

HB132 INTRODUCED



1 HB132
2 FW695C-1
3 By Representative Givens (Constitutional Amendment)
4 RFD: Baldwin County Legislation
5 First Read: 07-Feb-24



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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



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

33 (b) The Judge of Probate of Baldwin County may exercise
34 equity jurisdiction concurrent with that of the circuit court
35 in cases originally filed in the Probate Court of Baldwin
36 County if the judge of probate is an attorney licensed to
37 practice law in the State of Alabama. The judge of probate
38 shall possess the power and authority of a circuit court judge
39 trying the case, and the case shall be treated in all respects
40 in the same manner as a case filed in circuit court. The
41 Alabama Rules of Civil Procedure shall apply in the cases
42 except as otherwise specifically provided by law. This
43 amendment is self-executing, but the Legislature may enact
44 additional laws to implement this amendment if needed.

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

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



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57 of this state.

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

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

69 Proposed by Act ____."

70 This description shall be followed by the following
71 language:

72 "Yes() No()."