

HB387 INTRODUCED



1 HB387
2 RBQ7WYY-1
3 By Representatives Stringer, Brown, Shirey, Wilcox, Pringle
4 RFD: Ports, Waterways and Intermodal Transit
5 First Read: 05-Feb-26



SYNOPSIS:

Under existing law, a city council may establish a board of water and sewer commissioners to administer water and sewer systems for the city.

This bill would prohibit these boards from restricting public recreation uses of a water body owned or controlled by the board unless a substantial public interest in doing so is demonstrated.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to boards of water and sewer commissioners; to amend Section 11-50-343, Code of Alabama 1975; to prohibit the boards from restricting public recreational uses of owned or controlled water bodies unless a substantial public interest in doing so is demonstrated; and to make nonsubstantive, technical revisions to update the existing code language to current style.



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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-50-343, Code of Alabama 1975, is amended to read as follows:

"§11-50-343

(a) Each board created under ~~the provisions of~~ this article shall ~~be deemed to~~ be a public agency or instrumentality exercising public and governmental functions to provide for the public health and welfare, and each ~~such~~ board ~~is hereby authorized and empowered~~ may do any of the following:

(1) ~~To adopt~~ Adopt bylaws for the regulation of its affairs and the conduct of its business~~†.~~

(2) ~~To adopt~~ Adopt an official seal and alter the same at its pleasure~~†.~~

(3) ~~To maintain~~ Maintain an office at ~~such~~ a place or places within the city as it may designate~~†.~~

(4) ~~To sue~~ Sue and be sued in its own name~~†.~~

(5) ~~To acquire~~ Acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate, and maintain any water system or part thereof or any sewer system or part thereof or any combination thereof within or without or partly within and partly without the corporate limits of the city, and to acquire by gift, purchase, or the exercise of the ~~right~~ power of eminent domain lands or rights in land or water rights in connection therewith and to acquire ~~such~~ personal property as it may deem necessary in connection with the construction, improvement, extension, enlargement, or operation of any water system or sewer system and to hold and



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57 dispose of all real and personal property under its control~~+~~.
58 provided, that any proceedings to acquire property by the
59 exercise of the power of eminent domain shall be conducted and
60 the compensation to be paid shall be ascertained and paid in
61 the manner provided by the laws of the state then applicable
62 which relate to condemnation or the exercise of the power of
63 eminent domain by~~such~~ the city~~+~~.

64 (6) ~~To issue~~ Issue revenue bonds of the board for any
65 of its corporate purposes, ~~such~~ the bonds to be payable solely
66 from revenues, and to refund its bonds, all as provided in
67 this article~~+~~.

68 (7) ~~To combine~~ Combine the water system and the sewer
69 system as a single system for the purpose of operation and
70 financing~~+~~.

71 (8) ~~To fix~~ Fix and revise ~~from time to time~~ and charge
72 and collect rates, fees, and charges for the use of or for the
73 services and facilities furnished by any system operated by
74 the board~~+~~.

75 (9) ~~To exercise~~ Exercise jurisdiction, control, and
76 supervision over any water system or sewer system owned,
77 operated, or maintained by the board and to ~~make~~ adopt and
78 enforce ~~such~~ rules ~~and regulations~~ for the maintenance and
79 operation of any ~~such~~ system as ~~may~~, in the judgment of the
80 board, may be necessary or desirable for the efficient
81 operation of ~~such~~ the system and for accomplishing the
82 purposes of this article~~+~~.

83 (10) ~~To make~~ Make and enter into all contracts and
84 agreements as the board may determine ~~which~~ that are necessary



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or incidental to the performance of its duties and to the execution of its powers under this article, and to employ ~~such~~ consulting and other engineers, superintendents, managers, construction and financial experts, accountants, ~~and~~ attorneys, and such other employees and agents as ~~it~~ the board may determine necessary in its judgment and ~~to~~ fix their compensation; provided, however, that all ~~such~~ expenses shall be payable solely from funds made available under ~~the provisions of~~ this article; .

(11) ~~To enter~~ Enter upon, use, occupy, and dig up, with the consent of the city, any street, alley, road, highway, or other public places necessary to be entered upon, used, or occupied in connection with the acquisition, construction, improvement, maintenance, or operation of any water system or sewer system; .

(12) ~~To receive~~ Receive and accept from any federal agency grants for or in aid of the construction of any water system or sewer system or part thereof and ~~to~~ receive and accept aid or contributions from any source of either money, property, labor, or other things of value to be held, used, and applied only for the purposes for which ~~such~~ the grants or contributions ~~may be~~ are made; ~~and~~ .

(13) ~~To do~~ Do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

(b) All resolutions adopted ~~or promulgated~~ by the board ~~shall~~, as soon as practicable after their passage, shall be recorded in a book kept for that purpose and be authenticated



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by the signature of the secretary or other administrative officer authorized to authenticate ~~such~~ resolutions; and all resolutions of a general or permanent nature shall be published in some newspaper of general circulation in the city, but if no such newspaper is published within the limits of the city, ~~such~~ the resolutions may be published by posting three copies thereof in three public places within the limits of the city.

(c) (1) A board may restrict the public's recreational use of, or close, a water body or portion thereof owned or controlled by the board only upon providing evidence at a public hearing conducted by the board demonstrating a substantial public interest exists that requires restricting or closing of the water body. The board shall notify the public of the hearing at least 10 days before the hearing.

(2) The board may restrict the public's recreational use of, or close, a water body or portion thereof owned or controlled by the board for 90 days without conducting a public hearing if, in the determination of the board, an emergency exists that necessitates the restriction or closure. After 90 days, the board shall conduct a public hearing as provided for in subdivision (1).

(3) All restrictions or closures of a water body pursuant to this subsection may be appealed to the circuit court having jurisdiction over the county in which the board's principle place of business is located.

(4) This subsection shall only apply to navigable waterways within 50 miles of the Gulf of America which serve



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141 [as sources of drinking water.](#)"

142 Section 2. This act shall become effective on October
143 1, 2026.