

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 437

5 By: Senator B. Ballinger
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF
10 THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND
11 EMPLOYEES; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 21
16 OF THE ARKANSAS CODE CONCERNING PUBLIC
17 OFFICERS AND EMPLOYEES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 21-5-1409(b)(2), concerning salary
23 adjustments, is amended to read as follows to make a grammatical correction:

24 (2) An employee whose adjusted annual salary falls below the entry pay
25 level for the grade assigned to his or her classification shall ~~be~~ have his
26 or her annual salary further adjusted to the entry pay level.
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28 SECTION 2. Arkansas Code § 21-8-705 is repealed because the Code
29 section expired December 31, 2016, under Acts 2015(1st Ex. Sess.), No. 4, §
30 7.

31 ~~21-8-705. Filing of additional statement of financial interest in year~~
32 ~~in which party filing period is held.~~

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



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

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

5 21-14-101. Appointment and commission.

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

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

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

15 (1) That he or she is:

16 (A) One (1) of the following:

17 (i) A bona fide citizen of the United States;

18 (ii) A permanent resident alien who shall file with
19 his or her application a recorded Declaration of Domicile;

20 (iii) A legal resident of Arkansas;

21 (iv) A legal resident of an adjoining state and
22 employed or operating a business in the State of Arkansas; or

23 (v)(a) A nonresident spouse of a United States
24 military service member employed or operating a business in Arkansas.

25 (b) One (1) copy of a United States Department
26 of Defense DD Form 1173 or a United States Department of Defense DD Form
27 1173-1, otherwise known as a "Uniformed Services Identification and Privilege
28 Card", shall be included with his or her application under this subsection;

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

30 (C) Able to read and write English;

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

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

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

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

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

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

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

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

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

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

23 (B) Has previously deposited and thereafter maintains with
24 the commissioner securities in the sum of not less than ten thousand dollars
25 (\$10,000) executed to the State of Arkansas that are issued by a
26 nonaffiliated corporate entity and are approved by the commissioner; and

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

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

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

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

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

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

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

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

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

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

16 (Signature of circuit clerk)".

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

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

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23 21-14-102. Change of residence.

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

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

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

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

8 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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