

1 SB134
2 125944-1
3 By Senators Orr, Scofield, Sanford, Holtzclaw and McGill
4 RFD: Judiciary
5 First Read: 01-MAR-11

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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 remove the power of eminent
12 domain of a municipal public housing authority.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 24-1-28, Code of Alabama 1975,
19 relating to municipal public housing authorities; to remove
20 the power of eminent domain of the authority.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§24-1-28.

25 "The authority ~~shall have the right to acquire by~~
26 ~~eminent domain~~ may purchase any property, real or personal,
27 which it may deem necessary to carry out the purposes of this

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

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