

1 SB71
2 125486-1
3 By Senator Beason
4 RFD: Governmental Affairs
5 First Read: 01-MAR-11

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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.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

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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 11-48-5 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. Nothing in
21 this section shall be construed to alter the provisions of
22 Article 5, commencing at Section 11-49-80, of Chapter 49,
23 which requires a municipality to assume responsibility for
24 roads annexed into the municipality under certain
25 circumstances."

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