

1 SJR16
2 135124-1
3 By Senators Dial, Orr, and Allen
4 RFD:
5 First Read: 07-FEB-12

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8 CLARIFYING THE STATE'S OWNERSHIP ROLE OVER WATER AS
9 A STATE RESOURCE.

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11 WHEREAS, the public trust doctrine, with regard to
12 water, appears to be embedded in the Alabama Water Resources
13 Act Section 9-10B-2, Code of Alabama 1975; and

14 WHEREAS, a clear statement of the state ownership of
15 the waters of the state would enhance the state's ability to
16 protect this resource, including groundwater; and

17 WHEREAS, a clear statement of the state ownership of
18 the waters of the state would enhance the state's ability to
19 protect this resource from federal and interstate
20 encroachment; and

21 WHEREAS, the state needs to ensure that federal
22 agencies clearly understand the distinction of this ownership
23 role in all water and reservoir management plans and
24 activities; and

25 WHEREAS, there is a need to clarify the state's role
26 in the protection and restoration of public waters in the
27 event of natural disasters; and

1 WHEREAS, the state, as a steward for this valuable
2 resource, must plan and manage this resource to ensure its
3 availability for current and future generations; now
4 therefore,

5 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
6 HOUSES THEREOF CONCURRING, That the waters of the state, as
7 defined in the Alabama Water Resources Act, are a natural
8 resource owned by the state in trust for the public and
9 subject to the state's sovereign power to plan, regulate, and
10 control the withdrawal and use of those waters, under law, in
11 order to protect public health, safety, and welfare by
12 promoting economic growth, mitigating the harmful effects of
13 drought, resolving conflicts among competing water users,
14 achieving balance between consumptive and non-consumptive uses
15 of water, encouraging conservation, preventing significant
16 degradation of natural environments, and enhancing the
17 productivity of water-related activities.

18 BE IT FURTHER RESOLVED, That the Alabama Office of
19 Water Resources is requested to work with other agencies to
20 ensure that this ownership role is reflected in on-going
21 efforts to enhance water resource planning and management in
22 Alabama.