

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

As Engrossed: H2/27/12

A Bill

HOUSE BILL 1147

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE SECRETARY
10 OF STATE FOR THE FISCAL YEAR ENDING JUNE 30,
11 2013; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE SECRETARY OF STATE
15 APPROPRIATION FOR THE 2012-2013 FISCAL
16 YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the Secretary of State for the 2012-2013 fiscal year, the following
24 maximum number of regular employees.
25

Item No.	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
30 (1)	SEC OF STATE CHIEF DEPUTY	1	\$107,578
31 (2)	SEC OF STATE DEPUTY	2	\$98,082
32 (3)	SEC OF STATE GENERAL COUNSEL	1	\$86,528
33 (4)	SEC OF STATE SENIOR INFO TECHNICIAN	1	\$84,128
34 (5)	SEC OF STATE INFO TECHNICIAN	1	\$81,342
35 (6)	SEC OF STATE DEPARTMENT DIRECTOR	7	\$78,977
36 (7)	SEC OF STATE ASSOCIATE COUNSEL	1	\$78,977



1	(8)	SEC OF STATE CAPITOL POLICE CHIEF	1	\$78,977
2	(9)	SEC OF STATE SYSTEMS ANALYST	1	\$67,838
3	(10)	SEC OF STATE PUBLIC EVENTS COORDINATOR	1	\$66,364
4	(11)	SEC OF STATE CAPITOL POLICE CAPTAIN	1	\$65,779
5	(12)	SEC OF STATE SENIOR SUPERVISOR	1	\$65,000
6	(13)	SEC OF STATE DEPARTMENT MANAGER	1	\$64,042
7	(14)	SEC OF STATE BUDGET ANALYST	1	\$63,000
8	(15)	SEC OF STATE PROGRAMMER ANALYST	1	\$60,990
9	(16)	SEC OF STATE ASSISTANT DIR ELECTIONS	2	\$60,484
10	(17)	SEC OF STATE POLICE SERGEANT	3	\$57,698
11	(18)	SEC OF STATE TRADE SUPERVISOR	2	\$57,520
12	(19)	SEC OF STATE FINANCE MANAGER	1	\$57,000
13	(20)	SEC OF STATE INFO TECH ANALYST	1	\$56,524
14	(21)	SEC OF STATE ELECTION COORDINATOR	5	\$55,214
15	(22)	SEC OF STATE DEPARTMENT SUPERVISOR	2	\$55,116
16	(23)	SEC OF STATE MASTER TRADESPERSON	2	\$52,857
17	(24)	SEC OF STATE CREATIVE SPECIALIST III	1	\$52,823
18	(25)	SEC OF STATE INFO TECH ADMINISTRATOR	3	\$52,786
19	(26)	SEC OF STATE PROJECT COORDINATOR	2	\$52,142
20	(27)	SEC OF STATE CUSTOMER SVCS COORD III	3	\$50,742
21	(28)	SEC OF STATE BUSINESS ACCOUNTANT II	3	\$50,195
22	(29)	SEC OF STATE INFO TECH SPECIALIST	2	\$49,478
23	(30)	SEC OF STATE CUSTOMER SVCS COORD II	3	\$48,927
24	(31)	SEC OF STATE CORPORAL	16	\$48,541
25	(32)	SEC OF STATE CREATIVE SPECIALIST II	2	\$48,470
26	(33)	SEC OF STATE VOTER SVCS ADMINISTRATOR	2	\$48,470
27	(34)	SEC OF STATE EXECUTIVE ASSISTANT	4	\$47,928
28	(35)	SEC OF STATE BLDG SVCS COORDINATOR	1	\$46,928
29	(36)	SEC OF STATE CUSTOMER SVCS COORD I	1	\$46,928
30	(37)	SEC OF STATE BLDG & GRND SUPERV II	2	\$46,911
31	(38)	SEC OF STATE MAINTENANCE WORKER II	3	\$44,243
32	(39)	SEC OF STATE TRADESPERSON	2	\$43,587
33	(40)	SEC OF STATE CORPORATIONS REP III	4	\$42,410
34	(41)	SEC OF STATE RECORDS SPECIALIST	2	\$41,546
35	(42)	SEC OF STATE BLDG & GRND SUPERVISOR I	1	\$41,484
36	(43)	SEC OF STATE CREATIVE SPECIALIST I	2	\$40,960

