

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1485

"AN ACT TO AMEND ARKANSAS LAW CONCERNING THE POWERS AND DUTIES OF
ELECTION OFFICIALS AND ELECTION OFFICERS."

Amendment No. 1 to House Bill No. 1485.

Amend House Bill No. 1485 as engrossed, H3/16/09 (version: 03-16-2009 12:11):

Add Senator Faris as a cosponsor of the bill.

AND

Page 23, line 31, delete "Conduct an annual forum" and substitute "Conduct meetings"

AND

Page 23, line 35, delete "forum" and substitute "meetings"

AND

Page 30, delete line 33 and substitute the following:
"this section unless its county election coordinator is"

AND

Page 31, delete line 30 and substitute the following:
"equal to the excess for the administration of elections in"

AND

Page 46, delete lines 19 through 25 and substitute the following:
"SECTION 4. Arkansas Code Title 19, Chapter 5, Subchapter 12 is amended to add an additional section to read as follows:
19-5-1236. General Elections Reimbursement Fund.
(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "General Elections Reimbursement Fund".
(b)(1) The fund shall consist of filing and indexing fees collected under:



- (A) § 4-9-525(a)(1);
- (B) § 4-9-525(b)(6);
- (C) § 4-9-525(d)(1) and (2); and
- (D) Other funds as may be appropriated.

(2) The fund shall be used to cover the cost of general election expenses of the State Board of Election Commissioners under § 7-5-104.

SECTION 5. TEMPORARY LANGUAGE – DO NOT CODIFY. (a) The requirements of § 7-4-112(a) and (d) are not mandatory until May 21, 2012, unless appropriation and funding is authorized by law in the amount of at least one million five hundred thousand dollars (\$1,500,000) from the General Improvement Fund to the State Board of Election Commissioners to reimburse the counties for costs of conducting the general election in 2010.

(b) If the funding under subsection (a) of this section is provided, § 7-4-112(a) and (d) are mandatory as of May 18, 2010.

SECTION 6. Acts 2003, No. 1473, § 3, concerning the requirement that the Secretary of State periodically report the number of filing and indexing fees collected, is amended to read as follows:
The Secretary of State shall ~~report~~ periodically remit to the Treasurer of State the ~~number of~~ filing and indexing fees collected under Arkansas Code § 4-9-525(a)(1) during the period from July 1, 2001, through June 30, 2013, and the Treasurer of State shall deposit ~~twelve dollars (\$12.00)~~ of every such fee in a separate account for the benefit of those circuit clerks who qualify under this section into the General Elections Reimbursement Fund. The ~~proceeds in the account shall be distributed by the Treasurer of State at least quarterly to the county recorder cost fund of the counties of~~ qualifying circuit clerks in the proportion that the total of the filing and indexing fees (other than fees charged solely for filing records related to collateral which is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer or crops growing or to be grown) collected by each qualifying clerk in calendar year 1999 under former chapter 9 of the Uniform Commercial Code bears to the total of those same filing and indexing fees collected by all qualified distributees. Said calculations shall be determined in a reasonable manner. The clerks qualified to share in these distributions shall be the circuit clerks of the counties who file with the Treasurer of State no later than September 1, 2001 a sworn record stating the total amount of the relevant indexing and filing fees of the kind described in this section collected by said clerks in 1999, and the Treasurer of State shall use these sworn records in computing the pro rata share of each ~~qualified distributee~~ The fund shall be used by the State Board of Election Commissioners to cover the reimbursement of election expenses.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that with the implementation of new election procedures, the funds that will proceed from the establishment of the new fund established by this act are necessary to pay for general elections; and that this act is immediately necessary in order to implement the new procedures for election administration so that the procedures are in place for the upcoming elections. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace,

health, and safety shall become effective on May 1, 2009."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Faris

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Secretary