

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING BENEFIT CORPORATIONS.

Prime Sponsors: Sens. Bacon and Mitchell
Representative Massey

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Summary of Amendments Made to the Bill After the 04/27/12 Legislative Council Staff Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

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 \$52,688 cash funds from the Department of State Cash Fund in FY 2012-13 to the Department of State for contract programming work needed to implement the provisions of the bill.

Bill Sponsor Amendments

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

Points to Consider

The FY 2012-13 Long Bill has passed in both houses has been sent to the Governor. Based on existing appropriations and 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 that have passed or are pending in the General Assembly potentially increase appropriations by \$2.4 million and increase revenues by \$0.7 million. The combined effect would reduce the reserve to \$2.7 million by the end of FY 2012-13, which is about \$320,000 less than the required statutory reserve for the Fund.

The table on the following page 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 Potential Legislation that has been introduced) /a			
	FY 2011-12	FY 2012-13	Status
Beginning Balance	\$5,509,682	\$5,204,330	
Adjusted FY 2012-13 Beginning Balance (adjusted for S.B. 12-135)		4,427,870	
Anticipated Revenues	17,206,563	17,451,899	
Long Bill	(15,289,053)	(18,199,505)	FY 2012-13 Long Bill as passed by the General Assembly
H.B. 12-1197 (FY 2011-12 Supplemental)	(1,627,533)	0	Signed into Law
FY 2011 Legislation	(595,329)	0	
S.B. 12-123 (Enhance Secretary of State On-line Filing System)	0	(525,788)	Passed both houses
S.B. 12-135 (Secretary State Post Election Night Returns On-line)	(776,460)	0	Appropriation (if passed) is authorized until 7/1/13
S.B. 12-182 (Concerning Benefit Corporations)	0	(52,688)	
H.B. 12-1143 (Adjust County Reimbursement Rate for Elections)	0	0	/a
H.B. 12-1209 (Uniform Electronic Legal Material Act)	0	(198,912)	Signed into Law
H.B. 12-1236 (Modify Regulation Charitable Solicitation)	0	(41,440)	Signed into Law
H.B. 12-1267 (Various Elections Procedures Mailing Stubs Timing)	0	(642,286)	/a
H.B. 12-1274 (Regulation Notaries Public DOS Cash Fund)			
Revenue	0	695,000	
Appropriations	<u>0</u>	<u>(209,592)</u>	
Ending Balance Department of State Cash Fund	\$4,427,870	\$2,704,558	
Statutory Fund Balance Reserve	2,791,237	3,026,726	
Excess/(Deficit) of Statutory Reserve	\$1,636,633	(\$322,168)	

/a Both H.B. 12-1143 and H.B. 12-1267 increase reimbursement rates for costs the county clerks and recorders incur when a state ballot issue or question is on the ballot. The increase in the reimbursement rate is \$0.10 per active registered voter. The appropriation clause in H.B. 12-1143, as amended by the House Appropriations Committee, includes an appropriation of \$233,128. This appropriation is duplicated in H.B. 12-1267, as amended in the Senate Appropriations Committee. If both bills ultimately pass, one appropriation will have to be stripped out in supplementals. For the purposes of this table, the appropriation is included in the appropriation for H.B. 12-1267, so as not to show the same appropriation twice.