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Title.  
Fiscal No. 3

Prepared by the Legislative Council  
staff for House Appropriations -  
Education and Environment Division  
Committee

January 31, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1002

Introduced by

Appropriations Committee

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 amend and reenact sections 46-03-11, 46-04-01,~~  
3 ~~46-04-03, 46-04-04, 46-04-10, 46-04-14, 46-04-18, 46-04-19, and 54-09-05 of the North Dakota~~  
4 ~~Century Code, relating to public printing and the salary of the secretary of state; to provide for a~~  
5 ~~transfer; and to provide an exemption.~~

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 funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from other funds derived from special funds and  
10 federal funds, 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, 2025, and ending  
12 June 30, 2027, as follows:

#### SECRETARY OF STATE

13 Subdivision 1.

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
16 <del>Salaries and wages</del>	<del>\$6,366,407</del>	<del>\$0</del>	<del>\$6,366,407</del>
17 <del>Operating expenses</del>	<del>4,984,331</del>	<del>0</del>	<del>4,984,331</del>
18 <del>Grants</del>	<del>25,000</del>	<del>0</del>	<del>25,000</del>
19 <del>Petition review</del>	<del>8,000</del>	<del>0</del>	<del>8,000</del>

Sixty-ninth  
Legislative Assembly

1	Election reform	<del>4,830,808</del>	<del>0</del>	<del>4,830,808</del>
2	Total all funds	<del>\$16,214,546</del>	<del>\$0</del>	<del>\$16,214,546</del>
3	Less other funds	<del>9,344,171</del>	<del>0</del>	<del>9,344,171</del>
4	Total general fund	<del>\$6,870,375</del>	<del>\$0</del>	<del>\$6,870,375</del>
5	Full-time equivalent positions	<del>35.00</del>	<del>0.00</del>	<del>35.00</del>
6	Salaries and wages	<del>\$6,366,407</del>	<del>\$587,108</del>	<del>\$6,953,515</del>
7	New and vacant FTE pool	<del>0</del>	<del>148,177</del>	<del>148,177</del>
8	Operating expenses	<del>4,984,331</del>	<del>2,171,051</del>	<del>7,155,382</del>
9	Grants	<del>25,000</del>	<del>0</del>	<del>25,000</del>
10	Petition review	<del>8,000</del>	<del>0</del>	<del>8,000</del>
11	Election reform	<del>4,830,808</del>	<del>4,397,006</del>	<del>9,227,814</del>
12	Total all funds	<del>\$16,214,546</del>	<del>\$7,303,342</del>	<del>\$23,517,888</del>
13	Less other funds	<del>9,344,171</del>	<del>4,732,898</del>	<del>14,077,069</del>
14	Total general fund	<del>\$6,870,375</del>	<del>\$2,570,444</del>	<del>\$9,440,819</del>
15	Full-time equivalent positions	<del>35.00</del>	<del>(2.00)</del>	<del>33.00</del>

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
20	<del>Public printing</del>	<del>\$271,335</del>	<del>\$0</del>	<del>\$271,335</del>
21	<del>Total general fund</del>	<del>\$271,335</del>	<del>\$0</del>	<del>\$271,335</del>
22	Public printing	\$271,335	(\$271,335)	\$0
23	Total general fund	\$271,335	(\$271,335)	\$0

Subdivision 3

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
28	<del>Grand total all funds</del>	<del>\$16,485,881</del>	<del>\$0</del>	<del>\$16,485,881</del>
29	<del>Grand total other funds</del>	<del>9,344,171</del>	<del>0</del>	<del>9,344,171</del>
30	<del>Grand total general fund</del>	<del>\$7,141,710</del>	<del>\$0</del>	<del>\$7,141,710</del>
31	Grand total all funds	\$16,485,881	\$7,032,007	\$23,517,888

1	<u>Grand total other funds</u>	9,344,171	4,732,898	14,077,069
2	<u>Grand total general fund</u>	\$7,141,710	\$2,299,109	\$9,440,819

