

1 SB29
2 133118-1
3 By Senator Orr
4 RFD: Governmental Affairs
5 First Read: 07-FEB-12
6 PFD: 07/25/2011

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8 SYNOPSIS: Under existing law, a municipal public
9 housing authority may exercise the power of eminent
10 domain.

11 This bill would authorize the authority to
12 exercise the power of eminent domain only with the
13 approval of the municipal council.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 24-1-28, Code of Alabama 1975,
20 relating to municipal public housing authorities; to authorize
21 the authority to exercise the power of eminent domain with the
22 approval of the municipal council.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 24-1-28, Code of Alabama 1975, is
25 amended to read as follows:

26 "§24-1-28.

1 "The authority, with the approval of the municipal
2 council, shall have the right to acquire by eminent domain any
3 property, real or personal, which it may deem necessary to
4 carry out the purposes of this article, after the adoption by
5 it of a resolution declaring that the acquisition of the
6 property described therein is in the public interest and
7 necessary for public use. The authority may exercise the power
8 of eminent domain pursuant to the provisions of Title 18.
9 Property already devoted to a public use may be acquired;
10 provided, that no property belonging to any city within the
11 boundaries of the authority, or to any government, may be
12 acquired without its consent, and that no property belonging
13 to a public utility corporation may be acquired without the
14 approval of the Public Service Commission or other body having
15 regulatory power over such corporation."

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