- 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	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to navigation on the public waters of this
9	state; to prohibit a person from obstructing navigation on
10	public waters without a license or permit and to provide
11	penalties; to provide that obstruction of navigation on public
12	waters would constitute a public nuisance and provide civil
13	enforcement; and in connection therewith would have as its
14	purpose or effect the requirement of a new or increased
15	expenditure of local funds within the meaning of Amendment 621
16	of the Constitution of Alabama of 1901, now appearing as
17	Section 111.05 of the Official Recompilation of the
18	Constitution of Alabama of 1901, as amended.
19	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
20	Section 1. <u>(a)</u> Any person who dams up or otherwise
21	anchors, moors, or abandons a floating pier, barge, or vessel
22	or sunken or submerged pier, barge, or vessel that obstructs
23	navigation on a public water, as defined in subsection (a) of
24	Section 9-11-80, Code of Alabama 1975, without a lawful
25	license or permit, on conviction, shall be fined not less than
26	one hundred dollars (\$100) nor more than one thousand dollars

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(\$1,000) <u>per day</u>.

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

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

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

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

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

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3	House of Representatives	
4 5 6 7 8	Read for the first time and referred to the House of Representatives committee on Agriculture and Forestry	
9 10 11	Read for the second time and placed on the calendar with 1 substitute and 07-MAR-13	
13 14 15	Read for the third time and passed as amended 09-APR-13 Yeas 93, Nays 0, Abstains 2	
16 17 18 19	Jeff Woodard Clerk	