1	(44)	SEC OF STATE INMATE CREW GUARD II	1	\$40,841
2	(45)	SEC OF STATE ADMINISTRATIVE ASST III	6	\$40,335
3	(46)	SEC OF STATE ADMINISTRATIVE ASST II	3	\$38,618
4	(47)	SEC OF STATE ACCOUNTANT I	1	\$38,248
5	(48)	SEC OF STATE BUSINESS ASSISTANT I	3	\$37,778
6	(49)	SEC OF STATE CORPORATIONS REP II	12	\$36,337
7	(50)	SEC OF STATE ADMINISTRATIVE ASST I	2	\$35,968
8	(51)	SEC OF STATE INMATE CREW GUARD I	4	\$35,562
9	(52)	SEC OF STATE MAINTENANCE WORKER I	5	\$34,729
10	(53)	SEC OF STATE CORPORATIONS REP I	4	\$33,370
11	(54)	SEC OF STATE CUSTODIAN II	1	\$32,389
12	(55)	SEC OF STATE DISPATCHER	3	\$31,278
13	(56)	SEC OF STATE CUSTODIAN I	8	\$28,282
14	(57)	SEC OF STATE BLDG SVCS REPRESENTATIVE	2	\$28,282
15	(58)	SEC OF STATE HOUSEKEEPER	6	\$27,480
16	(59)	SEC OF STATE MAIL CLERK	1	\$27,462
17	(60)	SEC OF STATE RECEPTIONIST I	<u>1</u>	\$26,920
18		MAX. NO. OF EMPLOYEES	162	

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20 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 21 the Secretary of State - Operations for the 2012-2013 fiscal year, the
 22 following maximum number of part-time or temporary employees, to be known as
 23 "Extra Help", payable from funds appropriated herein for such purposes:
 24 forty-five (45) temporary or part-time employees, when needed, at rates of
 25 pay not to exceed those provided in the Uniform Classification and
 26 Compensation Act, or its successor, or this act for the appropriate
 27 classification.

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29 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 30 to the Secretary of State, to be payable from the State Central Services
 31 Fund, for personal services and operating expenses of the Secretary of State
 32 - Operations for the fiscal year ending June 30, 2013, the following:

33

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2012-2013</u>
36	(01) REGULAR SALARIES	\$7,680,111

1	(02) EXTRA HELP	144,909
2	(03) PERSONAL SERVICES MATCHING	2,325,019
3	(04) OVERTIME	33,000
4	(05) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	3,002,396
6	(B) CONF. & TRAVEL	65,651
7	(C) PROF. FEES	205,956
8	(D) CAP. OUTLAY	251,500
9	(E) DATA PROC.	0
10	(06) MANDATORY PUBLICATIONS	214,038
11	(07) PETITION VERIFICATION	200,000
12	(08) PUBLISH LEGAL NOTICES	650,000
13	(09) RECORDS MANAGEMENT	933,977
14	(10) STATEWIDE VOTER REGISTRATION SYSTEM	1,438,029
15	(11) FLAGS	181,250
16	(12) CAPITOL GROUNDS IMPROVEMENT	161,184
17	(13) SPECIAL MAINTENANCE	488,048
18	(14) BUILDING INSURANCE	<u>223,278</u>
19	TOTAL AMOUNT APPROPRIATED	<u>\$18,198,346</u>

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21 SECTION 4. APPROPRIATION - HELP AMERICA VOTE ACT - TITLE 2 - FEDERAL.

22 There is hereby appropriated, to the Secretary of State, to be payable from
 23 the federal funds as designated by the Chief Fiscal Officer of the State, for
 24 expenditures requiring state matching for maintenance, operating expenses and
 25 associated costs for the Help America Vote Act for the fiscal year ending
 26 June 30, 2013, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2012-2013</u>
30	(01) HELP AMERICA VOTE ACT	<u>\$5,490,000</u>

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32 SECTION 5. APPROPRIATION - HELP AMERICA VOTE ACT - STATE. There is
 33 hereby appropriated, to the Secretary of State, to be payable from the cash
 34 fund deposited in the State Treasury as determined by the Chief Fiscal
 35 Officer of the State, for state match for maintenance and operating expenses
 36 and associated costs for the Help America Vote Act for the fiscal year ending

1 June 30, 2013, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2012-2013</u>
5 (01) HELP AMERICA VOTE ACT - STATE MATCH	<u>\$700,000</u>

