

1 HB370
2 205895-1
3 By Representatives Wadsworth and Rowe (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 03-MAR-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 Walker County to exercise
14 equity jurisdiction concurrent with that of the
15 circuit court in cases originally filed in the
16 Probate Court of Walker 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 Walker
25 County to exercise equity jurisdiction concurrent with that of
26 the circuit court in cases originally filed in the Probate

1 Court of Walker County if the judge of probate is a member of
2 the 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 Walker County may exercise
10 equity jurisdiction concurrent with that of the circuit court
11 in cases originally filed in the Probate Court of Walker
12 County if the judge of probate is a member of the Alabama
13 State Bar. In any case subject to this amendment, the judge of
14 probate shall possess the power and authority of a circuit
15 court judge trying the case and the case shall be treated in
16 all respects in the same manner as a case filed in circuit
17 court. The Alabama Rules of Civil Procedure shall apply in the
18 cases 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 Walker County, proposing an amendment
7 to the Constitution of Alabama of 1901, to allow the Judge of
8 Probate of Walker County to exercise equity jurisdiction
9 concurrent with that of the circuit court in cases originally
10 filed in the Probate Court of Walker 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 ()."