

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

1 SB207

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4 ENROLLED, An Act,

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 PROPOSED AMENDMENT

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

24 (b) The Judge of Probate of Montgomery County may
25 exercise equity jurisdiction concurrent with that of the

1 circuit court in cases originally filed in the Probate Court
2 of Montgomery County if the judge of probate is an attorney
3 licensed to practice law in the State of Alabama. In any case
4 subject to this amendment, the judge of probate shall possess
5 the power and authority of a circuit court judge trying the
6 case and the case shall be treated in all respects in the same
7 manner as a case filed in circuit court. The Alabama Rules of
8 Civil Procedure shall apply in the cases except as otherwise
9 specifically provided by law. This amendment is
10 self-executing, but the Legislature may enact additional laws
11 to implement this amendment if needed.

12 Section 2. The appropriate election official shall
13 assign a ballot number for the proposed constitutional
14 amendment on the election ballot and shall set forth the
15 following description of the substance or subject matter of
16 the proposed constitutional amendment:

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

1 "Proposed by Act _____"

2 This description shall be followed by the following

3 language:

4 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB207

Senate 09-MAR-21

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAR-21

By: Senator Barfoot