3       **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**  
4 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
5 items included in the appropriation in section 1 of this Act which are not included in the entity's  
6 base budget for the 2027-29 biennium and which the entity shall report to the appropriations  
7 committees of the seventieth legislative assembly regarding the use of this funding:

8	<u>One-Time Funding Description</u>		<u>Other Funds</u>
9	Election pollpads and cradle points		\$2,800,000
10	Information technology enhancements		700,000
11	Election security grant		100,359
12	Help America Vote act		<u>1,000,000</u>
13	Total other funds		\$4,600,359

14       **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The  
15 secretary of state may not spend funds appropriated in the new and vacant FTE pool line item  
16 in section 1 of this Act, but may request the office of management and budget to transfer funds  
17 from the new and vacant FTE pool line item to the salaries and wages line item in accordance  
18 with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the  
19 sixty-ninth legislative assembly.

20       **SECTION 4. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.**  
21 The other funds line item in section 1 of this Act includes the sum of \$3,500,000 from the  
22 strategic investment and improvements fund for election pollpad and cradle points replacement  
23 and information technology system enhancements for the secretary of state.

24       **SECTION 5. TRANSFER - GENERAL FUND - ELECTION FUND.** The office of  
25 management and budget may transfer up to \$600,000 from the general fund, appropriated in  
26 the election reform line item in section 1 of this Act, to the election fund to match federal funds  
27 received by the state, as requested by the secretary of state, during the biennium beginning  
28 July 1, 2025, and ending June 30, 2027.

29       **SECTION 6. AMENDMENT.** Section 46-03-11 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **46-03-11. Publication of session laws and pocket supplements.**

2       The ~~secretary of state and the~~ legislative council shall correct ministerial or clerical errors  
3 and supervise the publication of the session laws and pocket part supplements to this code in a  
4 manner and form prescribed by the legislative council, correlating each year's laws with this  
5 code.

6       **SECTION 7. AMENDMENT.** Section 46-04-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **46-04-01. Official distribution of state laws - ~~Secretary of state~~Legislative council to**  
9 **control.**

10       Each member of the legislative assembly ~~and each~~ constitutional officer of the state, and  
11 ~~each~~ judge of the supreme and district courts for the use of their respective offices and  
12 departments is entitled to receive from the state a copy of any publication of the laws of the  
13 state and of any compilation or codification ~~thereof~~ of the laws of the state published under  
14 authority of the state. The district court in every county in the state is entitled to a copy of  
15 ~~such~~ the publications. The codification of laws of the state received by each member of the  
16 legislative assembly is subject to section 54-03-23. The ~~secretary of state~~ legislative council  
17 shall designate other offices and agencies of the state that are entitled to receive copies of ~~any~~  
18 ~~such~~ a publication of the laws for the use of ~~such~~ the state offices and agencies and also shall  
19 determine the number of copies of any publication to be received by any recipient in a  
20 distribution under the provisions of this section, if more than one copy is needed by ~~such~~ the  
21 recipient for official use. All agencies that are funded entirely from special state funds or federal  
22 funds must be charged for the actual cost of each copy of ~~such~~ the publications that the agency  
23 requests.

24       **SECTION 8. AMENDMENT.** Section 46-04-03 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **46-04-03. Distribution of session laws, compilations, and codifications by ~~secretary~~**  
27 **~~of state~~ legislative council.**

28       The ~~secretary of state, as soon as conveniently can be done after~~ legislative council shall  
29 distribute as provided in sections 46-04-01 and 46-04-02 the publication of any session laws,  
30 compilations, or codifications, ~~shall cause copies thereof to be distributed as provided in~~  
31 ~~sections 46-04-01 and 46-04-02~~ and copies of those documents, as soon as practicable. The

1 ~~secretary of state, in addition,~~ legislative council shall furnish to the legislative assembly ~~such~~  
2 additional copies as ~~are~~ necessary upon resolution of the respective branches or committees  
3 ~~thereof of the legislative assembly~~ and shall furnish to each member of the legislative assembly,  
4 upon ~~demand therefor~~ request, ~~such~~ current volumes of laws ~~as have not been~~ obtained by the  
5 member through service in previous sessions.

