

1 HB14
2 125486-4
3 By Representative Black
4 RFD: County and Municipal Government
5 First Read: 01-MAR-11
6 PFD: 02/22/2011

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To amend Section 11-42-5 of the Code of Alabama
9 1975, to validate and ratify under certain conditions any
10 municipal annexation by any municipality prior to the
11 effective date of this act notwithstanding any procedural
12 defect by the municipality or pursuant to a final judgment of
13 a circuit court.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section ~~11-48-5~~ 11-42-5 of the Code of
16 Alabama 1975, is amended to read as follows:

17 "§11-42-5.

18 "Every annexation undertaken prior to ~~May 1, 1998~~
19 the effective date of the act adding this language, under any
20 statutory procedure for annexation by any municipality and
21 which the annexation procedure has been completed,
22 notwithstanding any irregularity or defect in the procedure,
23 or pursuant to a final judgment of a circuit court, is
24 ratified and confirmed and given effect in all respects as if
25 all provisions of law relating to the annexation proceeding
26 had been duly and legally complied with. This section shall
27 not apply to any annexation or attempted annexation which,

1 prior to ~~May 1, 1998~~ the effective date of the act adding this
2 language, has been held invalid by the Supreme Court of
3 Alabama or by the Court of Civil Appeals of Alabama or by a
4 final judgment of the circuit court in the county in which the
5 annexation was completed and from which judgment an appeal was
6 not taken to the Supreme Court of Alabama or the Court of
7 Civil Appeals of Alabama within the time provided by law for
8 taking appeals, or to any annexation the validity of which is
9 an issue in a pending action commenced prior to ~~May 1, 1998~~
10 the effective date of the act adding this language. Nothing in
11 this section shall be construed to alter the provisions of
12 Article 5, commencing at Section 11-49-80, of Chapter 49,
13 which requires a municipality to assume responsibility for
14 roads annexed into the municipality under certain
15 circumstances."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 01-MAR-11

Read for the second time and placed
on the calendar 2 amendments 03-MAR-11

Read for the third time and passed
as amended..... 12-APR-11

Yeas 83, Nays 0, Abstains 4

Greg Pappas
Clerk