

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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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(1) ADAPT. The Alabama Drought Assessment and 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

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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	03-APR-14	Amended and Passed
House	03-APR-14	Concurred in Sen- ate Amendment