

# HB422 INTRODUCED



1 23ROIK-1  
2 By Representatives Wadsworth, Woods, Harbison  
3 RFD: Public Safety and Homeland Security  
4 First Read: 02-May-23  
5  
6 2023 Regular Session



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SYNOPSIS:

This bill would regulate and prohibit wakeboarding and wakesurfing under certain conditions on the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake).

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL  
TO BE ENTITLED



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AN ACT

Relating to the waters of the state impounded by Lewis Smith Dam; to regulate and prohibit wakeboarding and wakesurfing under certain conditions; to provide penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This section shall apply only to the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake).

(b) For purposes of this section, the following words have the following meanings:

(1) MOTORBOAT. A motorized recreational vessel.

(2) WAKEBOARDING. Either of the following:

a. To use a board with or without foot bindings on which a rider is towed by a motorboat across a wake.

b. To operate a motorboat in a manner that creates a wake while towing a person using a board with or without foot bindings to be towed by the motorboat across the boat's wake.

(3) WAKESURFING. Either of the following:

a. To surf a motorboat's wake, regardless of whether the person is being pulled by a tow rope attached to the motorboat that is producing the wake.

b. To operate a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person.





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85 written marine event application has been submitted to and  
86 approved by the Marine Police Division of the Alabama State  
87 Law Enforcement Agency.

88 (f) The Alabama State Law Enforcement Agency and the  
89 Department of Conservation and Natural Resources shall take  
90 steps to notify the public of the requirements and  
91 prohibitions of this section.

92 (g) Notwithstanding the other provisions of this  
93 section, for one year following the effective date of this  
94 act, a person who violates this section on a first violation  
95 shall receive a written warning of the violation; and on a  
96 second or subsequent violation during the calendar year, the  
97 violation shall be treated as a first violation under  
98 subsection (d).

99 Section 2. Although this bill would have as its purpose  
100 or effect the requirement of a new or increased expenditure of  
101 local funds, the bill is excluded from further requirements  
102 and application under Section 111.05 of the Constitution of  
103 Alabama of 2022, because the bill defines a new crime or  
104 amends the definition of an existing crime.

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