6 **SECTION 9. AMENDMENT.** Section 46-04-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **46-04-04. Session laws, compilations, and codifications remain property of state.**

9 Except as otherwise provided by law, each copy of laws, compilations, or codifications  
10 furnished to any officer, department, or agency of the state, or to the legislative assembly, its  
11 officers, or committees is ~~and must remain~~ the property of the state and must be surrendered to  
12 the ~~secretary of state~~ legislative council or to the recipient's successor in office.

13 **SECTION 10. AMENDMENT.** Section 46-04-10 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **46-04-10. Duties of ~~secretary of state~~ legislative council - Exchange of laws with other**  
16 **states.**

17 The ~~secretary of state~~ legislative council may distribute copies of all laws passed by each  
18 legislative assembly and all compilations or codifications of ~~the same, whenever it seems~~  
19 ~~desirable~~ laws passed by each legislative assembly:

- 20 1. In exchange for like publications of other states.
- 21 2. To replace copies lost or damaged in official use.
- 22 3. To provide copies as needed to state officers, boards, commissions, institutions, or  
23 agencies of the state.
- 24 4. To provide copies as needed to the national conference of commissioners on uniform  
25 state laws.

26 **SECTION 11. AMENDMENT.** Section 46-04-14 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **46-04-14. ~~Secretary of state~~ Legislative council to forward laws to counties.**

29 As soon as the laws of each session of the legislative assembly are printed and ready for  
30 distribution, the ~~secretary of state~~ legislative council shall forward ~~these~~ the laws to which each  
31 county is entitled to the county auditor of the county.

1     **SECTION 12. AMENDMENT.** Section 46-04-18 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3     **46-04-18. Secretary of state Legislative council to sell certain laws.**

4     During the biennium immediately after publication, the ~~secretary of state~~ legislative council  
5 ~~must~~ shall sell copies of the session laws for the cost of publication and handling plus ten  
6 percent. In subsequent bienniums, the ~~secretary of state~~ legislative council may determine and  
7 set a price for the copies of the session laws not sold in the biennium immediately after their  
8 publication. The price set should maximize the recovery of the cost of publication and handling  
9 and minimize the number of volumes subject to disposal under section 46-04-19. All moneys  
10 received under ~~the provisions of~~ this section must be paid ~~over~~ to the state treasurer and  
11 credited to the general fund.

12     **SECTION 13. AMENDMENT.** Section 46-04-19 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14     **46-04-19. Secretary of state Legislative council may dispose of laws.**

15     The ~~secretary of state~~ legislative council may dispose of all volumes of the laws that are ten  
16 or more years old, except one volume of each ~~that~~ which must be retained for historical  
17 purposes.

18     **SECTION 14. AMENDMENT.** Section 54-09-05 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20     **54-09-05. Salary of secretary of state.**

21     The annual salary of the secretary of state is ~~one hundred thirty thousand dollars through~~  
22 ~~June 30, 2024, and one hundred thirty five thousand two hundred dollars~~ one hundred  
23 thirty-nine thousand two hundred fifty-six dollars though June 30, 2026, and one hundred  
24 forty-three thousand four hundred thirty-four dollars thereafter.

25     **SECTION 15. EXEMPTION - STATE FISCAL RECOVERY FUND.** The amount of  
26 \$6,000,000 appropriated from federal funds derived from the state fiscal recovery fund for the  
27 purposes of an election management system and to upgrade FirstStop in section 1 of  
28 chapter 34 of the 2023 Session Laws is not subject to section 54-44.1-11 and any unexpended  
29 funds from these projects are available to the secretary of state for costs relating to an election  
30 management system and to upgrade FirstStop during the biennium beginning July 1, 2025, and  
31 ending June 30, 2027.

