

HB48 INTRODUCED



1 028U66-1
2 By Representative Hill
3 RFD: County and Municipal Government
4 First Read: 07-Mar-23
5 PFD: 06-Mar-23



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SYNOPSIS:

Under existing law, municipal annexations prior to May 4, 2011, have been validated and ratified notwithstanding any procedural defect in the annexation.

This bill would validate and ratify any annexations prior to the effective date of the act proposing this bill.

A BILL
TO BE ENACTED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-42-5

Every annexation undertaken prior to ~~May 4, 2011,~~ the effective date of the act adding this language, under any statutory procedure for annexation by any municipality and



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29 which the annexation procedure has been completed,
30 notwithstanding any irregularity or defect in the procedure,
31 is ratified and confirmed and given effect in all respects as
32 if all provisions of law relating to the annexation proceeding
33 had been duly and legally complied with. This section shall
34 not apply to any annexation or attempted annexation which,
35 prior to ~~May 4, 2011~~, the effective date of the act adding
36 this language, has been held invalid by the Supreme Court of
37 Alabama or by the Court of Civil Appeals of Alabama or by a
38 final judgment of the circuit court in the county in which the
39 annexation was completed and from which judgment an appeal was
40 not taken to the Supreme Court of Alabama or the Court of
41 Civil Appeals of Alabama within the time provided by law for
42 taking appeals, or to any annexation the validity of which is
43 an issue in a pending action commenced prior to ~~May 4, 2011~~
44 the effective date of the act adding this language. Nothing in
45 this section shall be construed to alter the provisions of
46 Article 5, commencing at Section 11-49-80, of Chapter 49,
47 which requires a municipality to assume responsibility for
48 roads annexed into the municipality under certain
49 circumstances."

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