

1 SB101
2 115222-8
3 By Senator Little (Z)
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

1 SB101

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4 ENROLLED, An Act,

5 To amend Section 11-42-5 of the Code of Alabama
6 1975, to validate and ratify under certain conditions any
7 municipal annexation by any municipality prior to the
8 effective date of this act notwithstanding any procedural
9 defect by the municipality.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 11-42-5 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§11-42-5.

14 "Every annexation undertaken prior to the effective
15 date of the act adding this language, under any statutory
16 procedure for annexation by any municipality and which the
17 annexation procedure has been completed in compliance with the
18 substantive requirements of the applicable annexation statute,
19 notwithstanding any irregularity or defect in the procedure,
20 is ratified and confirmed and given effect in all respects as
21 if all provisions of law relating to the annexation proceeding
22 had been duly and legally complied with. This section shall
23 not apply to any annexation or attempted annexation which,
24 prior to the effective date of the act adding this language,
25 has been held invalid by the Supreme Court of Alabama or by

1 the Court of Civil Appeals of Alabama or by a final judgment
2 of the circuit court in the county in which the annexation was
3 completed and from which judgment an appeal was not taken to
4 the Supreme Court of Alabama or the Court of Civil Appeals of
5 Alabama within the time provided by law for taking appeals, or
6 to any annexation the validity of which is an issue in a
7 pending action commenced prior to the effective date of the
8 act adding this language. Nothing in this section shall be
9 construed to alter the provisions of Article 5, commencing at
10 Section 11-49-80, of Chapter 49, which require a municipality
11 to assume responsibility for roads annexed into the
12 municipality under certain circumstances."

13 Section 2. This act shall become effective
14 immediately upon its passage and approval by the Governor, or
15 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB101

Senate 16-FEB-10

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 13-APR-10

Senate concurred in House amendment 13-APR-10

By: Senator Little (Z)