE TO PART OR ALL OF SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY IT OWNS IN ACCORDANCE WITH A PERMIT, IF THE BOARD OF PUBLIC WORKS APPROVES THE PERMIT IN ACCORDANCE WITH TITLE 10, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(C) DISPOSITION.

(1) THE TRUST AND A HOLDER OF A PERMIT UNDER § 5-441 OF THIS SUBTITLE MAY ENTER INTO AN AGREEMENT TO DISPOSE OF SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY RECOVERED BY THE HOLDER.

(2) THE AGREEMENT MAY DIVIDE THE RECOVERED SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY BETWEEN THE STATE AND THE HOLDER.

(3) SUBJECT TO APPROVAL OF THE BOARD OF PUBLIC WORKS, THE DIVISION MAY BE IN VALUE OR IN KIND.

(4) THE TRUST SHALL BE THE ARBITER OF THE DIVISION, ACTING IN THE BEST INTEREST OF THE STATE AND GIVING CONSIDERATION TO THE FAIR TREATMENT OF THE PERMIT HOLDER.

(5) AN AGREEMENT UNDER THIS SUBSECTION SHALL PROVIDE REASONABLE COMPENSATION TO THE PERMIT HOLDER FOR ANY RECOVERED SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY CLAIMED AND TURNED OVER TO THE STATE.

(D) EDUCATIONAL PROGRAM.

THE TRUST SHALL:

(1) ESTABLISH AN EDUCATIONAL PROGRAM TO TRAIN INTERESTED MEMBERS OF THE PUBLIC TO IDENTIFY AND REGISTER SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY; AND

(2) CERTIFY MEMBERS OF THE PUBLIC WHO SUCCESSFULLY COMPLETE THE EDUCATIONAL PROGRAM.

(E) REGULATIONS.

(1) THE TRUST SHALL ADOPT REGULATIONS ON ISSUING PERMITS AND DISPOSING OF AND TRANSFERRING SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY UNDER THIS SUBTITLE.