

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



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4 SYNOPSIS:

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

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

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

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18 A BILL

19 TO BE ENTITLED

20 AN ACT

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

HB387 INTRODUCED



29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

32 "§11-50-343

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

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

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

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

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

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



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



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

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

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

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

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



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

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

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

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

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

HB387 INTRODUCED



141 as sources of drinking water."

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