

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 306 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1189

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE STATE
11 BOARD OF ELECTION COMMISSIONERS FOR THE FISCAL
12 YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

16 AN ACT FOR THE STATE BOARD OF ELECTION
17 COMMISSIONERS APPROPRIATION FOR THE
18 2009-2010 FISCAL YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
25 the State Board of Election Commissioners for the 2009-2010 fiscal year, the
26 following maximum number of regular employees whose salaries shall be
27 governed by the provisions of the Uniform Classification and Compensation Act
28 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
29 thereto. Provided, however, that any position to which a specific maximum
30 annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2009-2010
(1)	N131N	SBEC DIRECTOR	1	GRADE N903
(2)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
(3)	G097C	SBEC DEPUTY DIRECTOR	1	GRADE C122
(4)	G119C	SBEC EDUCATIONAL SERVICES MANAGER	1	GRADE C120
(5)	G162C	SBEC ELECTION COORDINATOR	2	GRADE C118
(6)	C037C	ADMINISTRATIVE ANALYST	<u>1</u>	GRADE C115
MAX. NO. OF EMPLOYEES			7	

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the State Board of Election Commissioners, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the State Board of Election Commissioners for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 363,789
(02) PERSONAL SERVICES MATCHING	103,570
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	108,060
(B) CONF. & TRAVEL	3,000
(C) PROF. FEES	5,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 583,419</u>

SECTION 3. APPROPRIATION - ELECTION EXPENSES. There is hereby appropriated, to the State Board of Election Commissioners, to be payable from the Miscellaneous Agencies Fund Account, for covering the costs of election expenses by the State Board of Election Commissioners for the fiscal year ending June 30, 2010, the sum of\$2,493,500.

1 SECTION 4. APPROPRIATION - NONPARTISAN JUDICIAL GENERAL ELECTIONS. There
2 is hereby appropriated, to the State Board of Election Commissioners, to be
3 payable from the Judicial Filing Fee Fund, for covering the costs of election
4 expenses by the State Board of Election Commissioners for the fiscal year
5 ending June 30, 2010, the sum of\$800,000.

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7 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
9 FORWARD – ELECTION EXPENSES. At the close of the fiscal year ending June 30,
10 ~~2008~~ 2010, any unexpended balance of monies provided for Election Expenses,
11 shall be transferred forward and made available for the same purpose for the
12 fiscal year ending June 30, ~~2009~~ 2011.

13 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
14 authorized herein, may be carried forward under the following conditions:

15 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
16 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
17 funding to the Department of Finance and Administration Office of Budget;

18 (2) The Department of Finance and Administration Office of Budget shall
19 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
20 ~~the first fiscal year of the biennium to the second fiscal year of the~~
21 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
22 Committee meeting ~~in the second fiscal year of the biennial period~~ which
23 report shall include the name of the Agency, Board, Commission or Institution
24 and the amount of the ~~appropriation and/or~~ funding carried forward ~~from the~~
25 ~~first fiscal year to the second fiscal year~~, the program name or line item,
26 the funding source of that appropriation and a copy of the written request
27 set forth in (1) above;

28 (3) Each Agency, Board, Commission or Institution shall provide a written
29 report to the Arkansas Legislative Council or Joint Budget Committee
30 containing all information set forth in item (2) above, along with a written
31 statement as to the current status of the project, contract, purpose etc. for
32 which the carry forward was originally requested no later than thirty (30)
33 days prior to the time the Agency, Board, Commission or Institution presents
34 its budget request to the Arkansas Legislative Council/Joint Budget
35 Committee; and

36 (4) Thereupon, the Department of Finance and Administration shall include

1 all information obtained in item (3) above in the biennial budget manuals
 2 and/or a statement of non-compliance by the Agency, Board, Commission or
 3 Institution.

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 5 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF
 7 ELECTION EXPENSES APPROPRIATION. The funds appropriated for Election
 8 Expenses may be used to cover the expenses of the State Board of Election
 9 Commissioners and the county election commissions to conduct presidential
 10 preferential primary elections, preferential primary elections, general
 11 primary elections, special primary elections, nonpartisan judicial general
 12 elections, and statewide special elections.

13 The provisions of this section shall be in effect only from July 1,
 14 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

15
 16 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 18 OF FUNDS. If the State Board of Election Commissioners is required to pay the
 19 expenses for any statewide special election or special primary election and
 20 funds are not available to pay for such elections, the Director of the State
 21 Board of Election Commissioners shall certify to the Chief Fiscal Officer of
 22 the State the amount needed to pay the expenses of the election(s). Upon the
 23 approval of the Chief Fiscal Officer of the State, the amount certified shall
 24 be transferred from the Budget Stabilization Trust Fund to the Miscellaneous
 25 Agencies Fund Account of the State Board of Election Commissioners. All
 26 unused funds transferred under this provision shall be transferred back to
 27 the Budget Stabilization Trust Fund at the end of each fiscal ~~biennium~~-year.
 28 The Chief Fiscal Officer of the State shall initiate the necessary transfer
 29 documents to reflect all such transfers upon the fiscal records of the State
 30 Auditor, the State Treasurer and the Chief Fiscal Officer of the State.

31 The provisions of this section shall be in effect from July 1, 2009 through
 32 June 30, 2010.

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 34 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 35 by this act shall be limited to the appropriation for such agency and funds
 36 made available by law for the support of such appropriations; and the

1 restrictions of the State Procurement Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal
4 control laws of this State, where applicable, and regulations promulgated by
5 the Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

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8 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly
9 that any funds disbursed under the authority of the appropriations contained
10 in this act shall be in compliance with the stated reasons for which this act
11 was adopted, as evidenced by the Agency Requests, Executive Recommendations
12 and Legislative Recommendations contained in the budget manuals prepared by
13 the Department of Finance and Administration, letters, or summarized oral
14 testimony in the official minutes of the Arkansas Legislative Council or
15 Joint Budget Committee which relate to its passage and adoption.

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17 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
18 Assembly, that the Constitution of the State of Arkansas prohibits the
19 appropriation of funds for more than a one (1) year period; that the
20 effectiveness of this Act on July 1, 2009 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the Regular Session, the delay in the effective
23 date of this Act beyond July 1, 2009 could work irreparable harm upon the
24 proper administration and provision of essential governmental programs.
25 Therefore, an emergency is hereby declared to exist and this Act being
26 necessary for the immediate preservation of the public peace, health and
27 safety shall be in full force and effect from and after July 1, 2009.

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29 **APPROVED: 3/04/2009**
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