

**SB378 INTRODUCED**



1 SB378  
2 6Y8YTZZ-1  
3 By Senator Chambliss  
4 RFD: Finance and Taxation General Fund  
5 First Read: 31-Mar-26



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SYNOPSIS:

Under existing law, owners of certain dams and reservoirs may elect to have their dams and reservoirs inspected and file with the local emergency management agency an emergency action plan if the dam or reservoir has a high or significant hazard potential.

This bill would require the Alabama Emergency Management Agency to administer the Alabama Dam Safety Program and replace all duties of local emergency management agencies under the program with the Alabama Emergency Management Agency.

Also under existing law, participating owners must notify the local emergency management agency of the construction, modification, or removal of a dam or reservoir.

This bill would require participating owners to submit plans for constructing, modifying, or removing a dam or reservoir to the Alabama Emergency Management Agency for approval.

This bill would authorize the agency to adopt rules to administer the program, including approval procedures and fees.

This bill would require the agency submit to the Governor and Legislature a program implementation plan and any operational and financial needs of the agency



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29 for the program.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 Relating to dam safety, to amend Sections 33-7-71,  
38 33-7-72, 33-7-73, and 33-7-74, Code of Alabama 1975, to  
39 require the Alabama Emergency Management Agency to administer  
40 the Alabama Dam Safety Program; to require participating dam  
41 and reservoir owners to receive approval from the agency  
42 before constructing, modifying, or removing dams and  
43 reservoirs; to authorize the agency to adopt rules and fees to  
44 administer the program; and to require the agency to submit a  
45 program implementation plan and operational and financial  
46 needs of the program to the Governor and Legislature.

47 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

48 Section 1. Sections 33-7-71, 33-7-72, 33-7-73, and  
49 33-7-74, Code of Alabama 1975, are amended to read as follows:

50 "§33-7-71

51 For the purposes of this article, the following terms  
52 have the following meanings:

53 (1) ABANDON or ABANDONMENT. To render a dam  
54 non-impounding by dewatering and filling the reservoir created  
55 by the dam with solid materials, by diverting the natural  
56 drainway around the site, or by removing a portion of the dam





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85 of the barrier, if it is not across a stream channel or  
86 watercourse, to the maximum water storage elevation.

87 2. Has an impounding capacity at maximum water storage  
88 elevation of 50 acre feet or more.

89 b. The term includes a fill or structure for highway or  
90 railroad use or for any other purpose which impounds water.

91 ~~c. This definition~~ The term does not ~~apply to any~~  
92 include any of the following:

93 1. Any barrier not in excess of six feet in height  
94 regardless of storage capacity or which has a storage capacity  
95 at maximum water storage elevation not greater than 15 acre  
96 feet regardless of height, unless the barrier, due to its  
97 location or other physical characteristics, is classified as a  
98 high hazard potential dam.

99 ~~2.d. This definition does not apply to any~~ Any dam  
100 subject to the jurisdiction of any other state or federal  
101 agency.

102 ~~3.e. The term does not include any~~ Any obstruction in a  
103 canal used to raise or lower water.

104 ~~4.f. This term does not include privately~~ Privately  
105 owned dams, regardless of the hazard designation, unless the  
106 owner has voluntarily elected to participate in the program in  
107 accordance with this article.

108 ~~(7)~~ (8) DAYS. In establishing deadlines, means all  
109 calendar days, including ~~Sundays~~ Saturday, Sunday, and  
110 holidays.

111 ~~(8)~~ (9) EMERGENCY. All conditions leading to or causing  
112 a breach, overtopping, or any other condition of a dam and its



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113 appurtenant works that may be construed as unsafe or  
114 threatening to life or property.

115 ~~(9)~~ (10) EMERGENCY ACTION PLAN. A plan that identifies  
116 the area that would likely be inundated by the failure of a  
117 dam and the actions that should be taken in the event of a  
118 failure or threatening condition at the dam.

119 ~~(10)~~ (11) ENGINEER. An engineer who has a background in  
120 civil engineering and who satisfies all of the following:

121 a. Is a licensed professional engineer.

122 b. Is competent in areas related to dam investigation,  
123 design, construction, and operation for the type of dam being  
124 investigated, designed, constructed, or operated.

125 c. Has relevant experience in areas such as  
126 investigation, design, construction, reconstruction,  
127 enlargement, repair, alteration, maintenance, operation,  
128 breach, removal, or abandonment of dams.

