

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

618

By: Senator Hoofman

For An Act To Be Entitled

"AN ACT TO TRANSFER THE DUTIES OF THE COUNTY CLERK
RESPECTING CUSTODY AND MAINTENANCE OF PROBATE COURT RECORDS
TO THE CHANCERY CLERK OF PULASKI COUNTY; AND FOR OTHER
PURPOSES."

WHEREAS, jurisdiction of chancery and probate is vested in the chancery and probate courts, and the chancery-probate judges of Pulaski County perform the duties of said courts in Pulaski County, supervising custodians of the records in those respective courts; and

WHEREAS, the chancery clerk now performs the duties of the probate clerk in regard to juvenile records; and

WHEREAS, it is desirable that the duties of the county clerk respecting custody and recordkeeping of probate matters for Pulaski County be consolidated in one clerk's office to promote uniformity and easy access to records by computer,

NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The chancery clerk of Pulaski County shall henceforth serve as clerk in all probate matters and as custodian of all probate papers and records, and shall be hereafter referred to as the chancery-probate clerk. It shall henceforth be the duty of the chancery-probate clerk and his/her deputies to perform the work and services previously performed by the Pulaski County clerk and their deputies prior to February 24, 1939, and currently, in regard to matters of probate. These duties shall be performed under the direction of the chancery/probate judges.

SECTION 2. Upon the filing of each probate case, the chancery-probate

clerk in Pulaski County shall collect all fees now provided by state statute and by county ordinance regarding the filing of probate cases.

SECTION 3. The fees are taxed as costs and shall be paid into the general revenue fund of the county as otherwise provided by law.

SECTION 4. Pulaski County shall pay the salaries of personnel of the chancery-probate clerk required to keep records pursuant to this act, and shall provide office space to house the personnel needed to implement this act. Pulaski County shall appropriate and make available at least the aggregate amount of funds and office space in the future as was appropriated and provided last year for the probate clerk functions of Pulaski County. The present employees and present office space, or equivalent, shall be transferred to the chancery clerk.

SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. EMERGENCY. It is hereby found and determined by the General Assembly that appropriate uniform recordkeeping for chancery and probate courts should be established in Pulaski County and that adequate lawful funding should be provided for these purposes by Pulaski County; and that the current recordkeeping functions and lawful funding therefore is currently inadequate; and that it is immediately necessary to grant such authority to promote the orderly administration of justice. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of

the public peace, health and safety shall be in full force and effect from and after its passage and approval.