

HB395 ENROLLED



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



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1 Enrolled, An Act,

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

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 PROPOSED AMENDMENT

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

14 Part 2. The Judge of Probate of Morgan County may
15 exercise equity jurisdiction concurrent with that of the
16 circuit court in cases originally filed in the Probate Court
17 of Morgan County if the judge of probate is licensed to
18 practice law in the State of Alabama. In any case subject to
19 this amendment, the judge of probate shall possess the power
20 and authority of a circuit court judge trying the case and the
21 case shall be treated in all respects in the same manner as a
22 case filed in circuit court. The Alabama Rules of Civil
23 Procedure shall apply in the cases except as otherwise
24 specifically provided by law. This amendment is
25 self-executing, but the Legislature may enact additional laws
26 to implement this amendment if needed.

27 Upon ratification of this constitutional amendment, the
28 Code Commissioner shall number and place this amendment as



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appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

END PROPOSED AMENDMENT

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

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

Proposed by Act ____."

This description shall be followed by the following language:

"Yes() No()."

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 01-Apr-25.

John Treadwell
Clerk

Senate

14-May-25

Passed