129 d. Understands adverse dam incidents, failures, and the  
130 potential causes and consequences of failures.

131 e. Continues with necessary training and continuing  
132 education to keep abreast of the state of the practice in dam  
133 safety engineering.

134 ~~(11)~~ (12) ENLARGEMENT. Any change in or addition to an  
135 existing dam or reservoir that raises or may raise the water  
136 storage elevation of the water impounded by the dam.

137 ~~(12)~~ (13) HAZARD POTENTIAL. The possible incremental  
138 adverse consequences that result from the release of water or  
139 stored contents due to failure of the dam or misoperation of  
140 the dam or appurtenant works. The hazard potential





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169 h. This state and any department, board, commission,  
170 institution, or agency thereof that voluntarily elects to be  
171 subject to this article.

172 ~~(17)~~ (18) PERSON. Any individual, bankruptcy trustee,  
173 firm, association, organization, partnership, business trust,  
174 corporation, limited liability corporation, limited liability  
175 partnership, or company.

176 ~~(18)~~ (19) PROBABLE. More likely than not to occur;  
177 reasonably expected; realistic.

178 (20) PROGRAM. The Alabama Dam Safety Program.

179 ~~(19)~~ (21) RECONSTRUCTION. Removal and replacement of an  
180 existing dam or a portion thereof.

181 ~~(20)~~ (22) REMOVAL. Complete elimination of the dam  
182 embankment or structure to restore the approximate original  
183 topographic contours of the valley.

184 ~~(21)~~ (23) RESERVOIR. Any area that contains or will  
185 contain impounded water, wastewater, or liquid-borne materials  
186 by virtue of its having been impounded by a dam. This term  
187 does not include ~~privately owned~~ privately-owned reservoirs,  
188 regardless of the hazard designation, unless the owner has  
189 elected to participate in the program in accordance with this  
190 article.

191 ~~(22)~~ (24) SIGNIFICANT HAZARD POTENTIAL DAM. A dam  
192 assigned the significant hazard potential classification where  
193 failure or misoperation results in no probable loss of human  
194 life but can result in major economic loss, environmental  
195 damage, disruption of lifeline facilities, or other issues  
196 impacting public safety and welfare.



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197 ~~(23)~~ (25) STATE-OWNED DAM OR RESERVOIR. Any dam or  
198 reservoir that is owned by this state or a department, board,  
199 commission, institution, or agency thereof.

200 ~~(24)~~ (26) WATER STORAGE ELEVATION. The maximum elevation  
201 of water surface ~~which can~~ that may be obtained by the dam or  
202 reservoir."

203 "§33-7-72

204 (a) The Alabama Emergency Management Agency shall  
205 administer the Alabama Dam Safety Program in accordance with  
206 this article.

207 ~~(a)~~ (b) A participating owner shall ~~ensure~~ cause all  
208 plans and specifications for initial construction,  
209 reconstruction, enlargement, alteration, repair, operation,  
210 breach, abandonment, or removal of dams and reservoirs, and  
211 the supervision of the construction of dams and reservoirs,   
212 ~~shall to~~ be in the charge of an engineer and assisted by  
213 qualified geologists and other specialists as necessary.

214 ~~(b)~~ (c) A participating owner of any dam or reservoir  
215 shall ~~ensure~~ cause the dam or reservoir ~~is to be~~ inspected a  
216 minimum of once every four years by an engineer. The engineer  
217 shall certify to the ~~local emergency management~~ agency that  
218 the inspection has been completed and deliver a record of the  
219 inspection to the owner.

220 ~~(c)~~ (d) A participating owner shall ~~notify the local~~  
221 ~~emergency management agency in writing of the construction or~~  
222 ~~the enlargement~~ cause all plans and specifications for initial  
223 construction, reconstruction, enlargement, alteration, repair,  
224 operation, breach, abandonment, or removal of any dam or



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225 reservoir to be submitted to the agency for approval. Plans  
226 and specifications shall be signed and sealed by the design  
227 engineer.

228 ~~(d)~~ (e) Upon the transfer of ownership of any dam or  
229 reservoir, the current participating owner shall notify the  
230 ~~local emergency management~~ agency. The subsequent owner may  
231 elect to continue participating in the inspection program ~~but~~  
232 or may ~~also~~ elect to cease participation with no penalty.

