

1 HB228
2 208758-2
3 By Representative Meadows (Constitutional Amendment)
4 RFD: Montgomery County Legislation
5 First Read: 02-FEB-21
6 PFD: 02/01/2021

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, to provide that the Judge of Probate of Montgomery County would be required to be an attorney licensed in this state.

Also, under existing law, the circuit courts of the state have jurisdiction over equitable matter.

This bill would propose an amendment to the Constitution of Alabama of 1901, which would allow the Judge of Probate of Montgomery County to exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Montgomery County if the judge of probate is an attorney licensed to practice law in the State of Alabama.

A BILL
TO BE ENTITLED
AN ACT

1 To propose an amendment to the Constitution of
2 Alabama of 1901, to provide that the Judge of Probate of
3 Montgomery County would be required to be an attorney licensed
4 in this state and to authorize the Judge of Probate of
5 Montgomery County to exercise equity jurisdiction concurrent
6 with that of the circuit court in cases originally filed in
7 the Probate Court of Montgomery County if the judge of probate
8 is an attorney licensed to practice law in the State of
9 Alabama.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. The following amendment to the
12 Constitution of Alabama of 1901, is proposed and shall become
13 valid as a part of the Constitution when all requirements of
14 this act are fulfilled:

15 PROPOSED AMENDMENT

16 (a) The Judge of Probate of Montgomery County shall
17 be an attorney licensed to practice law in this state
18 effective upon the election or appointment of any judge of
19 probate after the ratification of the amendment.

20 (b) The Judge of Probate of Montgomery County may
21 exercise equity jurisdiction concurrent with that of the
22 circuit court in cases originally filed in the Probate Court
23 of Montgomery County if the judge of probate is an attorney
24 licensed to practice law in the State of Alabama. In any case
25 subject to this amendment, the judge of probate shall possess
26 the power and authority of a circuit court judge trying the
27 case and the case shall be treated in all respects in the same

1 manner as a case filed in circuit court. The Alabama Rules of
2 Civil Procedure shall apply in the cases except as otherwise
3 specifically provided by law. This amendment is
4 self-executing, but the Legislature may enact additional laws
5 to implement this amendment if needed.

6 Section 2. The appropriate election official shall
7 assign a ballot number for the proposed constitutional
8 amendment on the election ballot and shall set forth the
9 following description of the substance or subject matter of
10 the proposed constitutional amendment:

11 "Relating to Montgomery County, proposing an
12 amendment to the Constitution of Alabama of 1901, to provide
13 that the Judge of Probate of Montgomery County would be
14 required to be an attorney licensed in this state and to
15 authorize the Judge of Probate of Montgomery County to
16 exercise equity jurisdiction concurrent with that of the
17 circuit court in cases originally filed in the Probate Court
18 of Montgomery County if the Judge of Probate is an attorney
19 licensed to practice law in the State of Alabama.

20 "Proposed by Act _____"

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."