

1 HB138  
2 204427-2  
3 By Representative Weaver (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 04-FEB-20

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ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, to allow the Judge of Probate of Bibb County to exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Bibb County if the judge of probate is a member of the Alabama State Bar.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The Judge of Probate of Bibb County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Bibb County if the judge of probate is a member of the Alabama State Bar. 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 Procedure shall apply in the cases except as otherwise specifically provided by law. This

1 amendment is self-executing, but the Legislature may enact  
2 additional laws to implement this amendment if needed.

3 Section 2. An election upon the proposed amendment  
4 shall be held in accordance with Section 284 and Section  
5 284.01 of the Constitution of Alabama of 1901, now appearing  
6 as Section 284 and Section 284.01 of the Official  
7 Recompilation of the Constitution of Alabama of 1901, as  
8 amended, and the election laws of this state.

9 Section 3. The appropriate election official shall  
10 assign a ballot number for the proposed constitutional  
11 amendment on the election ballot and shall set forth the  
12 following description of the substance or subject matter of  
13 the proposed constitutional amendment:

14 "Relating to Bibb County, proposing an amendment to  
15 the Constitution of Alabama of 1901, to allow the Judge of  
16 Probate of Bibb County to exercise equity jurisdiction  
17 concurrent with that of the circuit court in cases originally  
18 filed in the Probate Court of Bibb County if the Judge of  
19 Probate is a member of the Alabama State Bar.

20 Proposed by Act \_\_\_\_\_."

21 This description shall be followed by the following  
22 language:

23 "Yes ( ) No ( )."

