

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2002
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to amend and reenact sections 54-09-05, 54-09-08, and 54-09-11 of the North Dakota Century Code, relating to the salary of the secretary of state, the general services operating fund, and fees charged by the secretary of state; to authorize a line item transfer during the 2017-19 biennium; to provide a report to the legislative assembly; to provide exemptions; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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, 2019, and ending June 30, 2021, as follows:

Subdivision 1.

SECRETARY OF STATE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$4,652,764	\$325,362	\$4,978,126
Operating expenses	2,711,018	298,535	3,009,553
Petition review	8,000	0	8,000
Election reform	<u>1,192,655</u>	<u>11,609,092</u>	<u>12,801,747</u>
Total all funds	\$8,564,437	\$12,232,989	\$20,797,426
Less estimated income	<u>3,044,155</u>	<u>12,387,486</u>	<u>15,431,641</u>
Total general fund	\$5,520,282	(\$154,497)	\$5,365,785
Full-time equivalent positions	32.00	0.00	32.00

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Public printing	<u>\$288,450</u>	<u>(\$31,172)</u>	<u>\$257,278</u>
Total general fund	\$288,450	(\$31,172)	\$257,278

Subdivision 3.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$5,808,732	(\$185,669)	\$5,623,063
Grand total special funds	<u>3,044,155</u>	<u>12,387,486</u>	<u>15,431,641</u>
Grand total all funds	\$8,852,887	\$12,201,817	\$21,054,704

SECTION 2. ONE-TIME FUNDING - REPORT. The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act.

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Electronic payment processing system	\$194,000	\$0
Voting system and e-poll books	0	11,200,000
Total special funds	\$194,000	\$11,200,000

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2019-21 biennium. The secretary of state shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - VOTING SYSTEM AND E-POLL BOOKS. The estimated income line item in section 1 of this Act includes the sum of \$8,200,000 from the strategic investment and improvements fund for the statewide voting system and e-poll book project for the period beginning with the effective date of this Act, and ending June 31, 2021.

SECTION 4. EXEMPTION - LINE ITEM TRANSFER - 2017-19 BIENNIUM. Notwithstanding section 54-16-06, the secretary of state may transfer up to \$140,000 of special funds from the operating expenses line item to the salaries and wages line item contained in section 1 of chapter 2 of the 2017 Session Laws.

SECTION 5. 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 one hundred ~~two~~seven thousand ~~six~~eight hundred ~~eighty-nine~~eighty-five dollars through June 30, ~~2016~~2019, and one hundred ~~five~~ten thousand ~~seven~~five hundred ~~seventy~~eighty-two dollars thereafter.

SECTION 6. 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 4 of section 41-09-94, subsection 5 of section 41-09-96, subsection 7 of section 54-09-04, and sections 10-35-33, 54-09-10, and 54-09-11. ~~At the close of each biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund.~~

SECTION 7. AMENDMENT. Section 54-09-11 of the North Dakota Century Code is amended and reenacted as follows:

54-09-11. Fees.

1. The secretary of state shall establish fees for any programming charges specifically incurred to provide information requested by persons which is related to the central indexing system and for other services provided through the computerized system.
2. A fee may not be required for furnishing information on a verbal request pursuant to subsection 3 of section 54-09-10, and the fee for furnishing a certificate under subsection 3 of section 54-09-10 is fifteen dollars.

3. ~~The secretary of state shall establish the fee for furnishing lists from the central indexing system based on actual costs to produce the lists for distribution~~For preparing a listing or compilation of any information recorded or filed in the office of the secretary of state, the secretary of state may charge a fee of forty dollars for each record requested. The secretary of state shall provide the requested information in an electronic format, unless the secretary of state agrees to a request to provide the information in a different format. If the secretary of state provides the requested information in a paper format, the secretary of state may charge an additional fee of fifty cents per page.
4. Fees collected by the secretary of state under this section, under subsection 4 of section 41-09-94, and subsection 5 of section 41-09-96, and ~~ten~~twenty dollars from each filing entered into the central indexing system must be deposited in the secretary of state's general services operating fund. Fees collected by the secretary of state under this section ~~must~~may be used for the programming and maintenance of the ~~central indexing system~~information technology systems administered by the secretary of state.
5. ~~The secretary of state shall pay ten dollars to the county recorder of the county of residence for the first debtor listed on each statement filed pursuant to section 35-13-02, 35-17-04, 35-20-16, 35-30-02, 35-31-02, or 41-09-72. The payment must be made monthly from the general fund in the state treasury.~~

SECTION 8. EXEMPTION - TECHNOLOGY PROJECT. The \$3,050,000 general fund appropriation for the technology project in the operating expenses line item in subdivision 1 of section 1 of chapter 36 of the 2015 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may continue and be expended during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 9. EMERGENCY. The election reform line in section 1, section 3, and section 4 of this Act are declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2002 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

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

Vote: Yeas 84 Nays 6 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,
at _____ o'clock _____ M.

Secretary of State