

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 437

By: Senator B. Ballinger
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF
THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND
EMPLOYEES; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 21
OF THE ARKANSAS CODE CONCERNING PUBLIC
OFFICERS AND EMPLOYEES.

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

SECTION 1. Arkansas Code § 21-5-1409(b)(2), concerning salary adjustments, is amended to read as follows to make a grammatical correction:

(2) An employee whose adjusted annual salary falls below the entry pay level for the grade assigned to his or her classification shall ~~be~~ have his or her annual salary further adjusted to the entry pay level.

SECTION 2. Arkansas Code § 21-8-705 is repealed because the Code section expired December 31, 2016, under Acts 2015(1st Ex. Sess.), No. 4, § 7.

~~21-8-705. Filing of additional statement of financial interest in year in which party filing period is held.~~

~~If the party filing period under § 7-7-203 ends before January 1 of the year of the general election, a candidate for elective office shall file a statement of financial interest for the previous calendar year no later than January 31 of the year of the general election in addition to the statement~~



~~of financial interest required under § 21-8-701.~~

SECTION 3. Arkansas Code §§ 21-14-101 and 21-14-102 are amended to read as follows to use consistent terminology throughout the sections:

21-14-101. Appointment and commission.

(a)(1) The Secretary of State may appoint and commission an individual person as a notary public in this state.

(2) ~~Effective January 1, 2006,~~ a A notary public may perform notarial acts in any part of the state for a term of ten (10) years, beginning on the date of commission or the date of renewal of a commission issued by the Secretary of State.

(b) Every applicant for appointment and commission as a notary public shall complete an application to be filed with the Secretary of State stating:

(1) That he or she is:

(A) One (1) of the following:

- (i) A bona fide citizen of the United States;
- (ii) A permanent resident alien who shall file with his or her application a recorded Declaration of Domicile;
- (iii) A legal resident of Arkansas;
- (iv) A legal resident of an adjoining state and employed or operating a business in the State of Arkansas; or
- (v)(a) A nonresident spouse of a United States military service member employed or operating a business in Arkansas.

(b) One (1) copy of a United States Department of Defense DD Form 1173 or a United States Department of Defense DD Form 1173-1, otherwise known as a "Uniformed Services Identification and Privilege Card", shall be included with his or her application under this subsection;

(B) Eighteen (18) years of age or older; and

(C) Able to read and write English;

(2) The address of his or her place of employment, business, or residence in this state;

(3) That during the past ten (10) years, his or her commission as a notary public has not been revoked; and

(4) That he or she has not been convicted of a felony.

(c) The application shall be sent to the Secretary of State with a fee

of twenty dollars (\$20.00) for the notary public commission.

(d) The Secretary of State may require the applicant to demonstrate that he or she has reviewed the law concerning notaries public and understands the duties of a notary public.

(e) Every notary public shall file in the office of the recorder of deeds for the county where the notary public resides or in the case of a legal resident of an adjoining state or nonresident spouse of a United States military service member, in the county in Arkansas of his or her place of employment or business, either:

(1) A surety bond executed by a surety insurer authorized to do business in Arkansas to the state for the faithful discharge of the notary public's duties in the sum of seven thousand five hundred dollars (\$7,500), to be approved by the Secretary of State; or

(2) A surety contract guaranteeing the notary public's faithful discharge of his or her duties executed to the State of Arkansas for not more than an aggregate seven thousand five hundred dollars (\$7,500), issued by a general business corporation validly organized and formed under the laws of this state pertaining to domestic corporations and which:

(A) Has previously registered with the Insurance Commissioner on forms prescribed by the commissioner evidencing the corporation's purpose to issue only surety contracts for notaries public pursuant to the provisions of this section;

(B) Has previously deposited and thereafter maintains with the commissioner securities in the sum of not less than ten thousand dollars (\$10,000) executed to the State of Arkansas that are issued by a nonaffiliated corporate entity and are approved by the commissioner; and

(C) Is not otherwise transacting any insurance business in this state that requires compliance with the provisions of the Arkansas Insurance Code.

(f)(1) The obligation of an issuer of a bond required by subsection (e) of this section:

(A) Shall be solely to the State of Arkansas; and

(B) Is solely for the benefit of the State of Arkansas.

(2) Under no circumstances shall the aggregate liability of the issuer exceed the amount of the bond.

(3) An employer shall not cancel a surety bond of a current or

former employee even if the employer paid for the surety bond on behalf of the employee.

(g)(1) Every notary public shall sign the following declaration in the presence of the circuit clerk for the county where the notary public resides or if a legal resident of ~~another~~ an adjoining state or a nonresident spouse of a United States military service member, the circuit clerk for the county in Arkansas of his or her place of employment or business:

“I, (name of notary), solemnly swear or affirm that I have carefully read the notary laws of this state, and I will uphold the Constitutions of the United States and the State of Arkansas and will faithfully perform to the best of my ability all notarial acts in accordance with the law. (Signature of notary)

Subscribed and sworn to before me (name of circuit clerk), Circuit Clerk for the County of (name of county), State of Arkansas, on this _____ day of _____, (year).

(Signature of circuit clerk)”.

(2) The notary public shall send an executed and signed original of the declaration to the Secretary of State.

(h) ~~Effective January 1, 2006, the~~ The Secretary of State shall issue a commission number to each new notary public and to each notary public who renews his or her commission.

21-14-102. Change of residence.

(a)(1) Upon receiving notification of a change of residency, the Secretary of State shall transfer a notary public’s appointment and commission to the new county of residence in instances in which a person appointed and commissioned a notary public under § 21-14-101 changes residence to a county within this state other than the county where the notary public resided on the date of commission.

(2) Upon receiving notification of a change in place of employment, the Secretary of State shall transfer a notary public’s appointment and commission to the new county of employment in the case of a legal resident of an adjoining state or a nonresident spouse of a United States military service member changing his or her place of employment to a county within this state other than the county where the notary public was employed on the date of commission.

(b) The original bond or certified copy of the original bond from the original county of residence shall also be filed by the notary public in the new county of residence or if the notary public is a legal resident of an adjoining state or a nonresident spouse of a United States military service member, in the new county of employment in Arkansas.

SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.