

1 SB205
2 135476-3
3 By Senators Orr and Scofield
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 07-FEB-12

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 24-1-28, Code of Alabama 1975,
12 relating to municipal public housing authorities; to restrict
13 public housing authorities in certain Class 3 municipalities
14 from exercising the power of eminent domain except with
15 approval of the governing body of the municipality; to
16 authorize a municipal public housing authority in certain
17 Class 3 municipalities to purchase property only for public
18 housing purposes and after notice to certain property owners;
19 and to provide for the manner in which notice shall be given.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§24-1-28.

24 "(a) The authority ~~shall have the right to~~ may
25 acquire by eminent domain any property, real or personal,
26 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 "(b) Notwithstanding subsection (a), a public
14 housing authority in a Class 3 municipality, except a Class 3
15 municipality organized under Act 618 of the 1973 Regular
16 Session, shall not exercise the power of eminent domain except
17 with approval of the governing body of the municipality. The
18 authority may purchase real property only after notice of
19 intent to purchase the property is given to surrounding
20 property owners as provided herein. Notice of the proposed
21 purchase in the Class 3 municipalities, except a Class 3
22 municipality organized under Act 618 of the 1973 Regular
23 Session, shall be published in a newspaper of general
24 circulation in the municipality for a period of three
25 consecutive weeks prior to execution of any binding agreement
26 to purchase the property."

1 Section 2. The provisions of this act are severable.
2 If any part of this act is declared invalid or
3 unconstitutional, that declaration shall not affect the part
4 which remains.

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

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 07-FEB-12

Read for the second time and placed on the calen-
dar..... 16-FEB-12

Read for the third time and passed as amended 02-MAY-12

Yeas 35
Nays 0

Patrick Harris
Secretary