- 1 HB157
- 2 115222-5
- 3 By Representative Black
- 4 RFD: County and Municipal Government
- 5 First Read: 12-JAN-10

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 11-42-5 of the Code of Alabama
9	1975, to validate and ratify under certain conditions any
10	municipal annexation by any municipality prior to the
11	effective date of this act notwithstanding any procedural
12	defect by the municipality.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 11-42-5 of the Code of Alabama
15	1975, is amended to read as follows:
16	"§11-42-5.
17	"Every annexation undertaken prior to May 1, 1998
18	the effective date of the act adding this language, under any
19	statutory procedure for annexation by any municipality and
20	which the annexation procedure has been completed,
21	notwithstanding any irregularity or defect in the procedure,
22	is ratified and confirmed and given effect in all respects as
23	if all provisions of law relating to the annexation proceeding
24	had been duly and legally complied with. This section shall
25	not apply to any annexation or attempted annexation which,
26	prior to $\frac{May}{1}$ , $\frac{1998}{1}$ the effective date of the act adding this

1 language, has been held invalid by the Supreme Court of Alabama or by the Court of Civil Appeals of Alabama or by a 3 final judgment of the circuit court in the county in which the annexation was completed and from which judgment an appeal was not taken to the Supreme Court of Alabama or the Court of 5 6 Civil Appeals of Alabama within the time provided by law for 7 taking appeals, or to any annexation the validity of which is an issue in a pending action commenced prior to May 1, 1998 8 9 the effective date of the act adding this language. Nothing in 10 this section shall be construed to alter the provisions of Article 5, commencing at Section 11-49-80, of Chapter 49, 11 12 which requires a municipality to assume responsibility for roads annexed into the municipality under certain 13 circumstances." 14 15 Section 2. This act shall become effective 16 immediately upon its passage and approval by the Governor, or 17 its otherwise becoming law.

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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on County and Mu- nicipal Government
9 10 11	Read for the second time and placed on the calendar with 1 substitute and 21-JAN-10
13 14 15	Read for the third time and passed as amended
16 17 18 19	Greg Pappas Clerk