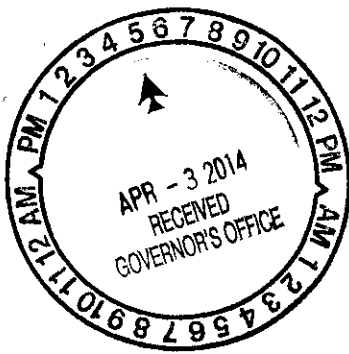


1 HB49
2 157214-5
3 By Representatives Boothe and McCampbell
4 RFD: Agriculture and Forestry
5 First Read: 14-JAN-14
6 PFD: 11/18/2013



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2 ENROLLED, An Act,

3 Relating to droughts; to codify the establishment of
4 the Alabama Drought Assessment and Planning Team created by
5 the Governor's June 24, 2011, Executive Order Number 19, and
6 provide for its membership, duties, responsibilities, and
7 powers; to establish the Monitoring and Impacts Group
8 Subcommittee and provide for its membership, duties,
9 responsibilities, and powers; to codify the charges given to
10 the Alabama Office of Water Resources which is a division of
11 the Alabama Department of Economic and Community Affairs, with
12 the responsibility of developing a State Drought Plan and
13 periodically issuing drought declarations; to reaffirm the
14 Governor's ability to respond to extreme drought conditions
15 under the powers provided under the Alabama Emergency
16 Management Act of 1955; and to allow the Office of Water
17 Resources to promulgate rules.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act may be known and cited as the
20 Alabama Drought Planning and Response Act.

21 Section 2. As used in this act, the following words
22 shall have the following meanings:

23 (1) ADAPT. The Alabama Drought Assessment and
24 Planning Team as created by this act.

1 (2) ADECA. The Alabama Department of Economic and
2 Community Affairs.

3 (3) ADCNR COMMISSIONER. The Commissioner of the
4 Alabama Department of Conservation and Natural Resources.

5 (4) ADEM DIRECTOR. The Director of the Alabama
6 Department of Environmental Management.

7 (5) AEMA DIRECTOR. The Director of the Alabama
8 Emergency Management Agency.

9 (6) ALABAMA ADJUTANT GENERAL. The Commanding General
10 of the Alabama National Guard.

11 (7) AGI COMMISSIONER. The Commissioner of the
12 Alabama Department of Agriculture and Industries.

13 (8) COMMUNITY PUBLIC WATER SYSTEM. A public water
14 system which serves at least 15 service connections used by
15 year-round residents or regularly serves at least 25
16 year-round residents.

17 (9) DROUGHT CONSERVATION PLAN. A written plan that
18 addresses graduated drought response procedures with
19 implementation of specific measures based on drought severity.
20 The drought conservation plan may be a separate plan or a
21 component of a broader emergency response plan.

22 (10) DROUGHT DECLARATION. A written summary, issued
23 by OWR, containing a description of drought conditions
24 throughout the state.

1 (11) DROUGHT EMERGENCY. A written declaration by the
2 Governor that drought conditions in all or any part of the
3 state are of such severity that public health or safety is
4 threatened.

5 (12) DROUGHT MONITOR. The assessment of drought
6 conditions throughout the United States published weekly by
7 the National Integrated Drought Information System (NIDIS) on
8 the "drought.gov" domain or its successor.

9 (13) EMERGENCY ACTION PLAN. A written emergency
10 response plan.

11 (14) MIG. The Monitoring and Impact Group
12 Subcommittee of ADAPT as created by this act.

13 (15) MIG CHAIR. The chair of the Monitoring and
14 Impact Group Subcommittee as created by this act.

15 (16) OFFICE OF WATER RESOURCES DIVISION DIRECTOR.
16 The Division Director of the Office of Water Resources.

17 (17) OFFICE OF WATER RESOURCES or OWR. The Alabama
18 Office of Water Resources, a division of the Alabama
19 Department of Economic and Community Affairs.

20 (18) STATE CLIMATOLOGIST. The State Climatologist of
21 Alabama as appointed by the Governor and qualified to meet the
22 roles and standards established by the American Association of
23 State Climatologists as a Recognized State Climate Office.

24 (19) STATE FORESTER. The Director of the Alabama
25 Forestry Commission.

1 (20) STATE GEOLOGIST. The Director of the Geological
2 Survey of Alabama.

3 Section 3. (a) The Office of Water Resources shall
4 publish a drought plan for the State of Alabama which shall
5 include as a minimum the following:

6 (1) Procedures for defining drought levels.

7 (2) ADAPT and MIG operating procedures.

