

1 HB157  
2 115222-1  
3 By Representative Black  
4 RFD: County and Municipal Government  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, municipal annexations  
9 prior to May 1, 1998, have been validated and  
10 ratified notwithstanding any procedural defect in  
11 the annexation.

12 This bill would validate and ratify any  
13 annexations prior to the effective date of the act  
14 proposed by this bill.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 To amend Section 11-42-5 of the Code of Alabama  
21 1975, to validate and ratify under certain conditions any  
22 municipal annexation by any municipality prior to the  
23 effective date of this act notwithstanding any procedural  
24 defect by the municipality.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 11-42-5 of the Code of Alabama  
27 1975, is amended to read as follows:

1                   "§11-42-5.

2                   "Every annexation undertaken prior to ~~May 1, 1998~~  
3 the effective date of the act adding this language, under any  
4 statutory procedure for annexation by any municipality and  
5 which the annexation procedure has been completed,  
6 notwithstanding any irregularity or defect in the procedure,  
7 is ratified and confirmed and given effect in all respects as  
8 if all provisions of law relating to the annexation proceeding  
9 had been duly and legally complied with. This section shall  
10 not apply to any annexation or attempted annexation which,  
11 prior to ~~May 1, 1998~~ the effective date of the act adding this  
12 language, has been held invalid by the Supreme Court of  
13 Alabama or by the Court of Civil Appeals of Alabama or by a  
14 final judgment of the circuit court in the county in which the  
15 annexation was completed and from which judgment an appeal was  
16 not taken to the Supreme Court of Alabama or the Court of  
17 Civil Appeals of Alabama within the time provided by law for  
18 taking appeals, or to any annexation the validity of which is  
19 an issue in a pending action commenced prior to ~~May 1, 1998~~  
20 the effective date of the act adding this language."

21                   Section 2. This act shall become effective  
22 immediately upon its passage and approval by the Governor, or  
23 its otherwise becoming law.