

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1696

By: Representative Wilson

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. If Pulaski County shall fail to appropriate and make available an aggregate amount of county funds and office space to be used jointly by the chancery-probate judges of Pulaski County for the employment of chancery-probate clerk personnel to implement this act, as was appropriated and provided for the probate clerk of Pulaski County for the 1988 county fiscal year, and fails to provide in each year thereafter similar support in an amount not less than the amount provided in the 1988 county fiscal year for the probate clerk, said fact shall be certified by the Pulaski County chancery-probate judges to the Treasurer of the state of Arkansas, who shall withhold from any general revenues turnback funds to the county the amount thereof. All such amounts so withheld shall be distributed by the State Treasurer to the treasurer of the county, to be made available solely for the joint use by the Pulaski County chancery-probate judges for the employment and space requirements, in the manner provided herein, of support personnel for the office of chancery-probate clerk in the same manner as if said funds had been provided by the county.

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.