

1 HB204
2 149909-4
3 By Representatives Lee, Chesteen, Gaston, Sessions, Merrill,
4 Collins, Clouse, Patterson, Jones, Shiver, Boyd, McCutcheon,
5 Hall, McClurkin, Ison, Nordgren, Henry and Fincher
6 RFD: Agriculture and Forestry
7 First Read: 07-FEB-13

1 (b) This section does not apply to public waters
2 used primarily for agricultural, industrial, power generation,
3 public water supply, and sanitation purposes.

4 Section 2. ~~(a) It is a public nuisance to anchor,~~
5 ~~moor, or abandon a floating pier, barge, boat, or vessel in~~
6 ~~such a way as to obstruct or interfere with navigation on a~~
7 ~~public water, as defined in subsection (a) of Section 9-11-80,~~
8 ~~Code of Alabama 1975. The nuisance may be abated by process~~
9 ~~instituted in the name of the state, or by any person whose~~
10 ~~access by public water to his or her property is obstructed or~~
11 ~~impeded. Any person whose access by public water to his or her~~
12 ~~property is obstructed or impeded by the anchoring, mooring,~~
13 ~~or abandonment of any such floating pier, barge, boat, or~~
14 ~~vessel is presumed to have suffered special damage, and may~~
15 ~~also seek injunctive relief to abate the nuisance.~~

16 ~~(b) This section does not apply to public waters~~
17 ~~used primarily for agricultural, industrial, power generation,~~
18 ~~public water supply, and sanitation purposes.~~

19 Section 3. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representa-tives committee on Agriculture and Forestry..... 07-FEB-13

Read for the second time and placed on the calendar with 1 substitute and..... 07-MAR-13

Read for the third time and passed as amended..... 09-APR-13

Yeas 93, Nays 0, Abstains 2

Jeff Woodard
Clerk