

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1002  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; to define matching requirements for the Help America Vote Act; to amend and reenact sections 54-09-05 and 54-09-08 of the North Dakota Century Code, relating to the salary of the secretary of state and the secretary of state's general services operating fund; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this section represent the base level funding component appropriated to the secretary of state in section 3 of this Act as follows:

Subdivision 1.

SECRETARY OF STATE

Salaries and wages	\$2,153,618
Operating expenses	2,025,589
Petition review	8,000
Election reform	<u>9,500,000</u>
Total all funds - Base level	\$13,687,207
Less estimated income - Base level	<u>9,880,363</u>
Total general fund - Base level	\$3,806,844

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

Operating expenses	<u>\$336,000</u>
Total general fund - Base level	\$336,000
Total general fund - Section 1	\$4,142,844
Total special funds - Section 1	\$9,880,363
Total all funds - Section 1	\$14,023,207

**SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the secretary of state which are included in the appropriation in section 3 of this Act as follows:

Subdivision 1.

SECRETARY OF STATE

Salaries and wages	\$130,493
Operating expenses	50,472
Capital assets	15,000
Election reform	<u>79,728</u>
Total all funds - Adjustments/enhancements	\$275,693
Less estimated income - Adjustments/enhancements	<u>63,253</u>
Total general fund - Adjustments/enhancements	\$212,440

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

Operating expenses	(\$9,000)
Total general fund - Adjustments/enhancements	(\$9,000)
Total general fund - Section 2	\$203,440
Total special funds - Section 2	\$63,253
Total all funds - Section 2	\$266,693

**SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the secretary of state for the purpose of defraying the expenses of the secretary of state and public printing, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

Subdivision 1.

SECRETARY OF STATE

Salaries and wages	\$2,284,111
Operating expenses	2,076,061
Capital assets	15,000
Petition review	8,000
Election reform	9,579,728
Total all funds	\$13,962,900
Less estimated income	9,943,616
Total general fund appropriation	\$4,019,284

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

Operating expenses	\$327,000
Total general fund appropriation	\$327,000
Grand total general fund appropriation - H.B. 1002	\$4,346,284
Grand total special funds appropriation - H.B. 1002	\$9,943,616
Grand total all funds appropriation - H.B. 1002	\$14,289,900

**SECTION 4. COLLECTIONS FROM COUNTIES - GENERAL FUND REVENUE.** The secretary of state shall collect \$76,100 from counties or make available \$76,100 from other sources, including savings from other areas within the secretary of state's budget to reimburse the general fund for a portion of the state matching requirement provided for federal election reform funds for the biennium beginning July 1, 2005, and ending June 30, 2007. All funds collected or made available by the secretary of state under this section must be deposited in the general fund or if made available from general fund budget savings of the secretary of state, be returned to the general fund as unspent general fund appropriation authority for the 2005-07 biennium.

**SECTION 5. EXEMPTION.** The appropriation contained in subdivision 1 of section 1 of chapter 2 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$105,000, and this amount may be used as state matching funds for federal election reform funding available to the state, for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 6. AMENDMENT.** Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-05. Salary of secretary of state.** The annual salary of the secretary of state is ~~sixty four thousand seven hundred forty two dollars through December 31, 2001, sixty six seventy thousand six hundred eighty four fifty-nine dollars through June 30, 2002 2006, and sixty eight seventy-two thousand eighteen eight hundred sixty-one dollars thereafter.~~

**SECTION 7. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be

used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94, subsection 9 of section 54-09-04, and sections 54-09-10 and 54-09-11. At the close of each ~~fiscal year~~ biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund.

**SECTION 8. EMERGENCY.** The election reform line item in subdivision 1 of section 3 and section 5 of this Act are declared to be an emergency measure.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1002 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          89                  Nays          0                  Absent        5

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          45                  Nays          0                  Absent        2

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State