

the "subject property of the permit" for clarity.

In subsection (i)(2) of this section, the reference to objects or materials "removed" from a submerged archaeological historic property is substituted for the former reference to objects or materials "taken, collected, or otherwise disturbed" from a submerged archaeological historic property for brevity.

Also in subsection (i)(2) of this section, the reference to an action that took place "on or after July 1, 1998" is substituted for the former reference to an action that took place "following the effective date of this section" for clarity. *See* Ch. 503, Acts of 1988.

The Housing Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, the former reference to "substantively" injure is deleted because it is implied by the word "injure". Accordingly, in subsections (b), (e), and (f) of this section, former references to "substantive" injury are deleted.

Defined terms: "Department" § 1-101

"Director" § 5-401

"Person" § 1-101

"Submerged" § 5-401

"Submerged archaeological historic property" § 5-433

"Trust" § 5-401

"Undertaking" § 5-401

#### 5-442. TERRESTRIAL ARCHAEOLOGICAL EXCAVATION.

##### (A) PERMIT — REQUIRED.

WITHOUT A PERMIT, A PERSON MAY NOT EXCAVATE, REMOVE, DESTROY, INJURE, DEFACE, OR DISTURB A TERRESTRIAL ARCHAEOLOGICAL SITE ON LAND THAT THE STATE OWNS OR CONTROLS.

##### (B) SAME — EXCEPTION.

THE TRUST DOES NOT NEED A PERMIT TO DO ANYTHING FOR WHICH A PERMIT IS REQUIRED UNDER THIS SECTION.

##### (C) SAME — ISSUANCE.

THE TRUST MAY ISSUE A PERMIT TO EXCAVATE A TERRESTRIAL ARCHAEOLOGICAL SITE ON LAND THE STATE OWNS OR CONTROLS TO ANY PERSON THAT THE TRUST DETERMINES IS QUALIFIED TO CONDUCT AN EXCAVATION TO COLLECT OBJECTS AND MATERIALS OF HISTORICAL OR ARCHAEOLOGICAL VALUE OR INTEREST.

##### (D) CONDUCT OF EXCAVATIONS.

A TERRESTRIAL ARCHAEOLOGICAL EXCAVATION MAY BE CONDUCTED ONLY TO BENEFIT A REPUTABLE MUSEUM, AN INSTITUTION OF HIGHER EDUCATION, OR ANOTHER RECOGNIZED SCIENTIFIC OR HISTORICAL INSTITUTION OR