8 (3) Drought-related information collection, storage,
9 and dissemination procedures.

10 (4) Procedures related to the issuance of drought
11 declarations.

12 (5) Procedures for the development of inputs to the
13 drought monitor.

14 (6) Measures that encourage water conservation and
15 efficiency throughout the state.

16 (7) Public information and outreach on drought
17 related programs and conditions.

18 (b) The plan shall be updated periodically but no
19 less than every five years.

20 (c) Upon adoption by the state of any statewide
21 legislation addressing water resource planning or policy, OWR
22 shall review the drought plan and no later than 180 days
23 following the adoption of said legislation shall make any
24 changes in the plan necessary to ensure it is consistent with
25 that legislation.

1 Section 4. (a) There is created the Alabama Drought
2 Assessment and Planning Team (ADAPT) consisting of the
3 following members:

4 (1) The Office of Water Resources Division Director
5 or his or her designated representative.

6 (2) The AEMA Director or his or her designated
7 representative.

8 (3) The ADEM Director or his or her designated
9 representative.

10 (4) The Alabama Adjutant General or his or her
11 designated representative.

12 (5) The AGI Commissioner or his or her designated
13 representative.

14 (6) The ADCNR Commissioner or his or her designated
15 representative.

16 (7) The Alabama State Forester or his or her
17 designated representative.

18 (8) The State Geologist of Alabama or his or her
19 designated representative.

20 (9) The State Climatologist of Alabama or his or her
21 designated representative.

22 (10) The Chair of the Drought Monitoring and Impact
23 Group (MIG) Subcommittee.

24 (11) A representative from Choctawhatchee Pea River
25 Watershed Authority.

1 (12) Two members representing the state at large
2 appointed by the Governor.

3 (13) The State Executive Director of the Alabama
4 Soil and Water Conservation Committee, or his or her designee.

5 (14) The State Conservationist of the Alabama
6 Natural Resource Conservation Service, or his or her designee.

7 (15) From time to time the Governor may appoint
8 additional members of ADAPT as appropriate.

9 (16) In addition to the above members, the Chair of
10 ADAPT is authorized to invite representatives from appropriate
11 federal agencies and county government to be members of ADAPT.
12 A federal and county government representative may participate
13 in an ex officio capacity with no voting rights and shall not
14 count towards a quorum.

15 (b) The Office of Water Resources Division Director,
16 or his or her designee, shall serve as chair of ADAPT and the
17 chair shall have the following duties, powers, and
18 responsibilities:

19 (1) Call, chair, and conduct all meetings of ADAPT.

20 (2) Create and appoint members of any subcommittees;
21 including the MIG. Membership of the MIG shall be based upon
22 an individual's drought-related expertise or experience and
23 may include both members and nonmembers of ADAPT.

24 (3) Appoint the chair of the MIG.

1 (c) ADAPT shall have the following duties, powers,
2 and responsibilities:

3 (1) To provide advice to the Office of Water
4 Resources on the development of a statewide drought plan.

5 (2) To assess drought conditions in the state,
6 based on input from the MIG.

7 (3) To advise the Governor when a drought emergency
8 exists either statewide or in an area or areas of the state.

9 (4) To make recommendations to the Governor for any
10 mandatory water withdrawal restrictions or reductions that he
11 or she may wish to order.

12 (5) To establish procedures for the operations and
13 meetings of ADAPT and any subcommittees.

14 (6) To administer and spend such funds as are
15 appropriated by the Legislature or provided from other sources
16 for the establishment and administration of ADAPT. ADECA shall
17 serve as the administrative and financial support of ADAPT.

18 (7) ADAPT shall have at least one standing
19 subcommittee which shall be known as the Monitoring and Impact
20 Group (MIG) whose duties shall be to conduct meetings and
21 report recommendations to ADAPT. The MIG shall collect and
22 summarize information relating to drought conditions and
23 forecasts including rainfall, stream flows, reservoir
24 elevations, soil moisture, and groundwater levels, as well as
25 the impacts of these conditions and forecasts on public water

1 supplies, the environment, agriculture, industry, and
2 recreation. The MIG may also recommend responses and
3 strategies necessary to mitigate drought effects on Alabama.
4 The MIG Chair shall provide a summary of drought conditions at
5 the request of the ADAPT Chair and at each ADAPT meeting.

6 (8) ADAPT may establish other subcommittees as
7 needed.

8 (d) ADAPT shall meet at least twice annually.

