

**HB48 ENROLLED**



1 028U66-2  
2 By Representative Hill  
3 RFD: County and Municipal Government  
4 First Read: 07-Mar-23  
5 2023 Regular Session



## HB48 Enrolled

1 Enrolled, An Act,

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A BILL

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TO BE ENACTED

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AN ACT

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§11-42-5

16 Every annexation undertaken prior to ~~May 4, 2011,~~ the  
17 effective date of the act adding this language, under any  
18 statutory procedure for annexation by any municipality and  
19 which the annexation procedure has been completed,  
20 notwithstanding any irregularity or defect in the procedure,  
21 is ratified and confirmed and given effect in all respects as  
22 if all provisions of law relating to the annexation proceeding  
23 had been duly and legally complied with. This section shall  
24 not apply to any annexation or attempted annexation which,  
25 prior to ~~May 4, 2011,~~ the effective date of the act adding  
26 this language, has been held invalid by the Supreme Court of  
27 Alabama or by the Court of Civil Appeals of Alabama or by a  
28 final judgment of the circuit court in the county in which the



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29 annexation was completed and from which judgment an appeal was  
30 not taken to the Supreme Court of Alabama or the Court of  
31 Civil Appeals of Alabama within the time provided by law for  
32 taking appeals, or to any annexation the validity of which is  
33 an issue in a pending action commenced prior to ~~May 4, 2011~~  
34 the effective date of the act adding this language. Nothing in  
35 this section shall be construed to alter the provisions of  
36 Article 5, commencing at Section 11-49-80, of Chapter 49,  
37 which requires a municipality to assume responsibility for  
38 roads annexed into the municipality under certain  
39 circumstances."

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



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 27-Apr-23.

John Treadwell  
Clerk

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Senate **18-May-23**

Passed