

1 SB324  
2 199636-2  
3 By Senators Chesteen, Williams, Sessions, Scofield and Whatley  
4 RFD: Agriculture, Conservation and Forestry  
5 First Read: 23-APR-19

1 SB324

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4 ENROLLED, An Act,

5 Relating to soil and water conservation districts;  
6 to amend Section 9-8-25, Code of Alabama 1975, to extend  
7 limited immunity from civil liability to district supervisors  
8 and employees who loan or rent equipment and supplies for the  
9 conservation of soil resources and for the prevention and  
10 control of soil erosion.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 9-8-25, Code of Alabama 1975, is  
13 amended to read as follows:

14 "§9-8-25.

15 "(a) A soil and water conservation district  
16 organized under ~~the provisions of~~ this article shall  
17 constitute a governmental subdivision of this state and a  
18 public body, corporate and politic, exercising public powers,  
19 and such district and the supervisors thereof shall have the  
20 following powers, in addition to others granted in other  
21 sections of this article:

22 "(1) To carry out preventive and control measures  
23 within the district including, but not limited to, engineering  
24 operations, methods of cultivation, the growing of vegetation,  
25 changes in use of land and other erosion control measures on

1 lands owned or controlled by this state or any of its agencies  
2 with the consent and cooperation of the agency administering  
3 and having jurisdiction thereof and on any other lands within  
4 the district upon obtaining the consent of the owner of such  
5 lands or the necessary rights or interests in such lands7.

6 "(2) To conduct surveys, investigations and research  
7 relating to the character of soil erosion and the preventive  
8 and control measures needed, to publish the results of such  
9 surveys, investigations or research and to disseminate  
10 information concerning such preventive and control measures;  
11 provided, however, that in order to avoid duplication of  
12 research activities, no district shall initiate any research  
13 program except in cooperation with the Alabama Agricultural  
14 Experiment Station or with the approval of the Director of the  
15 Alabama Agricultural Experiment Station7.

16 "(3) To conduct demonstrational projects within the  
17 district on lands owned or controlled by this state or any of  
18 its agencies with the cooperation of the agency administering  
19 and having jurisdiction thereof and on any other lands within  
20 the district upon obtaining the consent of the owner of such  
21 lands or the necessary rights or interests in such lands in  
22 order to demonstrate by example the means, methods and  
23 measures by which soil and soil resources may be conserved and  
24 soil erosion, in the form of soil blowing and soil washing may  
25 be prevented and controlled7.

1           "(4) To cooperate or enter into agreement with and,  
2 within the limits of appropriations duly made available to it  
3 by law, to furnish financial or other aid to any agency,  
4 governmental or otherwise, or any owner or occupier of lands  
5 within the district in the carrying on of erosion control and  
6 prevention operations within the district, subject to such  
7 conditions as the supervisors may deem necessary to advance  
8 the purposes of this article7.

9           "(5) To obtain options upon and to acquire by  
10 purchase, exchange, lease, gift, grant, bequest, devise or  
11 otherwise, any property, real or personal, or rights or  
12 interests therein; to maintain, administer and improve any  
13 properties acquired, to receive income from such properties  
14 and to expend such income in carrying out the purposes and  
15 provisions of this article; and to sell, lease or otherwise  
16 dispose of any of its property or interests therein in  
17 furtherance of the purposes and the provisions of this  
18 article7.

19           "(6) To make available on such terms as it shall  
20 prescribe to landowners within the district agricultural and  
21 engineering machinery and equipment, fertilizer, seeds and  
22 seedlings and such other material or equipment as will assist  
23 such landowners to carry on operations upon their lands for  
24 the conservation of soil resources and for the prevention and  
25 control of soil erosion7. Districts, district supervisors, and

1 district employees shall be immune from civil liability in any  
2 action related to use of equipment loaned or rented by the  
3 district for natural resource protection, as long as the  
4 equipment is maintained in proper working condition, the  
5 transaction is in good faith, and damage or injury was not  
6 caused by unreasonable behavior of the supervisor or employee.

7           "(7) To construct, improve and maintain such  
8 structures as may be necessary or convenient for the  
9 performance of any of the operations authorized in this  
10 article including, but not limited to, plants and equipment  
11 appropriate for the processing of materials necessary for  
12 conditioning the land7.

13           "(8) To develop comprehensive plans for the  
14 conservation of soil resources and for the control and  
15 prevention of soil erosion within the district, which plans  
16 shall specify in such detail as may be possible, the acts,  
17 procedures, performances and avoidances which are necessary or  
18 desirable for the effectuation of such plans, including the  
19 specification of engineering operations, methods of  
20 cultivation, the growing of vegetation, cropping programs,  
21 tillage practices and changes in use of land and to publish  
22 such plans and information and bring them to the attention of  
23 owners and occupiers of lands within the district7.

24           "(9) To take over by purchase, lease or otherwise  
25 and to administer any soil conservation, erosion control or

1 erosion prevention project located within its boundaries  
2 undertaken by the United States or any of its agencies or by  
3 this state or any of its agencies7.

4 "(10) To manage as agent of the United States or any  
5 of its agencies or of this state or any of its agencies any  
6 soil conservation, erosion control or erosion prevention  
7 project within its boundaries7.

8 "(11) To act as agent for the United States or any  
9 of its agencies or for this state or any of its agencies in  
10 connection with the acquisition, construction, operation or  
11 administration of any soil conservation, erosion control or  
12 erosion prevention project within its boundaries7.

13 "(12) To accept donations, gifts and contributions  
14 in money, services, materials or otherwise from the United  
15 States or any of its agencies or from this state or any of its  
16 agencies and to use or expend such moneys, services, materials  
17 or other contributions in carrying on its operations7.

18 "(13) To sue and be sued in the name of the  
19 district7.

20 "(14) To have a seal, which seal shall be judicially  
21 noticed7.

22 "(16) To make and execute contracts and other  
23 instruments necessary or convenient to the exercise of its  
24 powers and to make and, from time to time, amend and repeal

1 rules and regulations not inconsistent with this article to  
2 carry into effect its purposes and powers.

3 "(b) As a condition of the extending of any benefits  
4 under this article to or the performance of work upon any  
5 lands not owned or controlled by this state or any of its  
6 agencies, the supervisors may require contributions in money,  
7 services, materials or otherwise to any operations conferring  
8 such benefits and may require landowners to enter into and  
9 perform such agreements or covenants as to the permanent use  
10 of such lands as will tend to prevent or control erosion  
11 thereon.

12 "(c) No provisions with respect to the acquisition,  
13 operation, or disposition of property by other public bodies  
14 shall be applicable to a district organized under this article  
15 unless the Legislature shall specifically so state.

16 "(d) The property and property rights of every kind  
17 and nature acquired by any district organized under the  
18 provisions of this article shall be exempt from state, county  
19 and other taxation."

20 Section 2. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB324

Senate 02-MAY-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 14-MAY-19

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By: Senator Chesteen