

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

1 SB71

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 11-42-5 of the Code of Alabama
12 1975, to validate and ratify under certain conditions any
13 municipal annexation by any municipality prior to the
14 effective date of this act notwithstanding any procedural
15 defect by the municipality.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 11-42-5 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§11-42-5.

20 "Every annexation undertaken prior to ~~May 1, 1998~~
21 the effective date of the act adding this language, under any
22 statutory procedure for annexation by any municipality and
23 which the annexation procedure has been completed,
24 notwithstanding any irregularity or defect in the procedure,
25 is ratified and confirmed and given effect in all respects as
26 if all provisions of law relating to the annexation proceeding
27 had been duly and legally complied with. This section shall

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

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

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 01-MAR-11

Read for the second time and placed on the calen-
dar 1 amendment..... 08-MAR-11

Read for the third time and passed as amended 24-MAR-11

Yeas 35
Nays 0

Patrick Harris
Secretary