

HB70 INTRODUCED



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2 By Representatives Rehm, Lee, Sorrells, Clouse (N & P)

3 RFD: Local Legislation

4 First Read: 07-Mar-23

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A BILL
TO BE ENTITLED
AN ACT

Relating to Houston County; to authorize the appointment of temporary judges of probate to serve contemporaneously with the judge of probate under certain circumstances; and to provide for compensation for temporary judges of probate under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Judge of Probate of Houston County may appoint from the qualified electors of Houston County one or more temporary judges of probate to serve contemporaneously with him or her when the elected judge of probate finds that the temporary appointments are necessary due to calendar congestion, complexity of issues, the prospects of an unduly long trial, or caseload management.

(b) No temporary appointment shall be for a term longer than 90 days.

(c) A temporary judge of probate may be appointed for as many successive 90-day periods or fractions thereof as might be necessary, but shall not serve more than 200 days during any fiscal year.



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29 (d) Any qualified employee of the court who is licensed
30 to practice law in the state is eligible for an appointment as
31 a temporary judge of probate.

32 (e) All temporary judges of probate shall have the
33 jurisdiction and authority and shall discharge the duties of
34 the judge or probate, and the judgments, orders, and decrees
35 made or rendered by any temporary judge of probate shall be
36 entered on the records of the probate court and shall have the
37 force and effect and be subject to revision or appeal or other
38 revisory remedy of judgments, orders, and decrees of the
39 probate court or of the judge of probate.

40 (f) Neither the regularly elected judge of probate, nor
41 the surety on his or her bond, shall be responsible for any of
42 the acts, failures to act, reports, or decisions made by any
43 temporary judge of probate, or any of the acts or failures to
44 act of any employee in the probate court during the tenure of
45 the temporary judge of probate.

46 (g) Compensation for temporary judges of probate shall
47 be fifty dollars (\$50) per hearing to be paid from the
48 discretionary fund of the judge of probate, unless the
49 temporary judge of probate is an employee of the court, in
50 which case the employee shall not receive any compensation
51 under the pay plan established by the rules of the Houston
52 County Personnel Board.

53 Section 2. This act shall become effective immediately
54 following its passage and approval by the Governor, or its
55 otherwise becoming law.