

1 HB138  
2 204427-1  
3 By Representative Weaver (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 04-FEB-20

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8 SYNOPSIS: Under existing law, the circuit courts of  
9 this state have jurisdiction over equitable  
10 matters.

11 This bill would propose an amendment to the  
12 Constitution of Alabama of 1901, which would allow  
13 the Judge of Probate of Bibb County to exercise  
14 equity jurisdiction concurrent with that of the  
15 circuit court in cases originally filed in the  
16 Probate Court of Bibb County if the judge of  
17 probate is a member of the Alabama State Bar.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Proposing an amendment to the Constitution of  
24 Alabama of 1901, to allow the Judge of Probate of Bibb County  
25 to exercise equity jurisdiction concurrent with that of the  
26 circuit court in cases originally filed in the Probate Court

1 of Bibb County if the judge of probate is a member of the  
2 Alabama State Bar.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the  
5 Constitution of Alabama of 1901, is proposed and shall become  
6 valid as a part of the Constitution when all requirements of  
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 The Judge of Probate of Bibb County may exercise  
10 equity jurisdiction concurrent with that of the circuit court  
11 in cases originally filed in the Probate Court of Bibb County  
12 if the judge of probate is a member of the Alabama State Bar.  
13 In any case subject to this amendment, the judge of probate  
14 shall possess the power and authority of a circuit court judge  
15 trying the case and the case shall be treated in all respects  
16 in the same manner as a case filed in circuit court. The  
17 Alabama Rules of Civil Procedure shall apply in the cases  
18 except as otherwise specifically provided by law. This  
19 amendment is self-executing, but the Legislature may enact  
20 additional laws to implement this amendment if needed.

21 Section 2. An election upon the proposed amendment  
22 shall be held in accordance with Section 284 and Section  
23 284.01 of the Constitution of Alabama of 1901, now appearing  
24 as Section 284 and Section 284.01 of the Official  
25 Recompilation of the Constitution of Alabama of 1901, as  
26 amended, and the election laws of this state.

1                   Section 3. The appropriate election official shall  
2 assign a ballot number for the proposed constitutional  
3 amendment on the election ballot and shall set forth the  
4 following description of the substance or subject matter of  
5 the proposed constitutional amendment:

6                   "Relating to Bibb County, proposing an amendment to  
7 the Constitution of Alabama of 1901, to allow the Judge of  
8 Probate of Bibb County to exercise equity jurisdiction  
9 concurrent with that of the circuit court in cases originally  
10 filed in the Probate Court of Bibb County if the Judge of  
11 Probate is a member of the Alabama State Bar.

12                   Proposed by Act \_\_\_\_\_."

13                   This description shall be followed by the following  
14 language:

15                   "Yes ( ) No ( )."