

1 HB666
2 119497-1
3 By Representative Holmes (Constitutional Amendment)
4 RFD: Montgomery County Legislation
5 First Read: 03-MAR-10

2
3
4
5
6
7
8 SYNOPSIS: Existing law provides that municipal judges
9 are appointed by the governing body of the
10 municipality.

11 This bill would propose an amendment to the
12 Constitution of Alabama of 1901, relating to the
13 City of Montgomery in Montgomery County, providing
14 that beginning with the 2011 municipal election,
15 the City of Montgomery would elect four municipal
16 judges in an at-large election to terms of four
17 years. This bill would provide that all of the
18 judges would serve part-time, and the cases before
19 the court would be divided equally among the
20 judges. This bill would also provide that the
21 salary of the judges would be set by the governing
22 body of the City of Montgomery.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Proposing an amendment to the Constitution of
2 Alabama of 1901, relating to the City of Montgomery in
3 Montgomery County; to provide for the at-large election of
4 municipal judges in the city; to provide for the election,
5 terms, duties, and salary of the judges; to provide that the
6 judges shall serve part-time; and to provide that the cases
7 before the court shall be divided equally among the judges.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 PROPOSED AMENDMENT

14 Notwithstanding Section 12-14-30, Code of Alabama
15 1975, or any other law to the contrary, beginning with the
16 2011 municipal election and every four years thereafter, the
17 City of Montgomery in Montgomery County shall elect four
18 municipal judges. The municipal judgeships shall be designated
19 Judgeship 1, Judgeship 2, Judgeship 3, and Judgeship 4. The
20 municipal judges shall be elected at large. The qualifying
21 period shall be the same as for other municipal offices. The
22 salary of the municipal judges shall be set by the governing
23 body of the city. The judges shall serve part-time and shall
24 not be prohibited from practicing law in other courts of the
25 state or otherwise engaging in the practice of law so long as
26 that practice is unrelated to the duties as a municipal judge

1 for the City of Montgomery. The cases before the municipal
2 court shall be divided evenly among the judges.

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, now appearing as Section
6 284.01 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 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 Montgomery County, proposing an
15 amendment to the Constitution of Alabama of 1901, providing
16 for the election of four municipal judges in an at-large
17 election and providing for the election, terms, duties, and
18 salary of the judges.

19 "Proposed by Act _____."

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

22 "Yes () No ()."