

SB272 INTRODUCED



1 SB272
2 V7FW3PV-1
3 By Senators Williams, Sessions
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 01-Apr-25



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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.

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 recreation uses of owned or controlled water bodies; and to make nonsubstantive, technical revisions to update the existing code language to current style.



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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



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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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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



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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) A board may not in any way restrict the public's
122 recreational use of a water body, or portion thereof, owned or
123 controlled by the board, including for fishing and boating."

124 Section 2. This act shall become effective on October
125 1, 2025.