

1 HB51
2 164499-2
3 By Representative Lee (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 03-MAR-15
6 PFD: 02/27/2015

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ENROLLED, An Act,

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

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 Houston County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Houston 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 Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature

1 may enact additional laws to implement this amendment if
2 needed.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Amendment 555 to the
5 Constitution of Alabama of 1901, and the election laws of this
6 state.

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

12 "Relating to Houston County, proposing an amendment
13 to the Constitution of Alabama of 1901, to allow the Judge of
14 Probate of Houston County to exercise equity jurisdiction
15 concurrent with that of the circuit court in cases originally
16 filed in the Probate Court of Houston County if the Judge of
17 Probate is licensed to practice law in the State of Alabama.

18 Proposed by Act _____."

19 This description shall be followed by the following
20 language:

21 "Yes () No ()."

