

1 SB382
2 175709-1
3 By Senator Albritton (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 05-APR-16

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8 SYNOPSIS: This bill would propose a local
9 constitutional amendment to the Constitution of
10 Alabama of 1901, to require the Judge of Probate of
11 Baldwin County to be an attorney and to authorize
12 the Probate Court of Baldwin County to exercise
13 equity jurisdiction in probate cases.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To propose a local constitutional amendment to the
20 Constitution of Alabama of 1901, relating to Baldwin County;
21 to require the Judge of Probate of Baldwin County to be an
22 attorney and to authorize the Probate Court of Baldwin County
23 to exercise equity jurisdiction in probate cases.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the
26 Constitution of Alabama of 1901, is proposed and shall become

1 valid as a part of the Constitution when all requirements of
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 (a) The Judge of Probate of Baldwin County shall be
5 an attorney licensed in this state effective upon the election
6 or appointment of any judge of probate after the ratification
7 of the amendment.

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

20 Section 2. The appropriate election official shall
21 assign a ballot number for the proposed constitutional
22 amendment on the election ballot and shall set forth the
23 following description of the substance or subject matter of
24 the proposed constitutional amendment:

25 "Relating to Baldwin County, proposing an amendment
26 to the Constitution of Alabama of 1901, to require the Judge
27 of Probate of Baldwin County to be an attorney and to

1 authorize the Probate Court of Baldwin County to exercise
2 equity jurisdiction in probate cases.

3 "Proposed by Act _____"

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."