1       **SECTION 16. EXEMPTION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.**  
2       The amount of \$1,500,000 appropriated from the strategic investment and improvements fund  
3       for the purposes of a new campaign system, contracted website redesign, and information  
4       technology enhancements in section 1 of chapter 34 of the 2023 Session Laws is not subject to  
5       section 54-44.1-11 and any unexpended funds from these projects are available to the secretary  
6       of state for costs relating to a new campaign system, contracted website redesign, and  
7       information technology enhancements during the biennium beginning July 1, 2025, and ending  
8       June 30, 2027.

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1002 - Summary of House Action**

	Base Budget	House Changes	House Version
Secretary of State			
Total all funds	\$16,214,546	\$7,303,342	\$23,517,888
Less estimated income	9,344,171	4,732,898	14,077,069
General fund	\$6,870,375	\$2,570,444	\$9,440,819
FTE	35.00	(2.00)	33.00
Public Printing			
Total all funds	\$271,335	(\$271,335)	\$0
Less estimated income	0	0	0
General fund	\$271,335	(\$271,335)	\$0
FTE	0.00	0.00	0.00
Bill total			
Total all funds	\$16,485,881	\$7,032,007	\$23,517,888
Less estimated income	9,344,171	4,732,898	14,077,069
General fund	\$7,141,710	\$2,299,109	\$9,440,819
FTE	35.00	(2.00)	33.00

**House Bill No. 1002 - Secretary of State - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$6,366,407	\$587,108	\$6,953,515
New and vacant FTE pool		148,177	148,177
Operating expenses	4,984,331	2,171,051	7,155,382
Grants	25,000		25,000
Petition review	8,000		8,000
Election reform	4,830,808	4,397,006	9,227,814
Total all funds	\$16,214,546	\$7,303,342	\$23,517,888
Less estimated income	9,344,171	4,732,898	14,077,069
General fund	\$6,870,375	\$2,570,444	\$9,440,819
FTE	35.00	(2.00)	33.00

**Department 108 - Secretary of State - Detail of House Changes**

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding to Replace 2023-25 New and Vacant FTE Pool <sup>3</sup>	Transfers Funding for 2025-27 New and Vacant FTE Pool <sup>4</sup>	Removes FTE Positions <sup>5</sup>	Adjusts Funding for Salaries and Wages <sup>6</sup>
Salaries and wages	\$253,721	\$399,786	\$530,295	(\$211,682)	(\$385,012)	
New and vacant FTE pool				148,177		
Operating expenses						
Grants						
Petition review						
Election reform	(398,060)					
Total all funds	(\$144,339)	\$399,786	\$530,295	(\$63,505)	(\$385,012)	\$0
Less estimated income	(144,339)	0	213,726	0	(200,006)	(581,000)
General fund	\$0	\$399,786	\$316,569	(\$63,505)	(\$185,006)	\$581,000
FTE	0.00	0.00	0.00	0.00	(2.00)	0.00



	Restores Other Funds Salary Savings <sup>7</sup>	Adds Funding for Information Technology Costs <sup>8</sup>	Adds Funding to Match Federal Funds <sup>9</sup>	Adds One- Time Funding for Election Reform <sup>10</sup>	Adds One-Time Funding for IT Enhancements <sup>11</sup>	Total House Changes
Salaries and wages						\$587,108
New and vacant FTE pool						148,177
Operating expenses	\$218,545	\$1,252,506			\$700,000	2,171,051
Grants						
Petition review						
Election reform	614,707	80,000	\$200,000	\$3,900,359		4,397,006
<b>Total all funds</b>	<b>\$833,252</b>	<b>\$1,332,506</b>	<b>\$200,000</b>	<b>\$3,900,359</b>	<b>\$700,000</b>	<b>\$7,303,342</b>
Less estimated income	833,252	10,906	0	3,900,359	700,000	4,732,898
General fund	\$0	\$1,321,600	\$200,000	\$0	\$0	\$2,570,444
FTE	0.00	0.00	0.00	0.00	0.00	(2.00)

