

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1002

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the office of the
2 secretary of state and public printing; to provide for a transfer; to provide legislative intent; to
3 provide a contingent appropriation; to provide an exemption; and to amend and reenact
4 sections 16.1-01-15 and 54-09-05 of the North Dakota Century Code, relating to interest
5 earnings on the election fund and to the salary of the secretary of state.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the secretary of state for the purpose of defraying the expenses of the
11 secretary of state and public printing, for the biennium beginning July 1, 2009, and ending
12 June 30, 2011, as follows:

13 Subdivision 1.

	SECRETARY OF STATE		
		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$2,634,493	\$579,058	\$3,213,551
18 Operating expenses	2,059,181	1,123,769	3,182,950
19 Petition review	8,000	0	8,000
20 Election reform	5,489,230	2,854,877	8,344,107
21 Bank of North Dakota loan	<u>2,920,000</u>	<u>(2,920,000)</u>	<u>0</u>
22 Total all funds	\$13,110,904	\$1,637,704	\$14,748,608
23 Less estimated income	<u>8,873,865</u>	<u>41,113</u>	<u>8,914,978</u>

1	Total general fund	\$4,237,039	\$1,596,591	\$5,833,630
2	Full-time equivalent positions	27.00	1.00	28.00
3	Subdivision 2.			

4 SECRETARY OF STATE - PUBLIC PRINTING

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Operating expenses	\$303,500	\$33,500	\$337,000
8	Total general fund	\$303,500	\$33,500	\$337,000

9 Subdivision 3.

10 BILL TOTAL

11			Adjustments or	
12		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13	Grand total general fund	\$4,540,539	\$1,655,091	\$6,195,630
14	Grand total special funds	8,873,865	3,441,811	12,315,676
15	Grand total all funds	\$13,414,404	\$5,096,902	\$18,511,306

16 **SECTION 2. APPROPRIATION - TRANSFER.** There is appropriated out of any
 17 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
 18 \$25,000, which the office of management and budget shall transfer to the secretary of state
 19 election fund for imputed interest earnings allocable to the amount of nonfederal funds
 20 contained in the election fund, for the biennium beginning July 1, 2009, and ending June 30,
 21 2011.

22 **SECTION 3. LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - BUDGET**

23 **SECTION APPROVAL.** Subject to budget section approval, the secretary of state may borrow
 24 up to \$3,400,698 from the Bank of North Dakota, which is appropriated to the secretary of state
 25 for the purpose of implementing the North Dakota business development engine computer
 26 project, during the biennium beginning July 1, 2009, and ending June 30, 2011. The secretary
 27 of state may request budget section approval only if the revenues projected by the secretary of
 28 state and the office of management and budget to be generated as a result of provisions of
 29 chapter 102 of the 2007 Session Laws over the term of the proposed loan based on the trend
 30 of actual corporate charters granted are anticipated to be sufficient to repay the proposed loan,
 31 including interest over the term of the loan.

1 **SECTION 4. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
2 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
3 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
4 2009-11 one-time funding items included in the appropriation of section 1 of this Act:

5 <u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
6 Mainframe migration computer project	\$824,153	\$780,000
7 Transfer to election fund	<u>0</u>	<u>25,000</u>
8 Total general fund	\$824,153	\$805,000

9 The 2009-11 one-time funding amounts are not part of the entity's base budget for the 2011-13
10 biennium. The secretary of state shall report to the appropriations committees of the
11 sixty-second legislative assembly on the use of the one-time funding for the biennium beginning
12 July 1, 2009, and ending June 30, 2011.

13 **SECTION 5. EXEMPTION - GENERAL SERVICES OPERATING FUND.** Any
14 unexpended and unobligated balance remaining in the secretary of state's general services
15 operating fund on June 30, 2009, is not subject to the provisions of section 54-09-08, and any
16 unexpended funds are available and may be expended by the secretary of state, during the
17 biennium beginning July 1, 2009, and ending June 30, 2011, for the database and processing
18 platform migration project.

19 **SECTION 6. AMENDMENT.** Section 16.1-01-15 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **16.1-01-15. Secretary of state to establish and maintain an election fund.** The
22 secretary of state shall establish and maintain a fund, known as the election fund, in the state
23 treasury for the purpose of depositing payments and grants made to the state under the
24 provisions of sections 101, 101(c), and 906, and title III of the Help America Vote Act of 2002
25 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15301, 42 U.S.C. 15545, 42 U.S.C. 15481-15502],
26 and funds appropriated by the state. The moneys in the election fund and any interest
27 earnings on the election fund must be used for the exclusive purpose of carrying out activities
28 of the Help America Vote Act of 2002 and are subject to chapter 54-16.

29 **SECTION 7. AMENDMENT.** Section 54-09-05 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **54-09-05. Salary of secretary of state.** The annual salary of the secretary of state is
2 ~~seventy-six eighty-three thousand five hundred eleven fifty dollars through June 30, 2008~~
3 ~~2010, and seventy-nine eighty-seven thousand five seven hundred seventy-one twenty-eight~~
4 dollars thereafter.