233 ~~(e)~~ (f) A participating owner of a state-owned dam or  
234 reservoir shall submit a written affidavit to the ~~local~~  
235 ~~emergency management~~ agency for each state-owned dam or  
236 reservoir elected to be subject to this article.

237 ~~(f)~~ (g) Notwithstanding any other provision of this  
238 article, a state-owned dam or reservoir that is subject to  
239 this article shall be inspected a minimum of once every four  
240 years by an engineer, so long as sufficient funds have been  
241 appropriated by the Legislature to, or sufficient relevant  
242 grant funds have been obtained by, the participating owner of  
243 the state-owned dam or reservoir. The engineer shall certify  
244 to the ~~local emergency management~~ agency that the inspection  
245 has been completed and deliver a record of the inspection to  
246 the owner."

247 "§33-7-73

248 (a) ~~It shall be the duty of the inspecting~~ An engineer  
249 ~~to inspecting a dam or reservoir pursuant to Section 33-7-72~~  
250 shall assign a hazard potential classification to the ~~dams and~~  
251 ~~reservoirs~~ dam or reservoir.

252 (b) In order to protect life and property,



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253 participating owners of high and significant hazard potential  
254 dams and reservoirs shall develop and file with the ~~local~~  
255 ~~emergency management~~ agency an emergency action plan prepared  
256 by an engineer in consultation with the ~~highest ranking~~  
257 ~~official of the local emergency management agency~~ Director of  
258 Emergency Management, or his or her designee, which shall be  
259 implemented in the event of an emergency involving that  
260 participating owner's dam or ~~dams~~ reservoir. The participating  
261 owners of such dams and reservoirs shall periodically test and  
262 update the emergency action plan. The plan shall include all  
263 of the following elements:

- 264 (1) Emergency notification plan with flowchart.
- 265 (2) Statement of purpose.
- 266 (3) Project description.
- 267 (4) Emergency detection, evaluation, and  
268 classification.
- 269 (5) General responsibilities.
- 270 (6) Preparedness.
- 271 (7) Inundation maps or other acceptable description of  
272 the inundated area.
- 273 (8) Appendices.

274 (c) If the participating owner of a dam or reservoir  
275 makes the determination that an emergency involving a dam or  
276 reservoir exists, the owner shall immediately implement the  
277 emergency action plan, notify the ~~local emergency management~~  
278 agency, and take any additional actions necessary to safeguard  
279 life, health, and property."

280 "§33-7-74



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281 (a) ~~The local emergency management agency has neither~~  
282 ~~inspection nor regulatory duty or responsibility.~~ The agency  
283 shall adopt rules to implement this article, including:

284 (1) Approval procedures to implement Section  
285 33-7-72(d); and

286 (2) Fees as necessary to offset the agency's costs in  
287 implementing this article.

288 (b) Records pertaining to dams and reservoirs kept by  
289 and in the possession of the agency or a local emergency  
290 management agency pursuant to this article shall not be public  
291 documents.

292 (c) Nothing in this article shall be construed to  
293 relieve a participating owner or operator of a dam or  
294 reservoir of the legal duties, obligations, or liabilities, or  
295 to waive any immunity, incident to the ownership or operation  
296 of the dam or reservoir.

297 (d) Any records or other information relating to a dam  
298 or reservoir pursuant to this article possessed by a local  
299 emergency management agency shall be transferred to the agency  
300 before January 1, 2027. A local emergency management agency  
301 may retain a copy of any such information to enable  
302 appropriate action in the event of an emergency.

303 (e) Before the fifteenth legislative day of the 2027  
304 Regular Session, the agency shall prepare and submit to the  
305 Governor and the Legislature, including the Chair of the House  
306 Ways and Means General Fund Committee and the Chair of the  
307 Senate Finance and Taxation General Fund Committee, both of  
308 the following:



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309 (1) An Alabama Dam Safety Program Implementation Plan  
310 designed to comply with the National Dam Safety Program  
311 established pursuant to 33 U.S.C. § 467f.

312 (2) A statement of any operational or financial needs,  
313 including legislative action, appropriation, or other  
314 resources necessary for the agency to implement this article.

315 (f) The agency may receive and shall seek federal,  
316 state, and private funds, including grants from the Federal  
317 Emergency Management Agency.

318 (g) The agency shall coordinate with the United States  
319 Army Corps of Engineers to ensure all relevant dams in Alabama  
320 are included in the National Inventory of Dams and Low-Head  
321 Dams."

322 Section 2. This act shall become effective on October  
323 1, 2026.