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8 SYNOPSIS: Under existing law, various agencies,  
9 departments, and authorities, including the  
10 Department of Environmental Management and the  
11 Department of Conservation and Natural Resources,  
12 oversee the management and protection of surface  
13 and ground water resources in the state.

14 This bill would transfer and consolidate  
15 within the Geological Survey of Alabama all  
16 functions related to the coordination, management,  
17 protection, and provision of ground and surface  
18 water resources and all agencies, boards,  
19 commissions, divisions, authorities, and other  
20 entities performing these functions.

21  
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25  
26 Relating to the Geological Survey of Alabama; to  
27 transfer and consolidate all functions related to the

1 coordination, management, protection, and provision of ground  
2 and surface water resources in the state and all agencies,  
3 boards, commissions, divisions, authorities, and other  
4 entities providing management, protection, or provision of  
5 ground or surface water resources within the Geological Survey  
6 of Alabama; to transfer property, employees, records, and  
7 other assets to the Geological Survey; to transfer certain  
8 funding to the Geological Survey; to authorize certain  
9 entities created by the Constitution of Alabama of 1901 to opt  
10 to come under the oversight of the Geological Survey; and to  
11 authorize the Geological Survey to take such actions and to  
12 adopt rules necessary to effectuate this act.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) The Geological Survey of Alabama is  
15 established as the central authority within the state  
16 responsible for the coordination, management, protection, and  
17 provision of ground or surface water resources. On the  
18 effective date of this act, all functions assigned to any  
19 other public agency, division, board, commission, authority,  
20 or other entity which are related to the coordination,  
21 management, protection, or provision of ground and surface  
22 water resources shall be transferred to and consolidated  
23 within the Geological Survey of Alabama as provided in this  
24 act.

25 (b) The State Geologist shall coordinate,  
26 administer, manage, and enforce all programs, activities, and  
27 other functions transferred to the Geological Survey pursuant

1 to this act. The State Geologist may employ such officers,  
2 agents, and employees as he or she deems necessary, and create  
3 such divisions within the Geological Survey as he or she deems  
4 necessary to carry out the objectives of this act. This act  
5 shall not affect any existing duty or enforcement or  
6 administration obligation of the Geological Survey.

7 (c) On the effective date of this act, the  
8 Geological Survey acting through the State Geologist, or his  
9 or her designee, shall have oversight of all of the following  
10 activities:

11 (1) The functions of the Water Improvement  
12 Commission, as set forth in Sections 22-22-1 to 22-22-14,  
13 inclusive, of the Code of Alabama 1975.

14 (2) The functions of the Department of Environmental  
15 Management with respect to public water systems, as set forth  
16 in Sections 22-23-30 to 22-23-53, inclusive, of the Code of  
17 Alabama 1975.

18 (3) The functions of the Department of Environmental  
19 Management, as set forth in Sections 22-24-1 to 22-24-12,  
20 inclusive, of the Code of Alabama 1975.

21 (4) The permitting, regulatory, and enforcement  
22 functions of the Department of Environmental Management  
23 related to preservation of coastal areas, as set forth in  
24 Sections 9-7-10 to 9-7-22, inclusive, of the Code of Alabama  
25 1975.

26 (5) The functions of the Department of Environmental  
27 Management with respect to water and wastewater systems, as

1 set forth in Sections 22-25-1 to 22-25-15, inclusive, of the  
2 Code of Alabama 1975.

3 (6) All activities conducted by the Water Resources  
4 Institute and all functions of water conservation districts  
5 and water conservancy districts pursuant to Chapter 8 of Title  
6 9 of the Code of Alabama 1975.

7 (7) The awarding of and administration of cost-share  
8 grants by the Alabama Agricultural and Conservation  
9 Development Commission and the State Soil and Water  
10 Conservation Committee, as set forth in Chapter 8A of Title 9  
11 of the Code of Alabama 1975.

