HB132

FW695C-1

By Representative Givens (Constitutional Amendment)

RFD: Baldwin County Legislation

First Read: 07-Feb-24

SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Baldwin County, to require the Judge of Probate of Baldwin County to be an attorney licensed in this state and to further provide for the jurisdiction of the Judge of Probate of Baldwin County.

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Baldwin County, to require the Judge of Probate of Baldwin County to be an attorney licensed in this state and to authorize the Judge of Probate of Baldwin County to exercise jurisdiction concurrent with certain circuit court cases.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed and shall become valid as a part of the constitution when all requirements of this act and applicable constitutional provisions are fulfilled:

PROPOSED AMENDMENT

(a) Effective upon the election or appointment of any judge of probate after the ratification of this amendment the Judge of Probate of Baldwin County shall be an attorney licensed to practice law in this state .

(b) The Judge of Probate of Baldwin County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Baldwin County if the judge of probate is an attorney licensed to practice law in the State of Alabama. 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 Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284, 284.01, and 285 of the Constitution of Alabama of 2022, and the election laws

of this state.

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

"Relating to Baldwin County, proposing an amendment to the Constitution of Alabama of 2022, to require the Judge of Probate of Baldwin County to be an attorney licensed in this state and to authorize the judge of probate to exercise equity jurisdiction concurrent with the circuit court in cases originally filed in the Probate Court of Baldwin County.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes( ) No( )."