9 (e) Members of ADAPT appointed as at-large members
10 shall be eligible to receive compensation, subsistence
11 allowances, mileage, or associated expenses in accordance with
12 state travel policies and procedures which shall be allocated
13 by ADECA. Officials or other state employees who are appointed
14 or designated to ADAPT shall be allowed to participate in
15 ADAPT as part of their duties and may claim per diem, mileage,
16 or associated expenses as allowed by law.

17 (f) If ADAPT determines that the severity of the
18 conditions in a drought area of the state or the whole state
19 have progressed to the extent that the safety or health of the
20 citizens of an area of the state or of the whole state is
21 threatened, ADAPT shall expeditiously report those conditions
22 to the Governor. In coordination with the AEMA, ADAPT shall
23 also present to the Governor a priority list of recommended
24 actions designed to mitigate the effects of drought

1 conditions. Preservation of drinking water for citizens and
2 water for human health and safety shall be the first priority.

3 Section 5. The State Climatologist, in coordination
4 with the Office of Water Resources, shall be responsible for
5 providing an input to the drought monitor concerning drought
6 conditions in this state. The input shall be consistent with
7 any drought declarations issued by the Office of Water
8 Resources. The state drought plan shall include provisions for
9 this coordination process.

10 Section 6. Each community public water system shall
11 develop a drought conservation plan which addresses graduated
12 drought response procedures with implementation of specific
13 measures based on drought severity. The drought conservation
14 plan may be a separate plan or a component of a broader
15 emergency action plan. The procedures or plans shall include
16 appropriate enforcement mechanisms. Copies of all plans shall
17 be submitted to the Office of Water Resources, and it shall
18 provide copies of the plan to ADEM upon its request.

19 Section 7. If a community public water system
20 implements voluntary or mandatory restrictions or reductions
21 in water use, the system shall report these actions to the
22 Office of Water Resources. The Office of Water Resources shall
23 also have the authority to require the reporting of other
24 information, such as the status of local water supplies and
25 sources. OWR shall maintain an information clearinghouse for

1 this and other drought-related information and make the
2 information available via the Internet or other appropriate
3 means.

4 Section 8. The Office of Water Resources, with the
5 advice and input from ADAPT, shall have the authority to issue
6 drought declarations. These drought declarations shall provide
7 information on where drought conditions are affecting this
8 state, and the severity of those conditions. The drought
9 declaration shall be based on a number of factors including,
10 but not limited to, meteorological conditions, stream flow
11 levels, reservoir elevations, soil moisture conditions, ground
12 water levels, weather forecasts, as well as impacts to
13 agriculture, water supplies, industry, recreation, and fish
14 and wildlife habitats.

15 Section 9. Pursuant to the Governor's emergency
16 powers, other powers granted by law, and this act he or she
17 may issue a state of emergency and exercise the rights,
18 powers, privileges, immunities, and responsibilities provided
19 by the Alabama Emergency Management Act of 1955, commencing
20 with Section 31-9-1, Code of Alabama 1975. A declared state of
21 emergency related to the drought conditions may also include
22 executive orders to require restrictions or reductions of
23 water withdrawals, allocating water on an equitable basis, or
24 both. Any executive order restricting or reducing water
25 withdrawals will specify the specific geographic area

1 involved, conditions of the restriction and the amount of the
2 withdrawal reductions. These emergency executive orders may
3 continue so long as conditions giving rise to the declaration
4 of a drought emergency continue to threaten public health or
5 safety.

6 Section 10. The Office of Water Resources may
7 promulgate and adopt rules consistent with the objectives of
8 this act.

9 Section 11. The provisions of this act are
10 severable. If any part of this act is declared invalid or
11 unconstitutional, that declaration shall not affect the part
12 which remains.

13 Section 12. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 05-MAR-14, as amended.

Jeff Woodard
Clerk

Senate	<u>03-APR-14</u>	Amended and Passed
House	<u>03-APR-14</u>	Concurred in Sen- ate Amendment

APPROVED April 9, 2014
TIME 1:02 p.m.
Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2014-400
Bill Num...: H-49
Recv'd 04/09/14 04:14pmSLF

SOR

Bothe
SPONSORS
Campbell

AG

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 49

YEAS 98 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. _____ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees _____

SENATE ACTION

DATE: 3/6

20__

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on AC+F

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 1 w/sub 0 by a vote of years 6 nays 0 abstain _____

this 12 day of March 2014
[Signature], Chairperson

DATE: 3-13

20__

RF

RD 2 CAL

FU AMD (1)

DATE: _____

20__

RE-REFERRED

RE-COMMITTED

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 49

YEAS 27 NAYS 1

PATRICK HARRIS,
Secretary