

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

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8 SYNOPSIS: Current law authorizes the supervisors and
9 employees of a soil and water conservation district
10 to loan or rent equipment and supplies for the
11 conservation of soil resources and for the
12 prevention and control of soil erosion.

13 This bill would extend limited immunity from
14 civil liability to district supervisors and
15 employees who loan or rent equipment and supplies
16 for the conservation of soil resources and for the
17 prevention and control of soil erosion. This
18 immunity would only apply to actions related to use
19 of that equipment or supplies.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to soil and water conservation districts;
26 to amend Section 9-8-25, Code of Alabama 1975, to extend
27 limited immunity from civil liability to district supervisors

1 and employees who loan or rent equipment and supplies for the
2 conservation of soil resources and for the prevention and
3 control of soil erosion.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§9-8-25.

8 "(a) A soil and water conservation district
9 organized under ~~the provisions of~~ this article shall
10 constitute a governmental subdivision of this state and a
11 public body, corporate and politic, exercising public powers,
12 and such district and the supervisors thereof shall have the
13 following powers, in addition to others granted in other
14 sections of this article:

15 "(1) To carry out preventive and control measures
16 within the district including, but not limited to, engineering
17 operations, methods of cultivation, the growing of vegetation,
18 changes in use of land and other erosion control measures on
19 lands owned or controlled by this state or any of its agencies
20 with the consent and cooperation of the agency administering
21 and having jurisdiction thereof and on any other lands within
22 the district upon obtaining the consent of the owner of such
23 lands or the necessary rights or interests in such lands⁷.

24 "(2) To conduct surveys, investigations and research
25 relating to the character of soil erosion and the preventive
26 and control measures needed, to publish the results of such
27 surveys, investigations or research and to disseminate

1 information concerning such preventive and control measures;
2 provided, however, that in order to avoid duplication of
3 research activities, no district shall initiate any research
4 program except in cooperation with the Alabama Agricultural
5 Experiment Station or with the approval of the Director of the
6 Alabama Agricultural Experiment Station7.

7 "(3) To conduct demonstrational projects within the
8 district on lands owned or controlled by this state or any of
9 its agencies with the cooperation of the agency administering
10 and having jurisdiction thereof and on any other lands within
11 the district upon obtaining the consent of the owner of such
12 lands or the necessary rights or interests in such lands in
13 order to demonstrate by example the means, methods and
14 measures by which soil and soil resources may be conserved and
15 soil erosion, in the form of soil blowing and soil washing may
16 be prevented and controlled7.

17 "(4) To cooperate or enter into agreement with and,
18 within the limits of appropriations duly made available to it
19 by law, to furnish financial or other aid to any agency,
20 governmental or otherwise, or any owner or occupier of lands
21 within the district in the carrying on of erosion control and
22 prevention operations within the district, subject to such
23 conditions as the supervisors may deem necessary to advance
24 the purposes of this article7.

25 "(5) To obtain options upon and to acquire by
26 purchase, exchange, lease, gift, grant, bequest, devise or
27 otherwise, any property, real or personal, or rights or

1 interests therein; to maintain, administer and improve any
2 properties acquired, to receive income from such properties
3 and to expend such income in carrying out the purposes and
4 provisions of this article; and to sell, lease or otherwise
5 dispose of any of its property or interests therein in
6 furtherance of the purposes and the provisions of this
7 article.

8 "(6) To make available on such terms as it shall
9 prescribe to landowners within the district agricultural and
10 engineering machinery and equipment, fertilizer, seeds and
11 seedlings and such other material or equipment as will assist
12 such landowners to carry on operations upon their lands for
13 the conservation of soil resources and for the prevention and
14 control of soil erosion. Districts, district supervisors, and
15 district employees shall be immune from civil liability in any
16 action related to use of equipment loaned or rented by the
17 district for natural resource protection, as long as the
18 equipment is maintained in proper working condition, the
19 transaction is in good faith, and damage or injury was not
20 caused by unreasonable behavior of the supervisor or employee.

21 "(7) To construct, improve and maintain such
22 structures as may be necessary or convenient for the
23 performance of any of the operations authorized in this
24 article including, but not limited to, plants and equipment
25 appropriate for the processing of materials necessary for
26 conditioning the land.

1 "(8) To develop comprehensive plans for the
2 conservation of soil resources and for the control and
3 prevention of soil erosion within the district, which plans
4 shall specify in such detail as may be possible, the acts,
5 procedures, performances and avoidances which are necessary or
6 desirable for the effectuation of such plans, including the
7 specification of engineering operations, methods of
8 cultivation, the growing of vegetation, cropping programs,
9 tillage practices and changes in use of land and to publish
10 such plans and information and bring them to the attention of
11 owners and occupiers of lands within the district7.

12 "(9) To take over by purchase, lease or otherwise
13 and to administer any soil conservation, erosion control or
14 erosion prevention project located within its boundaries
15 undertaken by the United States or any of its agencies or by
16 this state or any of its agencies7.

17 "(10) To manage as agent of the United States or any
18 of its agencies or of this state or any of its agencies any
19 soil conservation, erosion control or erosion prevention
20 project within its boundaries7.

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

26 "(12) To accept donations, gifts and contributions
27 in money, services, materials or otherwise from the United

1 States or any of its agencies or from this state or any of its
2 agencies and to use or expend such moneys, services, materials
3 or other contributions in carrying on its operations7.

4 "(13) To sue and be sued in the name of the
5 district7.

6 "(14) To have a seal, which seal shall be judicially
7 noticed7.

8 "(16) To make and execute contracts and other
9 instruments necessary or convenient to the exercise of its
10 powers and to make and, from time to time, amend and repeal
11 rules and regulations not inconsistent with this article to
12 carry into effect its purposes and powers.

13 "(b) As a condition of the extending of any benefits
14 under this article to or the performance of work upon any
15 lands not owned or controlled by this state or any of its
16 agencies, the supervisors may require contributions in money,
17 services, materials or otherwise to any operations conferring
18 such benefits and may require landowners to enter into and
19 perform such agreements or covenants as to the permanent use
20 of such lands as will tend to prevent or control erosion
21 thereon.

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

26 "(d) The property and property rights of every kind
27 and nature acquired by any district organized under the

1 provisions of this article shall be exempt from state, county
2 and other taxation."

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