

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



Enrolled, An Act,

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
which the annexation procedure has been completed,
notwithstanding any irregularity or defect in the procedure,
is ratified and confirmed and given effect in all respects as
if all provisions of law relating to the annexation proceeding
had been duly and legally complied with. This section shall
not apply to any annexation or attempted annexation which,
prior to ~~May 4, 2011, the effective date of the act adding~~
this language, has been held invalid by the Supreme Court of
Alabama or by the Court of Civil Appeals of Alabama or by a
final judgment of the circuit court in the county in which the



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.



HB48 Enrolled

43
44
45

46 Speaker of the House of Representatives
47

48
49
50

51 President and Presiding Officer of the Senate
52

53
54

55 House of Representatives

56
57

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

58
59

John Treadwell
Clerk

60
61

62
63
64

65

66

67

68 Senate 18-May-23 Passed