

JBC STAFF FISCAL ANALYSIS SENATE APPROPRIATIONS COMMITTEE

CONCERNING THE SECRETARY OF STATE'S ON-LINE BUSINESS FILING SYSTEM, AND, IN CONNECTION THEREWITH, AUTHORIZING ENHANCEMENTS TO THE SYSTEM, THE DESIGNATION OF COMMERCIAL REGISTERED AGENTS, AND CHANGES TO A REPORTING ENTITY'S ANNIVERSARY MONTH.

Prime Sponsors: Senator Renfroe
Representative Brown

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Date Prepared: April 5, 2012

Summary of Amendments Made to the Bill After the 02/10/12 Legislative Council Staff Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

☒ **XXX** **Concurs** ☐ **Does Not Concur** ☐ **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$525,788 cash funds from the Department of State Cash Fund in FY 2012-13 for the Department of State to begin making the enhancements to the Department's computer systems.

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

1. As noted in the Legislative Council Staff Fiscal Note, the Department will require an additional \$1,473,470 cash funds in FY 2013-14 and FY 2014-15 to implement this bill.
2. The FY 2012-13 Long Bill has been introduced in the House. Based on existing appropriations and existing law, the Department of State Cash Fund has a projected fund balance at the beginning of FY 2012-13 of \$5.2 million. This bill and several other bills pending in the General Assembly potentially increase appropriations by \$2.0 million and increase revenues by \$0.7 million. The combined effect would reduce the reserve to \$3.5 million by the end of FY 2012-13, which is about \$475,000 above the required statutory reserve for the Fund.

The following table details the anticipated revenues and potential appropriations, including appropriations required for this bill, from the Department of State Cash Fund for FY 2011-12 and FY 2012-13.

Department of State Cash Fund Projected Revenues and Appropriations (Including 2012 Legislation that has been introduced)			
	FY 2011-12	FY 2012-13	Notes
Beginning Balance	\$5,509,682	\$4,796,360	
Anticipated Revenues	17,206,563	17,451,899	
Long Bill	(15,289,053)	(18,199,505)	FY 2012-13 Long Bill as introduced in the House
H.B. 12-1197 (FY 2011-12 Supplemental)	(1,627,533)	0	
FY 2011 Legislation	(595,329)	0	
S.B. 12-123 (Enhance Secretary of State On-line Filing System)	0	(525,788)	
S.B. 12-135 (Secretary State Post Election Night Returns On-line)	(776,460)	0	Appropriation (if passed) is authorized until 7/1/13
H.B. 12-1143 (Adjust County Reimbursement Rate for Elections)	0	(233,128)	
H.B. 12-1209 (Uniform Electronic Legal Material Act)	0	(198,912)	
H.B. 12-1236 (Modify Regulation Charitable Solicitation)	0	(41,440)	
H.B. 12-1274 (Regulation Notaries Public DOS Cash Fund)			
Revenue	0	675,511	
Appropriations	<u>0</u>	<u>(231,989)</u>	
Ending Balance Department of State Cash Fund	\$4,427,870	\$3,493,008	
Statutory Fund Balance Reserve	2,791,237	3,017,582	
Excess/(Deficit) of Statutory Reserve	\$1,636,633	\$475,426	