

1 HB204
2 205159-1
3 By Representative Wadsworth (Constitutional Amendment)
4 RFD: Children and Senior Advocacy
5 First Read: 02-FEB-21
6 PFD: 01/22/2021

SYNOPSIS: This bill would propose a constitutional amendment to delete a provision giving the probate court of each county general jurisdiction over orphans' business.

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Section 6.06 of Amendment 328, as amended by Amendment 364, of the Constitution of Alabama of 1901, now appearing as Section 144 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to delete a provision giving the probate court of each county general jurisdiction over orphans' business.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 Section 6.06 of Amendment 328, as amended by
5 Amendment 364, of the Constitution of Alabama of 1901, now
6 appearing as Section 144 of the Official Recompilation of the
7 Constitution of Alabama of 1901, as amended, is amended to
8 read as follows:

9 "Amendment 364.

10 "Section 6.06. Probate court.

11 "There shall be a probate court in each county ~~which~~
12 that shall have general jurisdiction of ~~orphans' business, and~~
13 ~~of adoptions,~~ and ~~with~~ the power to grant letters
14 testamentary, and of administration, and of guardianships, and
15 shall have such further jurisdiction as may be provided by
16 law, provided, that whenever the circuit court has taken
17 jurisdiction of the settlement of any estate, it shall have
18 power to do all things necessary for the settlement of such
19 estate, including the appointment and removal of
20 administrators, executors, guardians, and trustees and
21 including action upon the resignation of either of them."

22 END OF PROPOSED AMENDMENT.

23 Section 2. An election upon the proposed amendment
24 shall be held in accordance with Sections 284 and 285 of the
25 Constitution of Alabama of 1901, now appearing as Sections 284
26 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

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

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to delete a provision giving the probate
10 court of each county general jurisdiction over orphans'
11 business.

12 "Proposed by Act _____."

13 This description shall be followed by the following
14 language:

15 "Yes () No ()."