

**HB395 ENGROSSED**



1 HB395  
2 CHXKQWQ-2  
3 By Representatives Collins, Moore (P), Yarbrough, Stadthagen  
4 (Constitutional Amendment)  
5 RFD: Local Legislation  
6 First Read: 05-Mar-25



## HB395 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Morgan County, to further provide for the qualifications and jurisdiction of the judge of probate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Part 1. The Judge of Probate of Morgan County shall be an attorney licensed in this state effective for the term of office of the judge of probate beginning after the ratification of this amendment.

Part 2. The Judge of Probate of Morgan County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Morgan County if the judge of probate is licensed to practice law in the State of Alabama. In any case subject to this amendment, 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



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29 Procedure shall apply in the cases except as otherwise  
30 specifically provided by law. This amendment is  
31 self-executing, but the Legislature may enact additional laws  
32 to implement this amendment if needed.

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

42                               END PROPOSED AMENDMENT

43       Section 2. An election upon the proposed amendment  
44 shall be held in accordance with Sections 284, 284.01, and 285  
45 of the Constitution of Alabama of 2022, and the election laws  
46 of this state. The appropriate election official shall assign  
47 a ballot number for the proposed constitutional amendment on  
48 the election ballot and shall set forth the following  
49 description of the substance or subject matter of the proposed  
50 constitutional amendment:

51       "Relating to Morgan County, proposing an amendment to  
52 the Constitution of Alabama of 2022, to require the judge of  
53 probate to be an attorney licensed in this state and to  
54 authorize the judge of probate to exercise equity jurisdiction  
55 concurrent with the circuit court.

56       Proposed by Act \_\_\_\_."



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57           This description shall be followed by the following  
58 language:

59           "Yes( ) No( )."

60           Section 3. The proposed amendment shall become valid as  
61 part of the Constitution of Alabama of 2022, when approved by  
62 a majority of the qualified electors voting thereon.



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House of Representatives

Read for the first time and referred .....05-Mar-25  
to the House of Representatives  
committee on Local Legislation  
  
Read for the second time and placed .....20-Mar-25  
on the calendar:  
0 amendments  
  
Read for the third time and passed .....01-Apr-25  
as amended  
Yeas 68  
Nays 1  
Abstains 32

John Treadwell  
Clerk