

1 HB51
2 164499-1
3 By Representative Lee (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 03-MAR-15
6 PFD: 02/27/2015

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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 Houston County to exercise
14 equity jurisdiction concurrent with that of the
15 circuit court in cases originally filed in the
16 Probate Court of Houston County if the judge of
17 probate is licensed to practice law in the State of
18 Alabama.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

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

1 Court of Houston County if the judge of probate is licensed to
2 practice law in the State of Alabama.

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

22 Section 2. An election upon the proposed amendment
23 shall be held in accordance with Amendment 555 to the
24 Constitution of Alabama of 1901, and the election laws of this
25 state.

26 Section 3. The appropriate election official shall
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the
2 following description of the substance or subject matter of
3 the proposed constitutional amendment:

4 "Relating to Houston County, proposing an amendment
5 to the Constitution of Alabama of 1901, to allow the Judge of
6 Probate of Houston County to exercise equity jurisdiction
7 concurrent with that of the circuit court in cases originally
8 filed in the Probate Court of Houston County if the Judge of
9 Probate is licensed to practice law in the State of Alabama.

10 Proposed by Act _____."

11 This description shall be followed by the following
12 language:

13 "Yes () No ()."