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund
Salary increase	\$231,638
Health insurance increase	168,148
<b>Total</b>	<b>\$399,786</b>

<sup>3</sup> Funding is added to replace the 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
Vacant FTE positions	\$136,569	\$22,776	\$159,345
New FTE positions	180,000	190,950	370,950
<b>Total</b>	<b>\$316,569</b>	<b>\$213,726</b>	<b>\$530,295</b>

<sup>4</sup> Funding of \$211,682 is removed for estimated savings from vacant 2025-27 FTE positions and \$148,177 is added for a new and vacant FTE pool line item for an estimated savings of \$63,505.

<sup>5</sup> Funding of \$385,012, including \$185,006 from the general fund and \$200,006 from federal funds, and 2 FTE positions are removed.

<sup>6</sup> Funding of \$581,000 from the general fund is added for the salaries and wages of 3 FTE positions previously paid from other funds.

<sup>7</sup> Other funds salary savings are restored to the operating expenses (\$218,545) and election reform (\$614,707) line items.

<sup>8</sup> Funding is added for IT rate increases and to maintain and support IT systems.

<sup>9</sup> Ongoing funding of \$200,000 from the general fund is added to match federal Help America Vote Act funds. This amount is in addition to \$200,000 of ongoing funding from the general fund appropriated by the 68th Legislative Assembly to match federal Help America Vote Act funds.

<sup>10</sup> One-time funding is added for election reform as follows:

	Federal Funds	Strategic Investment and Improvements Fund	Total Other Funds
Election pollpad and cradle points replacement	\$0	\$2,800,000	\$2,800,000
Election security grant	100,359	0	100,359
Help America Vote Act	1,000,000	0	1,000,000
<b>Total</b>	<b>\$1,100,359</b>	<b>\$2,800,000</b>	<b>\$3,900,359</b>

<sup>11</sup> One-time funding of \$700,000 from the strategic investment and improvements fund (SIIF) is added for IT enhancements, including to the central indexing system.

This amendment also:

- Adds a section to provide language regarding the use of funding in the new and vacant FTE pool line item.
- Adds a section to identify \$3.5 million from SIIF, including \$2.8 million for election pollpad and cradle points replacement and \$700,000 for IT enhancements.
- Adds a section to authorize the transfer of \$600,000 from the general fund, included in the agency's election reform line item, to the election fund.
- Adds a section to amend Section 54-09-05 to increase the salary of the Secretary of State from \$135,200 to \$139,256 (3 percent) effective July 1, 2025, and \$143,434 (3 percent) effective July 1, 2026.
- Adds a section to authorize the Secretary of State to continue unspent funds into the 2025-27 biennium from the \$6 million appropriated from the federal State Fiscal Recovery Fund during the 2023 legislative session for an election management system and to upgrade the FirstStop system.
- Adds a section to authorize the Secretary of State to continue unspent funds into the 2025-27 biennium from the \$1.5 million appropriated from SIIF during the 2023 legislative session for a new campaign system, contracted website redesign, and other IT enhancements.

**House Bill No. 1002 - Public Printing - House Action**

	Base Budget	House Changes	House Version
Public Printing	\$271,335	(\$271,335)	
Total all funds	\$271,335	(\$271,335)	\$0
Less estimated income	0	0	0
General fund	\$271,335	(\$271,335)	\$0
FTE	0.00	0.00	0.00

**Department 109 - Public Printing - Detail of House Changes**

	Removes Funding for Public Printing <sup>1</sup>	Total House Changes
Public Printing	(\$271,335)	(\$271,335)
Total all funds	(\$271,335)	(\$271,335)
Less estimated income	0	0
General fund	(\$271,335)	(\$271,335)
FTE	0.00	0.00

<sup>1</sup> Public printing base budget funding of \$271,335 is removed from the Secretary of State.

This amendment also adds sections to provide for the transfer of public printing duties from the Secretary of State to the Legislative Council.