6

7 SECTION 6. APPROPRIATION - ELECTION ASSISTANCE FOR DISABLED - FEDERAL.

8 There is hereby appropriated, to the Secretary of State, to be payable from
9 the federal funds as designated by the Chief Fiscal Officer of the State, for
10 grants, aid and professional fees and services for election assistance for
11 the disabled for the fiscal year ending June 30, 2013, the following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2012-2013</u>
15 (01) ELECTION ASSISTANCE FOR THE DISABLED	<u>\$196,398</u>

16

17 SECTION 7. APPROPRIATION - CAPITOL GROUNDS MONUMENT/MEMORIAL

18 PRESERVATION. There is hereby appropriated, to the Secretary of State, to be
19 payable from the Capitol Grounds Monument And Memorial Preservation Fund, for
20 various construction and operating expenses for the preservation of Monuments
21 and Memorials on the State Capitol Grounds by the Secretary of State for the
22 fiscal year ending June 30, 2013, the following:

23

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2012-2013</u>
26 (01) VARIOUS OPERATING & CONSTRUCTION 27 EXPENSES FOR MONUMENT/MEMORIAL 28 PRESERVATION	<u>\$50,000</u>

29

30 SECTION 8. APPROPRIATION - ARKANSAS STATE CAPITOL BUILDING AND GROUNDS

31 RESTORATION - CASH. There is hereby appropriated, to the Secretary of State,
32 to be payable from the cash fund deposited in the State Treasury as
33 determined by the Chief Fiscal Officer of the State, from contributions and
34 donations for maintenance and restoration projects by the Secretary of State
35 for the fiscal year ending June 30, 2013, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2012-2013</u>
3	(01) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	\$25,000
5	(B) CONF. & TRAVEL	0
6	(C) PROF. FEES	0
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$25,000</u></u>

10

11 SECTION 9. APPROPRIATION - PARKING - CASH. There is hereby
 12 appropriated, to the Secretary of State, to be payable from cash funds as
 13 defined by Arkansas Code 19-4-801 of the Secretary of State, for various
 14 operating and associated expenses for parking activity, major emergency
 15 repairs necessary to continue agency operations and security of the premises
 16 of the Secretary of State for the fiscal year ending June 30, 2013, the
 17 following:

18

19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2012-2013</u>
21	(01) VARIOUS PARKING, MAJOR EMERGENCIES &	
22	SECURITY EXPENSES	<u><u>\$375,000</u></u>

23

24 SECTION 10. APPROPRIATION - FEE AND TAX REFUNDS. There is hereby
 25 appropriated, to the Secretary of State, to be payable from the Miscellaneous
 26 Revolving Fund, for refunds and reimbursements of corporate filing fees and
 27 franchise taxes for the fiscal year ending June 30, 2013, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2012-2013</u>
31	(01) REFUNDS/REIMBURSEMENTS	<u><u>\$450,000</u></u>

32

33 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 35 REIMBURSEMENT. The Miscellaneous Revolving Fund shall be reimbursed in the
 36 manner provided by law.

1 The provisions of this section shall be in effect only from July 1, ~~2010~~
2 2012 through June 30, ~~2011~~ 2013.

3
4 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
6 CAPITOL POLICE. In the event that sufficient revenues, in the judgment of
7 the Secretary of State exist, the Secretary is hereby authorized to make
8 additional salary payments from such funds to those employees who have
9 attained law enforcement certification above the basic certificate level, as
10 defined by the Arkansas Commission on Law Enforcement Standards. It is the
11 intent of this Section that such payment shall be optional, at the discretion
12 of the Secretary, dependent on sufficient revenues and shall not be
13 implemented using funds specifically set aside for other programs within the
14 Department.

15 Employees shall be eligible for all or a portion of additional salary
16 payments scheduled as follows:

- 17 I. General Certificate - \$ 300 annually
18 II. Intermediate Certificate - \$ 600 annually
19 III. Advanced Certificate - \$ 900 annually
20 IV. Senior Certificate - \$1,200 annually

21 Payment of such funds may be made monthly, quarterly, semiannually or
22 annually depending upon the availability of revenues and shall be restricted
23 to the following classifications:

- 24 1. Sec. of State Capitol Police Chief
25 2. Sec. of State Police Sergeant
26 3. Sec. of State Corporal
27 4. Sec. of State ~~Assistant Chief~~ Capitol Police Captain

28 Payments made under this Section which are awarded as partial or lump
29 sum payments shall not be considered as salary for purposes of retirement
30 benefits but shall be subject to withholding of all applicable federal and
31 state taxes. Payments made under this Section shall not be construed as
32 exceeding the maximum annual salary of the employee.

