

SB134 INTRODUCED



1 11IG3Z-1

2 By Senator Allen

3 RFD: State Governmental Affairs

4 First Read: 22-Mar-23

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SYNOPSIS:

Under existing law, a public corporation may adopt a resolution to authorize the transfer of a water system.

This bill would provide that any reservoir used in the collection or storage of water is part of a water system.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to counties and municipalities; to amend Section 11-50-170, Code of Alabama 1975; to provide that reservoirs used for the collection or storage of water are part of a water system; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-50-170, Code of Alabama 1975, is amended to read as follows:



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29 "§11-50-170

30 (a) Every public corporation ~~heretofore or hereafter~~
31 organized or created in this state pursuant to authorization
32 or determination by a municipality or its governing body,
33 which public corporation ~~now or hereafter~~ owns a water system
34 or systems, and any municipality in this state in which any
35 part of such a water system or systems is situated ~~are each~~
36 ~~hereby authorized~~may, without the necessity of an election of
37 qualified voters of ~~any such the~~ municipality or of any other
38 approval or proceeding other than those specifically
39 prescribed in this article, ~~to~~ transfer and convey ~~such the~~
40 system or systems ~~and along with~~ all right, title, and
41 interest therein, including, without limitation, all
42 reversionary, residuary, or remainder rights provided by law
43 to any other public corporation, provided the certificate of
44 incorporation of ~~which the transferee public corporation to~~
45 which the transfer is to be made was filed in the office of
46 the probate judge of the same county in which was filed the
47 certificate of incorporation of the public corporation
48 proposing to make ~~such the~~ transfer and conveyance or in the
49 office of the probate judge of an adjacent county.

50 (b) Any such transfer and conveyance may be made with
51 or without pecuniary consideration and on such terms and
52 conditions as the governing body of ~~such the~~ municipality and
53 the board of directors or other governing body of the public
54 corporation making the transfer and conveyance may determine.

55 (c) Any such transfer and conveyance shall be made only
56 upon the adoption, by the governing body of each municipality



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57 in which is situated any part of the water system or systems
58 proposed to be transferred and conveyed and by the board of
59 directors or other governing body of the public corporation
60 proposing to make ~~such~~ the transfer and conveyance, of
61 appropriate resolutions authorizing ~~such~~ the transfer and
62 conveyance. ~~Such~~ The resolution of the board of directors or
63 other governing body of the public corporation shall set forth
64 its finding and determination that the public corporation to
65 which the transfer is to be made is one to which a transfer
66 and conveyance can properly be made under the provisions of
67 this article.

68 (d) For the purposes of this article, any reservoir
69 used for the collection or storage of water is considered a
70 component of a water system."

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