- 1 SB207
- 2 208758-2
- 3 By Senator Barfoot (Constitutional Amendment)
- 4 RFD: Local Legislation
- 5 First Read: 09-FEB-21

1	208758-2:n:12/07/2020:fc/ma LSA2020-2397R1	
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8	SYNOPSIS:	This bill would propose an amendment to the
9		Constitution of Alabama of 1901, to provide that
10		the Judge of Probate of Montgomery County would be
11		required to be an attorney licensed in this state.
12		Also, under existing law, the circuit courts
13		of the state have jurisdiction over equitable
14		matter.
15		This bill would propose an amendment to the
16		Constitution of Alabama of 1901, which would allow
17		the Judge of Probate of Montgomery County to
18		exercise equity jurisdiction concurrent with that
19		of the circuit court in cases originally filed in
20		the Probate Court of Montgomery County if the judge
21		of probate is an attorney licensed to practice law
22		in the State of Alabama.
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24		A BILL
25		TO BE ENTITLED
26		AN ACT
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To 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 and to authorize 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

- (a) The Judge of Probate of Montgomery County shall be an attorney licensed to practice law in this state effective upon the election or appointment of any judge of probate after the ratification of the amendment.
- (b) The Judge of Probate of Montgomery County may 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. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same

manner as a case filed in circuit court. The Alabama Rules of 1 2 Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is 3 self-executing, but the Legislature may enact additional laws 4 5 to implement this amendment if needed. 6 Section 2. The appropriate election official shall 7 assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the 8 following description of the substance or subject matter of 9 10 the proposed constitutional amendment: "Relating to Montgomery County, proposing an 11 amendment to the Constitution of Alabama of 1901, to provide 12 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 exercise equity jurisdiction concurrent with that of the 16 17 circuit court in cases originally filed in the Probate Court 18 of Montgomery County if the Judge of Probate is an attorney licensed to practice law in the State of Alabama. 19 "Proposed by Act " 20 21 This description shall be followed by the following 22 language:

"Yes () No ()."

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