33 The provisions of this section shall be in effect only from July 1, ~~2010~~
34 2012 through June 30, ~~2011~~ 2013.

35
36 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 PROVISION. After receiving approval from the Chief Fiscal Officer of the
3 State, and prior review by the Arkansas Legislative Council, the Agency is
4 authorized to transfer appropriation from any line item authorized in Section
5 3 ~~Central Operations~~ to any other line item authorized in Section 3 and the
6 ~~Agency is authorized to transfer appropriation from any line item authorized~~
7 ~~in Section 6 Support Operations to any other line item authorized in Section~~
8 ~~6.~~

9 The provisions of this section shall be in effect only from July 1, 2010
10 2012 through June 30, ~~2011~~ 2013.

11
12 *SECTION 14. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 18-50-*
13 *116, concerning miscellaneous provisions governing statutory foreclosures, is*
14 *amended to add an additional subsection to read as follows:*

15 *(f) The holder or the mortgage loan servicer for the holder of a note*
16 *secured by a mortgage or deed of trust is not required to register with the*
17 *Secretary of State or to obtain a certificate of authority to transact*
18 *business in this state in order to enforce the mortgage or deed of trust*
19 *under this chapter or any other law of this state.*

20
21 *SECTION 15. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 18-50-*
22 *117 is repealed.*

23 ~~*18-50-117. Foreign corporations and other entities,*~~
24 ~~*No person, firm, company, association, fiduciary, or partnership,*~~
25 ~~*either domestic or foreign, shall avail themselves of the procedures under*~~
26 ~~*this chapter unless authorized to do business in this state.*~~

27
28 *SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds*
29 *authorized by this act shall be limited to the appropriation for such agency*
30 *and funds made available by law for the support of such appropriations; and*
31 *the restrictions of the State Procurement Law, the General Accounting and*
32 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
33 *Procedures and Restrictions Act, or their successors, and other fiscal*
34 *control laws of this State, where applicable, and regulations promulgated by*
35 *the Department of Finance and Administration, as authorized by law, shall be*
36 *strictly complied with in disbursement of said funds.*

1
2 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General
3 Assembly that any funds disbursed under the authority of the appropriations
4 contained in this act shall be in compliance with the stated reasons for
5 which this act was adopted, as evidenced by the Agency Requests, Executive
6 Recommendations and Legislative Recommendations contained in the budget
7 manuals prepared by the Department of Finance and Administration, letters, or
8 summarized oral testimony in the official minutes of the Arkansas Legislative
9 Council or Joint Budget Committee which relate to its passage and adoption.

10
11 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2012, is essential to the operation of
15 the agency for which the appropriations in this Act are provided; with the
16 exception that Sections 14 and 15 in this Act shall be in full force and
17 effect from and after the date of its passage and approval, and that in the
18 event of an extension of the legislative session, the delay in the effective
19 date of this Act beyond July 1, 2012 could work irreparable harm upon the
20 proper administration and provision of essential governmental programs; with
21 the exception that Sections 14 and 15 in this Act shall be in full force and
22 effect from and after the date of its passage and approval. That with respect
23 to sections 14 and 15 of this Act, to implement the decisions embodied by the
24 cases of In re Johnson, Peeks, and Estes, 460 B.R. 234 (Bkctcy E. D. Ark.
25 2011), would result in an exponential increase in registrations and require a
26 considerable amount of additional money and staff and a much larger
27 appropriation to the Secretary of State; that additional moneys are not
28 available for this purpose; that the General Assembly is against growing
29 state government under current financial conditions and budgetary
30 constraints; that the failure to enact sections 14 and 15 of this Act will
31 place an immediate undue financial burden and hardship on the state's budget
32 and the Secretary of State. Therefore, an emergency is hereby declared to
33 exist and, being necessary for the immediate preservation of the public
34 peace, health, and safety, all sections other than sections 14 and 15 of this
35 Act shall be in full force and effect from on and after July 1, 2012, and
36 that sections 14 and 15 of this Act shall become effective on:

- 1 (1) The date of their approval by the Governor;
- 2 (2) If the bill is neither approved nor vetoed by the Governor,
- 3 the expiration of the period of time during which the Governor may veto the
- 4 bill; or
- 5 (3) If the bill is vetoed by the Governor and the veto is
- 6 overridden, the date the last house overrides the veto.

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/s/Joint Budget Committee