

1 SB71  
2 125486-6  
3 By Senator Beason  
4 RFD: Governmental Affairs  
5 First Read: 01-MAR-11

1 SB71

2  
3  
4 ENROLLED, An Act,

5 To amend Section 11-42-5 of the Code of Alabama  
6 1975, to validate and ratify under certain conditions any  
7 municipal annexation by any municipality prior to the  
8 effective date of this act notwithstanding any procedural  
9 defect by the municipality.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 11-42-5 of the Code of Alabama  
12 1975, is amended to read as follows:

13 "§11-42-5.

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB71

Senate 24-MAR-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

---

House of Representatives  
Passed: 28-APR-11

---

By: Senator Beason