12 (8) The creation and functioning of water management  
13 districts and drainage subdistricts, as set forth in Chapter 9  
14 of Title 9 of the Code of Alabama 1975.

15 (9) The creation and functioning of water  
16 conservation and irrigation agencies and corporations, as set  
17 forth in Chapter 10 of Title 9 of the Code of Alabama 1975.

18 (10) The creation and functioning of watershed  
19 management authorities, as set forth in Chapter 10A of Title 9  
20 of the Code of Alabama 1975.

21 (11) The functions of the Office of Water Resources,  
22 as set forth in Chapters 10B and 10C of Title 9 of the Code of  
23 Alabama 1975.

24 (12) The functions of the Board of Health and the  
25 Department of Conservation and Natural Resources with respect  
26 to the discharge of litter and sewage from watercraft, as set

1       forth in Chapters 6 and 6A of Title 33 of the Code of Alabama  
2       1975.

3               (d) On the effective date of this act, oversight of  
4       each of the following authorities and compacts is transferred  
5       to the Geological Survey of Alabama and each authority shall  
6       report to the State Geologist:

7               (1) The Tombigbee-Tennessee Waterway Development  
8       Compact, adopted and operating pursuant to Chapter 8 of Title  
9       33 of the Code of Alabama 1975.

10              (2) The Elk River Development Agency, created and  
11       operating pursuant to Chapter 12 of Title 33 of the Code of  
12       Alabama 1975.

13              (3) The Bear Creek Development Authority, created  
14       and operating pursuant to Chapter 15 of Title 33 of the Code  
15       of Alabama 1975.

16              (4) The Coosa Valley Development Authority, created  
17       and operating pursuant to Chapter 12 of Title 33 of the Code  
18       of Alabama 1975.

19              (5) The Tombigbee Valley Development Authority,  
20       created and operating pursuant to Chapter 17 of Title 33 of  
21       the Code of Alabama 1975.

22              (6) The Alabama-Coosa-Tallapoosa River Basin  
23       Compact, adopted and operating pursuant to Chapter 18 of Title  
24       33 of the Code of Alabama 1975.

25              (7) The Appalachian-Chattahoochee-Flint River  
26       Basin Compact, adopted and operating pursuant to Chapter 19 of  
27       Title 33 of the Code of Alabama 1975.

1           (e) On the effective date of this act, the  
2 Geological Survey is designated as the State Water Pollution  
3 Control Agency for the purposes of the Federal Clean Water  
4 Act, 33 U.S.C. §1251 et seq., as amended, and the state agency  
5 responsible for the promulgation and enforcement of drinking  
6 water regulations in accordance with the Federal Safe Drinking  
7 Water Act, 42 U.S.C. §201 et seq., as amended, and may take  
8 all actions necessary and appropriate to secure to this state  
9 the benefits of federal environmental laws on water pollution  
10 and pollution control.

11           (f) On the effective date of this act, the Alabama  
12 Department of Environmental Management shall continue to  
13 provide routine bacteriological analyses necessary to carry  
14 out this act, and the Geological Survey shall reimburse the  
15 Department of Environmental Management for the reasonable  
16 costs and expenses incurred in providing such analyses.  
17 Thereafter, the Geological Survey may contract with the  
18 Department of Environmental Management, the State Health  
19 Department, or another agency to provide the routine  
20 bacteriological analyses.

21           Section 2. (a) All employees engaged in duties  
22 pertaining to the functions transferred by this act to the  
23 Geological Survey shall be assigned to the Geological Survey  
24 on the effective date of this act to perform their usual  
25 duties, subject to any action that may be appropriate  
26 thereafter in accordance with the laws and rules governing  
27 personnel and employees.

1 (b) All files, books, papers, records, equipment,  
2 furniture, motor vehicles, any other tangible property, and  
3 any other asset used to carry out the powers, duties, and  
4 functions transferred by this act to the Geological Survey  
5 shall be transferred to the Geological Survey.

6 (c) All reports, documents, surveys, books, records,  
7 files, correspondence, papers, or other writings in the  
8 possession of any department, division, bureau, board,  
9 commission, authority, or other agency, the functions, powers,  
10 and duties of which have been transferred to the Geological  
11 Survey by this act or which have been employed in carrying out  
12 the functions, powers, and duties transferred by this act,  
13 shall be transferred to the Geological Survey

14 (d) All funds, credits, or other moneys held in  
15 connection with the functions transferred by this act shall be  
16 transferred to the Geological Survey on the effective date of  
17 this act.

18 (e) Any appropriation made for the purpose of  
19 carrying out the powers, duties, and functions transferred by  
20 this act to the Geological Survey shall be transferred and  
21 credited to the Geological Survey for the purpose of carrying  
22 out such transferred powers, duties, and functions.

23 (f) Except where in conflict with this act, on the  
24 effective date of this act, all rules, regulations, standards,  
25 comprehensive plans for the prevention, abatement, and control  
26 of water pollution in this state, and all orders, permits,  
27 licenses, certificates, bonds, and variances of the

1 departments, divisions, boards, commissions, authorities, or  
2 other agencies relating to the functions transferred by this  
3 act to the Geological Survey are enforceable as the rules,  
4 regulations, standards, plans, orders, permits, licenses,  
5 certificates, bonds, and variances of the Geological Survey  
6 and shall continue to be effective until revised, amended, or  
7 repealed.

8 (g) All pending business before the boards,  
9 commissions, or agencies affected by this act relating to the  
10 functions transferred by this act to the Geological Survey  
11 shall be continued and acted upon by the Geological Survey.  
12 All existing contracts, obligations, and memoranda of  
13 understanding pertaining to the functions transferred by this  
14 act to the Geological Survey, shall remain in force and effect  
15 and shall be performed by the Geological Survey.

16 (h) Except where required elsewhere in this act, on  
17 the effective date of this act, the performance of any such  
18 transferred duties or functions by the Geological Survey or  
19 its respective divisions shall have the same effect as if done  
20 by the former agency, board, or commission referred to or  
21 designated by law or contract. The reference to or designation  
22 of the former agency, board, or commissions shall apply to the  
23 Geological Survey.

24 (i) The transfer of oversight to the Geological  
25 Survey on the effective date of this act shall not affect the  
26 validity of any action performed before the effective date of  
27 this act by an agency, board, commission, or authority that is



1 transferred to the Geological Survey pursuant to this act, and  
2 the performance of any such transferred duties or functions by  
3 the Geological Survey or its respective divisions shall have  
4 the same effect as if done by the former agency, board,  
5 commission, or authority referred to or designated by law or  
6 contract. The reference to or designation of the former  
7 agency, board, commission, or authority shall apply to the  
8 Geological Survey.

9 Section 3. (a) The State Geologist may take such  
10 action, including, but not limited to, reorganizing the  
11 various agencies, divisions, boards, commissions, authorities,  
12 and other entities consolidated herein, as necessary to carry  
13 out this act.

14 (b) The State Geologist may adopt rules necessary to  
15 carry out this act pursuant to Chapter 22 of Title 41, Code of  
16 Alabama 1975. All rules heretofore adopted by any entity  
17 consolidated into the Geological Survey pursuant to this act  
18 shall remain in full force and effect and shall become rules  
19 of the Geological Survey.

20 Section 4. Any entity authorized by a local  
21 amendment to the Constitution of Alabama of 1901, and created  
22 by local law of the Legislature, may opt at any time to  
23 consolidate with the Geological Survey.

24 Section 5. The Code Commissioner shall conform  
25 references in the Code of Alabama 1975, to reflect the  
26 consolidation of various entities in this act into the  
27 Geological Survey of Alabama.

1                   Section 6. This act shall become effective on  
2                   October 1, 2017, following its passage and approval by the  
3                   Governor, or its otherwise becoming law.